

Application Number:	P/FUL/2022/02899
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Wintergreen Barn Higher Meerhay Farm Access Road Meerhay Dorset DT8 3SB
Proposal:	Continued use of land as a private residential Traveller site for sole use of the applicants and family, including use of the erected barn as a dayroom/workshop/store, 1 mobile home, 1 touring caravan and a mobile van (Revised description/additional information).
Applicant name:	R McGill /T Langton
Case Officer:	Bob Burden
Ward Member(s):	Cllr Monks

1.0 This application was deferred in advance of the April 2025 Southern and Western Area Planning Committee meeting in order to address new National Flood Risk Maps and any implications for the site. That matter has now been considered and so the application is being reported to the Committee for decision.

2.0 Summary of recommendation:

Grant permission subject to conditions.

3.0 Key planning issues

Issue	Conclusion
Principle of development	Permanent planning permission should now be granted.
Traveller status	Applicants are considered to have Traveller status.
Need and site availability	Generally increasing site needs over time and shortage of sites in the Council area.
Caravan/mobile home issue	Main unit of on-site accommodation is considered to meet definition of a caravan.
Effect on visual amenity	“Contained” development, existing and additional landscaping results in a visually acceptable development in the Dorset National Landscape (formerly Area of Outstanding Natural Beauty).
Effect on residential amenity	No dwellings in close proximity - acceptable in residential amenity terms.
Highways	Development exists with appropriate vehicular access and on-site parking.
Flood-risk	Submitted flood risk assessment is acceptable

4.0 Description of Site

- 4.1 The site lies 2km to the north-east of Beaminster on the east side of a lane. It is within a wooded area with clearings and includes a car parking area adjacent to the lane. The scheme includes an existing barn of natural stone and timber with a pitched slate roof. This is used as a dayroom/workshop/store. On the south-east side of this is a green painted caravan used for residential purposes. An awning extends from this with open sides. A sink, communal cooking facilities and a fire-pit are located here. A mobile home-type structure is located immediately north-east of these structures, measuring 14.84 x 5.1m with an internal height of 2.8m. This structure rests on slabs/blocks, with ship-lap timber cladding sides and a corrugated dark grey coloured near-flat roof. The touring caravan historically previously indicated on the plans at the western edge of the frontage car park has now been replaced with a long wheelbase motor-van instead (which is used for accommodation when driven to events).
- 4.2 To the north-west is the access to the site - Meerhay Lane. The residential-related structures are flanked by wooded surrounds, with a stream in a cutting running north-east/south-west close-by. A public footpath crosses the site from the frontage, passing between hedges before ascending to more open land to the south-east.
- 4.3 The area lies in a wooded countryside location with several dwellings in the locality. Opposite - but set back from the lane is Meerhay Cottage. Further to the south-west is Meerhay Manor, and further to the north-east is Higher Meerhay Farm. A bridleway runs along Meerhay Lane and a public footpath passes through the application site.

5.0 Description of Development

- 5.1 The scheme seeks to permanently continue the use of the land as a private residential Traveller site for the applicant's family, including use of the barn as a dayroom/workshop/store, 1 mobile home, 1 touring caravan and a mobile van.

6.0 Relevant Planning History

1/W/05/000620 Part demolition of existing structure. Erection of agricultural store and ancillary rest room in association with Forestry and associated agricultural and woodland products. Refused 25/5/2005.

1/W/06/001969 Use of land for the stationing of a residential mobile home for a period of 3 years. Refused 25/1/2007.

Appeal allowed (after a High Court Challenge) 5/3/2012.

WD/D/15/000305 Variation of conditions 1 and 2 (three year temporary occupancy) of 1/W/06/001969.

Approved (5 year temporary occupancy) 18/6/2015.

WD/D/15/002039 Request for confirmation of compliance with planning condition 7 (landscaping) of WD/D/15/000305

Approved 3/11/16

WD/D/20/000279 Use of land for stationing of a residential mobile home (variation of conditions 2 and 3 of WD/D/15/000305 to allow permanent permission for the duration of use by the occupiers.

Withdrawn.

7.0 List of Constraints

Land Outside defined development boundaries

Neighbourhood Plan Name: Beaminster; Status Designated 11/12/2017

Right of Way: Footpath W21/21; - Distance: 3.02

Right of Way: Footpath W21/22; - Distance: 9.42

Right of Way: Bridleway W21/14; - Distance: 9.09

TPO - (WDDC/758)

EA - Risk of Surface Water Flooding Extent 1 in 1000 - Distance: 0

Dorset National Landscape (Area of Outstanding Natural Beauty): (statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)

8.0 Consultations

All consultee responses can be viewed in full on the website.

8.1 Dorset Council Highways Officer-

The sites vehicular access is gained from a private road and not highway maintained at the public expense. Given the quantum of development the Highway Authority considers that the proposal does not present a material harm to the transport network or to highway safety and consequently has NO OBJECTION.

8.2 Dorset Council Gypsy Liaison Officer-

I am writing to you in support of Ruth and Theo Langton's planning application.

I have been employed as the Gypsy and Traveller Liaison Officer for Dorset Council since January 2005.

I have known Ruth and Theo since approximately 2007 when we used to meet up at the Kushti Bok meetings. Ruth was the chair of this local Traveller group. Kushti Bok are an organisation in Dorset who work with Dorset Council, BCP Council and Dorset Police. Kushti Bok provide advice and advocacy for local Travellers. They also help organisations to have a better understanding of Gypsies and Travellers.

In 2012, I worked with Ruth and Kushti Bok to help deliver the Housing Needs Assessment for Dorset County Council. Ruth was able to provide DCC with valuable information about local Traveller's locations that were willing to take part in the survey for the needs assessment.

I visited Wintergreen Barn on the 9th May 2023 and met with Ruth McGill and the planning application agent. Ruth gave me information regarding her Travelling lifestyle in 2022 and for the 2023 festival season. She also showed me some of the jewellery and artwork items they make and sell at the festivals.

In 2022 it was their first proper year back to working after Covid although it was a much quieter year for them. They would have normally gone to Portugal and Spain in the spring like they had done for the previous 5 years before Covid. They have 3 events they attend, 1 in Portugal lasting 2 weeks over Easter where they are part of the festival build, and they get to make and sell their artwork when they are there. They then do 2 more festivals in Spain after that, they are part of the build, running their workshops and selling their wares. Normally they would have stayed there for 2 months but that did not happen in 2022.

In 2022 they went to the following festivals:

Beltaine, Wiltshire, April/May

Craft Skill Share Slough Green, Taunton, May

Shindig Festival Ilminster, 24th May to 30th May from this festival they went straight to

Hedgeucation Festival, Okehampton May /June

Glastonbury Festival, Somerset 19th to 28th June

Land Skills, Gloucester July 17th to 27th

Green Gathering, July /August

Boomtown Fair, Winchester, August

Shambala Festival, Market Harborough, August

At these festivals they ran metal forming workshops where they taught people metal working skills. Alongside the workshops they have a stall to display and sell their hand made artwork. Being on site involves being there early enough to help set up the space. A great deal of work and time went into building the festival environments. After the space was set up they could then utilise the time to carry on making stock to sell. Some of the festivals are back-to-back so it is preferable for them to have everything they need already on the road with them.

In 2023 they had a busier year planned with a few events in France and Spain in the autumn.

It was the same kind of pattern, site crew, running their workshops and selling their hand made jewellery and artwork. At festivals they are always part of the area called "craft areas" where they and others charge a fee to participate in their workshop,

which they carry with them in their van/caravan. The money they earn doing this goes a large way towards their yearly wage.

The festivals they attended in 2023 were:

Beltaine Festival, Salisbury, April 26th to May 1st.

Crafty Camp and Skill Share Taunton 11th to 16th May

Shindig Festival, Ilminster 23rd to 29th May

Hedgeucation Festival, Okehampton 29th May to 6 June

Glastonbury Festival, Somerset 18th to 28 June

Kyberdrop Basingstoke, 5 to 11 July

Land Skills Fair, Gloucestershire, July 16th to 26th

Green Gathering, Gwent 31st July to 7th August

Boomtown Fair, Winchester 7th to 15th August

Shambala Festival, Northamptonshire 22nd to 30th August

They are aiming to keep going with this pattern of events for the foreseeable future. They are not as tied now as the children are older so they will be able to travel more in the future.

Theo and Ruth have been a part of the UK traveling community for over 30 years. They are a creative Traveller family who have made and sold and operated with a sense of belonging to the community around them, both around Beaminster and within the New Traveller community in the UK and Europe.

After my visit Ruth and Theo provided me with a lot of evidence of the festivals that they attended in 2022 and booking evidence as well as letters for 2023.

On the 2nd of July 2024 I received an email where Ruth McGill has provided an updated statement of all the festivals she has attended and is going to attend for work in 2024 which further supports their new age Traveller status.

It is very clear they follow and are a part of the New Age Traveller community and have been for many years. Although they are not ethnic Gypsies, I am more than satisfied they are New Age Travellers and have a lot of friends and support in the New Traveller community.

Gypsy Liaison Officer - Alternative Sites Comments: (1/8/24):

Unfortunately, since you last contacted me about availability on the sites things have now changed. We now may have no vacancies at the Piddlehinton Site as I have

just offered the vacant plots to potential tenants. We are awaiting their deposits for confirmation of acceptance. I also have someone interested in the plot at Ashoaks Park, although this plot is still available at the moment. The plot at Ashoaks Park would accommodate a large static 3 bedroom caravan. This is a larger style plot but it has no utility rooms. The utilities would need to be in the static caravan.

There are no New Age Travellers on the Ashoaks Park site but it is a mixed site of Gypsies with some non Gypsy partners. The Ashoaks Park site is a standard Gypsy Site consisting of 16 plots. Eleven of the plots have utility rooms consisting of a small bathroom and separate utility room. The other 5 plots are similar to the vacant plot.

8.3 Dorset Council Environmental Services –Team Leader - Housing Standards West

Site visit with Planning officer. Met the occupier on site. Two caravans which are occupied for human habitation, one permanently and one on an ad hoc basis.

The occupation of the site is by the family.

The occupiers regard themselves as Travellers and use the site as a base, travelling to festivals and selling their wares.

There is a long wheeled base Mercedes van on site used to take to festivals

The main accommodation has been constructed on site using a timber frame and the two halves are bolted together. It has been designed to be moveable but does not have a metal chassis nor axles. The unit meets the definition of a caravan. The outer covering is timber boarding, a mono-pitch metal covered roof. There is rigid insulation boarding built into the structure.

The site extends to some acres in ownership and the planning application P/FUL/2022/02899 shows a mobile home, touring caravan, long wheel base Mercedes van and a stone walled barn.

The site uses existing spring water from sources higher up on the site to provide piped potable water. An email was sent to Ruth McGill subsequent to the inspection to register the site as a private water supply with a recommendation to have the water quality tested.

Two primary methods are used for disposal of human waste:-

Urine is collected alongside excrement and separately in sealed containers filled with (active) charcoal and lidded.

Faeces is collected in a soil closet and mixed with sawdust sourced from a local industry.

The used charcoal and soil waste is then transferred for secondary treatment either within a composter for solid matter or spread onto land in the case of the charcoal.

The mobile home is served by grey water sewerage in the form of a pit dug within the (predominant) clay subsoil and filled with pea gravel. There is no overflow to the stream.

There is a 12volt electrical system installed on site with four (car) batteries for storage and solar panels for generation. There is no connection to the electricity grid.

Heating is provided by solid fuel stoves and there is an LPG gas bottle for gas fired cooker.

There is an external seating area adjacent to the mobile home and touring caravan with sofas and an open fire with chimney. The area is covered by a canopy.

8.4 Cllr Craig Monks - Ward Member:

- Strongly recommend approval.
- aligns with National Planning Policy Framework.
- Sustainable living solution without impacts on area.
- Traveller family needs established in previous applications.
- Relatively sustainable location.
- Design and landscaping visually acceptable in AONB.
- No significant harm to nearby residential areas.
- Has acceptable vehicular access, on-site parking and highways leading to site are acceptable.
- Article 8 of Human Rights Act relevant; respect for private and family life and home.
- Consider family qualifies for protections afforded by Gypsy and Traveller legislation.
- There are no material considerations that would justify refusal of this application.

8.5 Beaminster Town Council- Recommend approval.

8.6 Representations received

Full copies of the letters of representation are available on the website.

Comments on original submission (2023):

3 letters of objection/comment. The main planning related points include:

- Unsuitable location in the countryside/ Area of Outstanding Natural Beauty (AONB).
- Lacks basic services e.g. electricity, sewerage facilities.
- Lacks suitable access to town along narrow lane/track.-Visual harm to AONB-contrary to National Planning Policy Framework (NPPF).
- Council/previous Inspector have resisted permanent use of site.

- Contrary to National Planning Policy 2015 - strictly limit new traveller development in open countryside.-Inspector allowed appeal - but only for temporary 3 year period.
- Current use is unauthorised.
- Site lacks basic services for permanent residential use; electricity; mains water; sewerage facilities. Site served by an unadopted narrow lane - unsuitable access - contrary to NPPF.
- Landscape Character and Visual Assessment out of date - refers to a different scheme dated 2019.
- Current proposal seeks to intensify the existing unauthorised use of site.
- It should be a consideration that the family should rather be given residential status to use the property as a permanent domestic family dwelling rather than as a multi-use travellers site.

Comments on additional information/corrected site plan (2023):

4 letters of objection/comment. The main planning related points include:

- Disagree with the revised Landscape and Visual Assessment (LVA) conclusion that it would not harm landscape character and AONB.
- Earlier independent assessments concluded the use would be harmful to landscape and scenic beauty.
- Current intensification of use with touring caravan and large mobile home exacerbates visual harm contrary to local and national planning policy.
- Applicants additional information does not overcome concerns over alternative site search and a clean water supply.
- No material change in circumstances or national planning policy justifying the continuation or intensification of this unauthorised use on temporary or permanent basis.
- Concern over potential increased use of spring water by applicant from spring source owner; suggest they seek a permanent water supply instead.
- Lack of basic services for permanent occupation.
- Concern over wildlife/habitat impacts and potential pollution.
- Concern over access to site.

2 additional letters of objection (April 23):

- Narrow lanes/high hedges - large vehicles a danger to walkers and riders.
- Inadequate spring water available.
- Risk of water contamination from sewage.
- Detrimental to countryside.

-20 letters of support (April 23):

- Applicants are integral asset to Beaminster community; passion for environment; live sustainably.
- Makes refreshing change to usual fenced houses.
- Contribute with outdoor education and creative projects.
- It is their land and they should be able to remain.
- Applicants work in harmony with nature and surroundings.
- Buildings sensitively incorporated in landscape.
- Exemplars of how to live a low carbon lifestyle.
- They are clearly New travellers for many years each.
- Willing to support themselves by living on and off the land.

- The site is very unobtrusive.
- Precedent exists for other Travellers obtaining planning permission to live on their land.
- Applicants disseminate environmental, ecological and sustainability knowledge to community land.
- Use a completely sanitary aerobic dry compost system.
- Application is just for this family - not to increase capacity

Further objection letter (April 2024):

- Would be an intensification of existing use of the land due to additional caravan.
- Proposal contrary to development plan and national policy.
- Inadequate evidence that applicants are Travellers in policy terms.
- Dispute that 2015 Planning Policy for Traveller Sites is a material change in circumstances.
- No evidence of diminution of supply of small sites for family group.
- Consider the main "mobile home" unlawful and to be a permanent structure.
- The development is unauthorised, in breach of planning conditions and enforcement action should be taken.
- Other unauthorised structures in site.
- Harmful to countryside and Area of Outstanding Natural Beauty - contrary to policies SUS2, ENV1 and NPPF.
- Lack of evidence of applicants seeking alternative site.
- No caravan site licence obtained.
- Lack of waste storage/collection details, lack of on-site sanitation/amenities-site unsuitable for human habitation.
- Risk of flooding.
- Evidence of other small Traveller sites available.
- Refusal of reasons for agricultural store remain relevant.
- Query clarity of what is actually being proposed.
- Does not include the operational development on the site.
- Inadequate public consultation.
- Should not be given permanent planning permission - should be refused.
- Inadequate landscape and visual assessment.
- Additional strain on public services e.g. emergency, healthcare.
- Would set a harmful precedent.

Further comments on re-described/re-publicised application (August 2024):

27 letters of support/comment:

- The applicants maintain a nomadic lifestyle.
- They have been Travellers for many years.
- Significant contributors to the local community.
- Attend many festivals and conduct workshops and give talks at events.
- Provide environmental training and workshops.
- The development has very little impact on the surrounding area.
- There are no negative visual impacts.
- Restored the old barn and increased biodiversity.
- Lack of suitable alternative nomadic site pitches available.
- Won't cause more traffic, noise or environmental impact.
- Minimal impact on neighbours.
- Have improved the appearance of the site by their occupation and work.

- They manage the woodlands.
- They have a human right to live here.
- Dwelling is very compact.
- Energy efficient; they use timber from their land for heating/hot water; mainly rely on solar energy.
- Site already has access and parking in place.
- Should be granted permission as a standard residential dwelling.
- Content with current use made of private water supply.

6 letters of objection - (three on behalf of one objector)

- In AONB - where presumption against new dwellings outside defined locations.
- In 2012 Appeal Inspector concluded permanent permission not appropriate.
- Query historical Traveller status of applicant.
- Concern council not taken enforcement action.
- This intensifies the number of caravans on site.
- Insufficient evidence of Travelling lifestyle.
- Will have significant effect on residential amenity of neighbouring properties.
- Would set a precedent.
- Now less school dependent - hence less anchored to this site.
- No material change to facts of case to justify permanent site.
- Applicants unwilling to move to 2 gypsy sites where pitches were available.
- Do not consider applicants fall within the Planning Policy for Traveller Sites document (PPTS-updated 2023) definition as bona fide Travellers.
- Do not consider the evidence provided is sufficient to define applicants as gypsies.
- Attending festivals/fairs as described is not evidence of a nomadic habit of life.
- No evidence of what the applicants actually do.
- Disagree that the mobile home on-site can be legally described as a caravan; planning permission is required for their erection.
- Buildings/structures (including other structures not in this application) erected on site without planning permission; applicants have not removed unauthorised structures.
- Unacceptable delay to progress the 2022 application.
- Applicants not made effort to seek alternative sites themselves.
- Lack of evidence they would be rejected from other ethnic group gypsy sites.
- Alternative sites will become available from time to time - applicants should pursue moving accordingly.
- Easier to find a single plot than a group of Traveller plots.
- Applicant owns resources (land) to facilitate funding for seeking alternative site elsewhere.
- Relatively easy dismantling of existing buildings would help increase likelihood of finding a suitable alternative location.
- The scheme is contrary to the Development Plan, national planning policy, is unlawful, should be refused and enforcement action taken.
- Site has few facilities and difficult access.
- Do not consider Penpole Engineering report demonstrates the building is a mobile home.
- The building was constructed from hundreds of pieces and took weeks to build- hence not a mobile home.

-Penpole Report does not show how a truck with a 40 foot trailer (laden with half an accommodation structure) could access site via narrow winding road

Further representation received November 2024:

-Consider agents October letter is erroneous in relation to case law interpretation; every case depends on its own facts.-Consider applicants do not meet traveller definition under PPTS 2023. Regarding the aspect of an economic connection between the travelling to support the applicants livelihood, consider there is no quantitative economic information provided to show this.

-Alternative sites-Inspector in 2012 gave temporary permission, to allow the applicant time to seek an alternative site.

-Mobile home definition-do not dispute applicants view on it being a mobile home, but point is that it has been unlawfully erected on the site with no planning permission for it.

-Inspector found the site unacceptable. Harm is being caused to the National Landscape.

-The unacceptability of this site remains.

-The applicants rejection of designated gypsy/traveller sites and therefore cannot lack of supply cannot be prayed in aid of applicants as they indicate they would not wish to go to them.

-Consider the lack of basic services may affect applicants' health and increase public healthcare costs.

Letters of Objection: 29 April 2025 and Jan 2026)

Consider officer report is flawed.

Consider approving application is wrong in planning policy and planning law.

If members do still consider granting, that it be a 3 to 5 year temporary permission, and that applicants are urged to find alternative site for after that period.

The applicants are using the site in breach of planning control.

Buildings erected on site have intensified residential use.

Buildings are not immune from enforcement.

Consider officers have made inadequate efforts to pursue enforcement action.

Applicants made inadequate efforts to re-locate.

Consider applicants rejection of re-location to gypsy sites means they cannot be treated as gypsies in planning terms, and they should therefore seek any suitable alternative site.

There is no land supply requirement to find land for New Age Travellers.

Should not be allowed to defy planning system if say doesn't suit them.

Should not grant permission without evidence of applicant seeking alternative site.

Consider there is precedent evidence of Traveller commune growing up on and around the site; there are applications for a vegetable growing enterprise with accommodation opposite Meerhay Manor.

Concern over precedent for permanent planning permission.

Do not consider report conclusions outweigh the harm.

Lack of enforcement does not justify approval.

Fails to meet traveller accommodation policy tests.

Should be residential dwelling application assessed on merits against adopted policy.

9.0 Duties

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

Section 85 of the Countryside and Rights of Way Act 2000 (CROW) requires relevant authorities (including Local Planning Authorities) to “seek to further the purposes of conserving and enhancing the natural beauty of the area of outstanding natural beauty” (now National Landscape).

10.0 Relevant Policies

Development Plan:

West Dorset, Weymouth and Portland Local Plan 2015

INT1 Presumption in favour of sustainable development
ENV1 Landscape, seascape and sites of geological interest
ENV10 Landscape and townscape setting
ENV12 Design and positioning of buildings
ENV16 Amenity
SUS2 Distribution of development
COM7 Creating a safe and efficient transport network
COM 10 Provision of utilities service infrastructure

Material Considerations

National Planning Policy Framework 2025
2 Achieving sustainable development
8 Promoting healthy and safe communities
12 Achieving well-designed and beautiful places
15 Conserving and enhancing the natural environment
16 Conserving and enhancing the built environment

Para 4 - The Framework should be read in conjunction with the Government's planning policy for traveller sites, and its planning policy for waste. When preparing plans or making decisions on applications for these types of development, regard should also be had to the policies in this Framework, where relevant.

Decision-making

Para 38- Local Planning Authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brown field registers and permission in principle, and work proactively with applicants to secure developments to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Planning Policy for Traveller Sites (2024) (PPTS) -relevant sections including:

1 Introduction

Policy B: Planning for traveller sites

Policy C: Sites in rural areas and the countryside

Policy H: Determining planning applications for traveller sites

Glossary: definition of gypsies and travellers

Neighbourhood Plans-

Beaminster Neighbourhood Plan – In preparation – limited weight applied to decision making.

Other material considerations

Design and Sustainable Development Guidelines 2009

WDDC Landscape Character Assessment 2009

The Dorset National Landscape Management Plan 2025-31

Dorset and Bournemouth, Christchurch and Poole (BCP), Gypsy and Traveller Accommodation Assessment (GTAA) October 2022.

Bournemouth, Dorset and Poole Parking Standards

Dorset Council Interim Guidance and Position Statement and Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.

Housing land supply

Dorset Council is unable to demonstrate a 5-year housing supply as required by National Policy. In addition, the strategies for meeting housing needs in the adopted local plans are not designed to deliver the housing need under the Government's standard method and therefore, in accordance with NPPF footnote 8, the housing policies within the adopted Development Plan(s) are out of date and the presumption in favour of sustainable development applies. The emerging Dorset Local Plan is not sufficiently progressed and can be afforded very limited weight in decision making.

Housing Delivery Test (HDT)

The latest HDT results (2023 measurement) show that enough homes have been delivered within the local plan area to demonstrate 106% of the target.

11.0 Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property.

Regarding Article 8 this site is the family's home. The loss of the home would be an interference with the occupier's human rights. This needs to be balanced with the wider public interest including the application of the Development Plan.

12.0 Public Sector Equalities Duty

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have "due regard" to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have "regard to" and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty.

It is not considered that the application would affect the protected characteristics of anyone save for the protected characteristic of age for the applicants' family. The issues relating to the family group are considered below.

13.0 Public Benefits

The proposals would provide a number of financial and non-financial benefits, including public benefits. These are summarised in the table below:

What	Amount / value
Material considerations	
Contribution towards local economy from residents living at the site	Not quantified
Non material considerations	
Council Tax	

14.0 Environmental Implications

- 14.1 The units of accommodation are currently in situ on-site such that emissions would not be generated from construction. Some emissions would be generated by domestic heating and cooking fires. Sustainable practices on site include solar panels, compost toilet, water from the stream and no mains electrical usage. The

use of petrol/diesel vehicles would generate some emissions. These points will need to be balanced against the benefit of providing Traveller accommodation in a relatively sustainable location.

15.0 Planning Assessment

Principle of development:

15.1 The adopted West Dorset, Weymouth and Portland Local Plan 2015 states:

“Until a Gypsy and Traveller DPD is finalised, decisions on gypsy and traveller sites will be determined in accordance with national policy and with reference to policies INT1 and SUS2” (5.6.3 of Local Plan).

It should be noted that the Gypsy/Traveller guidance is now intended to be within the emerging Dorset Council Local Plan - currently anticipated in 2027.

15.2 Policy INT1 (Presumption in favour of sustainable development) of the local plan will need to be considered. This policy seeks to improve economic, social and environmental conditions in the area. In the context of this policy the scheme seeks to improve environmental conditions in the area in terms of additional planting and woodland management.

15.3 Policy SUS2 (Distribution of development) allows sites for gypsies, travellers and travelling show-people outside defined development boundaries *“having particular regard to the need for protection of the countryside and environmental constraints”*.

15.4 Policy ENV1 is particularly relevant as it does not permit development that would harm the character, special qualities or natural beauty of National Landscapes; Dorset Area of Outstanding Natural Beauty in this case.

15.5 Policy ENV10 is relevant, including that development proposals should contribute positively to the maintenance and enhancement of local identity and distinctiveness and development will provide for the future retention and protection of trees and other features that contribute to an area’s distinctive character.

15.6 Under the National Planning Policy Framework 2025 para 63 refers to the need to assess the “needs of different groups in the community” including travellers regarding accommodation.

15.7 Government policy includes Planning Policy for Traveller Sites updated December 2024 (PPTS). This states that:

The government’s over-arching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community (para 3).

The government’s aims include that local authorities should make their own assessment of need for the purposes of planning (para 4a) and also includes encouraging local authorities to plan for sites over a reasonable timescale (4c).

Another government aim is to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites (4e).

and:

To enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure (4j)

For local planning authorities to have due regard to the protection of local amenity and local environment (4k).

These points are commented on in so far as relevant in the remainder of this report. The application relates to existing structures on the site, as described earlier.

15.8 The previous approval on the site was in 2015, approved by the then West Dorset District Council for 5 years. The site is occupied by a family.

15.9 In the context of policy INT1 the scheme seeks to improve environmental conditions in the area in terms of additional planting and woodland management. Similarly, regarding policy SUS2 the woodland management aspect responds to:
“the need for protection of the countryside and environmental constraints” under this policy.

15.10 In the light of the above the development is considered acceptable in principle, subject to relevant development plan policies and material planning considerations.

Traveller Status:

15.11 It is necessary to reach a view on whether the applicants benefit from traveller status in order to establish whether traveller-related policies are applicable.

15.12 Under the Government’s current Planning Policy for Traveller Sites December 2024 (PPTS) gypsies and travellers means:

Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependent’s educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or living in a caravan, but excluding members of an organised group of travelling show people or circus people travelling together as such.

15.13 Some representations have raised concerns that the applicants do not satisfy the definition.

15.14 It should be noted that the definition of Gypsy or Traveller for planning purposes has changed over time. The issue has been explored previously in relation to this site.

An Inspector's appeal decision of January 2005 considered this issue. Mr Langton's association with the site started from around 1996 with the site subsequently purchased in 1998. The inspector stated:

Throughout 1998 and during most of 1999 he continued to travel and undertake seasonal work which included hedge-laying, fruit picking and working at festivals in exchange for entrance fee and food and (sometimes) lodgings. For most of these journeys he travelled with a touring caravan which he towed with his car. During the latter part of 2000 and throughout 2001-2004 he continued to travel and undertook temporary and casual work in Oxford, North Scotland, Bristol and the Isles of Scilly as well as attending festivals, taking workshops on chalk carving and working at various jobs on site.

The inspector stated that the applicant:

has lived an itinerant lifestyle residing as a traveller within various caravans and moving from place to place in order to seek paid or some other type of employment. Whilst his earnings have not been substantial the appellants travels have been undertaken with an economic purpose"

On this aspect he concluded:

I take the view that the appellants nomadic lifestyle is such that he could be described as a statutory gypsy.

At that time, the definition of gypsy was of a person of nomadic lifestyle whatever their race or origin but excluding travelling showmen.

15.15 This issue was again considered at an appeal in 2007 when the Inspector's report stated:

Traveller Status:

5. Gypsies and travellers are defined in ODPM Circular 01/2006 as 'Persons of nomadic habit of life, whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently,...'. The site is occupied by the appellants and their two year old son. At the date of the inquiry, the birth of the couple's second child was imminent.

6. The appellants are not of traditional gypsy descent, but as the definition in the Circular explains, gypsy and traveller status is not dependant on ethnic origin, and a nomadic habit of life can be acquired over a period of time. The Courts have held that the word 'nomadic' indicates a sense of purpose for the travelling, and that there should be some recognisable connection between the wandering or travelling and the means whereby the persons concerned make or seek their livelihood (R v South Hams DC, Document 7).

7. I have read that Mr Langton started travelling with a donkey, mule and cart in 1994, but there is no clear evidence of any economic purpose being associated with travel at this time. From 1998 -2002 there are references to work linked to the travelling, and Mr Langton was engaged in hedge-laying, fruit-picking and work at festivals. More details are available from 2003, and a pattern emerges of travelling

from the appeal site to hold craft workshops and undertake other work at festivals in the South-West of England, with casual work, including labouring and farm work in 2003 and 2004. The festival season extends from May to September, and, with his partner, he is away for at least one week in each month of this period.

8. Ms McGill did not give evidence to the inquiry, but I heard that she had spent 3-4 years up to 2000 travelling in this country and abroad. She supported herself during this earlier period of travelling by such activities as busking and jewellery making.

9. In addition to donations at craft workshops and monies earned at the festivals, the appellants also receive income in the form of family tax credit and undertakes casual work from Meerhay during the winter months. However, whilst they do not depend solely on the money which they gain when travelling, it contributes to their income and I am in no doubt that there is an economic purpose to their travelling.

10. The appellants do not travel in a group, although Mr Langton has done in the past. Whilst Neill LJ in R v South Hams DC refers to living and travelling together in cohesive groups being a feature of nomadic peoples, Leggatt LJ, in the same judgement, makes the point that the term 'gypsies' is not expressly confined to those who travel in groups. In my experience, it is not uncommon for gypsies and travellers to find their own sites and travel out from them as individual families. When the appellants do this, they use the smaller touring caravan and leave the larger one at The Wintergreen Barn. During these periods, the caravan which leaves the site serves as their home, and I do not find the appellants' use of caravans at odds with a nomadic habit of life.

11. I am satisfied that travelling undertaken by the appellants in recent years has been associated with their livelihood, and, although they are based at Meerhay for the greater part of the year, I do not regard the extent of travelling currently being undertaken during the festival season as so small as to prevent them coming within the definition in the Circular. In this regard, I note that the Circular refers to changes in traditional patterns of work and it also explains that the gypsy and traveller community has generally become more settled.

12. In assessing whether a nomadic habit of life has been acquired, a key factor is the extent of time over which travelling for economic purposes has taken place. The evidence before me indicates that Mr Langton has followed this lifestyle for almost ten years, and I have no reason to doubt his intention to continue with this pattern of living. Whilst Ms McGill has not travelled for as long a period of time, she is the partner of Mr Langton and from what I have heard and read the couple share the same lifestyle. I have reached the view that their travelling linked to their livelihood is sufficiently well-established to demonstrate that they have acquired a nomadic habit of life. Accordingly I conclude that they are travellers for the purposes of planning policy.

This decision was quashed (but on grounds that did not relate to traveller status) and a new Inspector reconsidering the appeal in 2012, stated:

5. No party advanced any argument that the appellants were not "travellers" for planning purposes. From the details of their recent working and travelling patterns which were supplied to me, I am satisfied that they have this status.

- 15.16 An application to renew a permission on this site in 2015 (WD/D/15/000305) was commented on by the Gypsy and Traveller Liaison Officer at the time who believed Mr Langton was a New Age Traveller and has been for some time but was not

familiar with him. Traveller status was accepted by officers of the Council at that time. It should be noted that 3 separate Inspectors, at different times, each reached this same view.

- 15.17 Moving to the present day, the applicants' agent has supplied the below paragraph summarising their work:

Mr Langton and Ms McGill are artists who earn a living from Travelling to sell their crafts and share their skills. Mostly this is at festivals and other events, including Glastonbury, Shindig, Hedge-u-cation, Boomtown. Their Traveller status has previously been accepted by the LPA and planning Inspectors. The season usually runs from early May until mid September, sometimes longer when the family travel to Spain and Portugal to do similar work early and / or later in the year. When travelling to and working at events they live in their van. Their work involves arriving several days before an event begins to set up their space, running workshops and manning their stall throughout the event, as well as staying after the event has ended to take down their space. Due to their popularity they will often be working for 10 hours a day. Their workshops are always busy and their exhibition and stall of their own works attracts a great deal of curiosity and attention for being unique. The workshops that Mr Langton and Ms McGill offer have evolved over the years, reflecting the growth of their own creative skills. 20 years ago they began running chalk carving workshops and as their children grew older they were able to offer more involved metalworking workshops. These workshops enable families and young people to use tools and make personal pieces whilst being part of vibrant active craft areas.

Festivals Attended for 2025-

Beltaine Gathering, Exmoor 30/04- 05/05/2025

Crafty Camping, Curry Mallet, Somerset, 14/05 - 19/05/2025

Shindig - did not attend as had vehicle issues

Glastonbury festival, Pilton, Somerset, 22/06 - 01/07/2025

Kyberdrop festival, nr Andover, 16/07/- 21/07/2025

Green gathering, Chepstow, 27/07 - 05/08/2025

Boomtown Fair, nr Winchester, 05/08 - 12/08/2025

Shambala Festival, nr Market Harborough, 18/08 -26/08/2025.

Shambala Festival Northampton

Event Timetable 2024-

Beltane Somerset 1 week May

Crafty Camping Somerset 4 days May Shindig Somerset 1 week May

Hedg-u-cation Devon 5 days May / June

Glastonbury Somerset 10 days June / July

Kyberdrop TBC 1 week July

Boomtown Wiltshire 9 days August

Medicine Fest Berkshire 1 week August

Shambala N'hamptonshire 8 days August

Event Timetable 2023-

Beltane Wiltshire April 26th - May 1st

Crafty Camping Somerset May 11th - 16th

Shindig Somerset May 23rd - 29th

Hedg-u-cation Devon May 29th- June 6th

Glastonbury Somerset June 18th - 28th

Kyberdrop Hampshire July 5th - 11th

Land Skills Fair Gloucestershire July 16th - 26th

Green Gathering Gwent July 31st - 7th Aug

Boomtown Wiltshire Aug 7th - 15th

Shambala N'hamptonshire Aug 22nd - 30th

Event Timetable 2022-

Beltane Wiltshire April / May

Crafty Camping Somerset May

Shindig Somerset May 24th - 30th

Hedg-u-cation Devon May / June

Glastonbury Somerset June Land

Skills Fair Gloucestershire July 17th -27th

Green Gathering Gwent July / Aug

Boomtown Wiltshire Aug

- 15.18 Officers have considered the applicants' traveller status for this application. Details of the applicants travel in 2022, 2023 and 2024 have been provided and these details have been shared with the Gypsy Liaison Officer (GLO) who has also visited the site and met with the applicant. The Gypsy Liaison Officer's comments have already been provided in this report. The applicant has now also provided the festivals for 2025 (listed above) and details of events they intend to attend this year which follows a similar pattern to previous years.
- 15.19 The majority of the applicant's travelling is to show and sell items at a variety of fairs/gatherings and/or festivals, including occasionally travelling direct from one to the next.
- 15.20 Previous government policy in the PPTS 2023 includes that in determining whether persons are "gypsies or travellers" for the purposes of planning policy, one of the factors to consider is: Whether they previously led a nomadic habit of life. (Annex 1.2.c) It is clear that the applicants were considered to be travellers at the time of each of the earlier appeals. However, the current definition of Traveller (2024) differs from the previous and no longer includes reference, among other points, to whether they previously led a nomadic habit of life. Previous inspectors found that the applicants were travellers, albeit under earlier definitions in planning policy. The applicants are still travelling with an economic basis underlying the purpose of their travelling.
- 15.21 An objectors April 2025 letter queries the Traveller status in the context of the current PPTS 2024 definition which reads:

Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependent's educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or living in a caravan, but excluding members of an organised group of travelling show people or circus people travelling together as such.

The objector asserts that the applicants have provided no evidence of their income from travelling and that the 2024 definition now requires that to fall within the definition people must have a cultural tradition of nomadism or living in a caravan. The Inspector in the 2007 appeal referenced the applicants travelling for work; *When the appellants (applicants) do this, they use the smaller touring caravan and leave the larger one at the Wintergreen Barn. During these periods, the caravan which leaves the site serves as their home, and I do not find the appellants' use of caravans at odds with a nomadic habit of life.*

- 15.22 Having regard to the earlier appeal decisions, the evidence provided by the applicants to support this application, the comments of the Gypsy Liaison Officer and the comments from the Chair of Kushti Bok (a Gypsy/Traveller Organisation), the

applicants' pattern of travelling now is broadly consistent with that considered at the earlier appeals and continues to have an economic basis underlying the purpose of the travelling. Officers consider that the 2024 definition widens the scope of those who are Gypsies and Travellers rather than, as the objector suggests, narrowing it. As a result, officers consider that the applicants are Travellers within the definition of the current PPTS.

Need and Site Availability:

15.23 The supply of Traveller sites, as with supply of sites for the settled community, varies over time. The 'snap shot' of supply that was recorded in the most recent Gypsy and Traveller Accommodation Assessments (GTAA) is summarised in the table below:

Dorset and Bournemouth, Christchurch & Poole (BCP) Gypsy and Traveller Accommodation Assessment (GTAA) 2022 (Figure 9 'Need for Gypsy and Traveller households in Dorset that met the Planning Definition 2022-2038') (Survey work completed between June 2021 and January 2022)

Council area	Supply position (January 2022)
Dorset Council area	9 pitches (comprising 3 vacant pitches on public or private sites and 6 new pitches)

15.24 Since the surveying was conducted for the 2022 GTAA the Council has also granted planning permission and issued a lawful development certificate for sites which will contribute toward the supply of Traveller pitches:

- Lawful development certificate issued on 13 October 2023 for Wigbeth Farm, Horton (P/CLE/2022/07299) 'to continue use of the land shown edged red on the enclosed location plan as a traveller site with 12 permanent pitches' (This is a private site-full-23/1/26).
- Planning permission granted 31st March 2025 for Dovecote Farm, Child Okeford (P/FUL/2024/03917) for "Change of use of land for siting of 1no. gypsy & traveller pitch & associated works, consisting of 1no. mobile home, 1no. touring caravan & 1no. day room".
- Planning permission granted 5th December 2025 for Rivers Paddocks, Hazelbury Bryan for "Change of use of land for siting of 3no. gypsy & traveller pitches & associated works, consisting of 3no. mobile homes, 3no. touring caravans & 3no. day rooms (retain works already carried out)".
- Planning permission granted 17 January 2025 for 'The Old Piggery Frog Lane Motcombe, Shaftesbury' to 'Continue use of land as a single Gypsy/Traveller pitch comprising 1 No. mobile home, 1 No. day room and associated works'

(P/FUL/2024/05418) (The planning permission supports a continuation of an existing use – there are no available pitches at this site).

15.25 Alongside the applications above which were issued following publication of the 2022 GTAA, the Council has sought renewal of temporary planning applications on its own sites relating to:

- Orchid View, Shaftesbury (planning application reference P/FUL/2022/01761 – the application is currently undetermined. However, had a previous permission and the 8 pitches are fully occupied – 23/1/26)
- Transit site, Piddlehinton (planning application reference P/FUL/2024/00163) (This was a temporary permission which ended 1/10/2024).
- Transit site, Piddlehinton: Current application: P/FUL/2024/07169: permanent retention of Gypsy/Traveller site for 25 caravans (only for use for short periods within 1st April-30th September in each year)

And a 6 pitch extension to the permanent transit site at Piddlehinton remains extant:

- 'Installation of Six new pitches comprising 2 No. Double units and 2 No. Single units' (planning application reference WD/D/19/001187).

It is understood the above permission has been implemented due to minor engineering works, but substantial investment in infrastructure would be needed as the planned enlargement to the existing council site is not complete, there are currently no available pitches through this development, and there is uncertainty around when these pitches could be delivered.

Other sites in Dorset:

Ashoaks Park, near Wareham - permanent site -16 pitches – 1 plot unoccupied (currently reviewing applications with a view to getting occupier in near future) 23/1/26)

Thornicombe, near Blandford: 12 permanent pitches (full 23/1/26).

Piddlehinton Site; permanent site. 1 free plot currently (23/1/26)

Need for Traveller sites in Dorset:

15.26 The baseline data on existing pitches and future supply that feed into the needs assessment in the published 2022 GTAA takes account of the existing Council managed Traveller sites at Orchid View and Piddlehinton, but it does not take account of the lawful development certificate that was issued in October last year (as mentioned above-P/CLE/2022/07299) or the planning permission at Frog Lane Motcombe (P/FUL/2024/05418). The needs assessment from the 2022 GTAA is

summarised below. The assessments may need to be reviewed to take account of the updated planning definition of Travellers in PPTS (December 2024) and changes in the baseline position of Traveller households across Dorset.

Figure 10 of the 2022 GTAA, set out below, outlines the need for Traveller sites (that meet the planning definition for Travellers) between 2022 and 2038.

Years	0-5	6-10	11-15	16-17	Total
	2022-26	2027-31	2032-36	2037-38	
	84	12	12	5	113

15.27 The 2022 GTAA also indicates that a significant proportion of this need (84 pitches out of 113 pitches for Travellers) should be delivered during the first five years of the assessment period (2022 to 2038). The Council has not been able to identify a deliverable 5-year supply of Traveller sites to meet this need.

15.28 There have been changes in circumstances since the 2012 planning appeal and the most recent planning application determined in 2015. Dorset Council was formed and therefore need is now considered across the whole of Dorset and not at a smaller district level as was the case previously, the need for Traveller sites has increased, the Council is not able to identify a 5-year supply of deliverable sites for Travellers in the new council area and work on a DPD to allocate sites for Travellers has not progressed as quickly as originally anticipated. Furthermore, the new planning definition of Traveller (updated in December 2023 and 2024, both of the latest definitions are wider and therefore likely to mean that more people will be treated as Travellers when compared to the 2015 definition) is likely to *increase* the need for pitches for those households which meet the planning definition. The Planning Policy Officer advises that unfortunately he is not able to quantify the level of increase as an update to the 2022 GTAA would be required.

15.29 Notwithstanding the limitations of the 2022 GTAA assessments of need it continues to demonstrate that there is a pressing need for Traveller sites. The planning records show that since the 2022 GTAA was published there has been an insufficient supply of sites to meet these needs. Work on the Dorset Council Local Plan has been delayed (the latest local development scheme suggests that the new plan would be adopted in Winter 2027), and therefore local plan development strategies which could help to support delivery of Traveller sites will not (at the earliest) start to take effect for another 2 - 3 years.

15.30 The Dorset and Bournemouth, Christchurch and Poole (BCP), Gypsy and Traveller Accommodation Assessment (GTAA) October 2022 indicates a marked growth in the need for sites in the Dorset Council area; the latest evidence demonstrates that this need has increased from 102 pitches in 2017 to 184 pitches

in 2022 (an 82 pitch increase in 5 years). None of the predecessor councils allocated sites for Travellers in their Local Plans and work on the jointly prepared Traveller development plan document (DPD) ceased when the councils in Dorset re-organised in April 2019. The supply of sites has been limited to small numbers of pitches and the council is not able to identify a 5-year supply of Traveller sites to meet the area's needs.

15.31 No material weight at this stage can be attached to the emerging strategy presented in the current draft of the new local plan, but it does include a proposed allocation for the Wintergreen Barn Traveller site.

15.32 Under Policy H of the PPTS 2024 para 28 states:

28. If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, the provisions in paragraph 11(d) of the National Planning Policy Framework apply. Local planning authorities should consider how they could overcome planning objections to particular proposals using planning conditions or planning obligations including:

a) limiting which parts of a site may be used for any business operations, in order to minimise the visual impact and limit the effect of noise

b) specifying the number of days the site can be occupied by more than the allowed number of caravans (which permits visitors and allows attendance at family or community events)

c) limiting the maximum number of days for which caravans might be permitted to stay on a transit site

15.33 Paragraph 11(d) of the NPPF states that decisions should apply a presumption in favour of sustainable development and sets out the criteria for doing so. That presumption is engaged here given that the Council can not identify a 5-year supply of Traveller sites to meet the area's needs.

15.34 In a letter dated 14 April 2023 an objector contended that:

there is no evidence of a diminution of supply of small sites suitable for single caravan or family group. The need assessment refers to a supply of sites becoming available since June 2015 (i.e. an increase in number) for a sporadic and limited supply of small numbers of unplanned pitches – exactly the type of site which could well be suitable for the applicants if a thorough concerted effort were to be made by them to relocate.’ (Page 5).

Commenting on this, whilst the GTAA does not evidence a loss of small Traveller sites, neither does it identify a large pool of deliverable small Traveller sites. The objector refers to a supply of sites since 2015 however the GTAA in 2022 still indicated a significant number of pitches were needed and showed an increase in the identified need when compared with the previous GTAA of 2017.

15.35 The council planning records of planning permissions for permanent Traveller sites granted since the 2022 GTAA was published shows one certificate application for an existing use of a Traveller site (12 pitches) and 3 planning permissions to support a total of 5 pitches since the 2022 GTAA was published (October 2022). The supply of sites provided through this certificate application and planning permission are only a fraction of the need identified in the GTAA between 2022 and 2026. In order to fully meet the need for sites in the GTAA a further 67 pitches would need to have been delivered between October 2024 and January 2026. In itself, the shortage of sites is considered to carry significant weight in the planning balance even if para 11d) of the NPPF was not engaged.

Alternative Sites:

15.36 The applicants last year indicated when asked:

We are part of a group of new travellers in Dorset and Somerset who keep an eye on any land coming up for sale. We network amongst ourselves and help each other out with viewings etc if someone isn't around to view. I've been to a couple of auctions with friends over the last few years but they all go for crazy money so we never really get a look in.

15.37 In August 2024 the Gypsy Liaison Officer (GLO) gave an update as below:

Unfortunately, since you last contacted me about availability on the sites things have now changed. We now may have no vacancies at the Piddlehinton Site as I have just offered the vacant plots to potential tenants. We are awaiting their deposits for confirmation of acceptance. I also have someone interested in the plot at Ashoaks Park, although this plot is still available at the moment. The plot at Ashoaks Park would accommodate a large static 3 bedroom caravan. This is a larger style plot but it has no utility rooms. The utilities would need to be in the static caravan.

There are no New Age Travellers on the Ashoaks Park site but it is a mixed site of Gypsies with some non Gypsy partners. The Ashoaks Park site is a standard Gypsy Site consisting of 16 plots. Eleven of the plots have utility rooms consisting of a small bathroom and separate utility room. The other 5 plots are similar to the vacant plot.

15.38 On 23/1/26 the following update is applicable:

Wigbeth Farm, Horton - private site 12 pitches – site full.

Council sites:

Orchid View, Shaftesbury-8 pitches all full.

Piddlehinton Camp – 1 free plot currently

Ashoaks Park, Wareham-16 pitches- one plot is unoccupied (reviewing applications with a view to occupation in near future)

Thornicombe -12 permanent pitches all full.

- 15.39 It is clear there is a shortage of readily available serviced sites. The applicant has in later 2024 visited the Piddlehinton and Ashoaks Park Council-owned sites. They, through their agent, have stated their reasons for why they do not consider these sites suitable. Their full (redacted) response is set out below:

Piddlehinton site-

*The pitches on this site are very small with no open space around them. Ms McGill and Mr Langton's children are still living with them and it is important that they are able to stay together as a family unit. Further they need space for making their art to display and sell over the summer months. This site would not be able to provide adequate space for their needs. In addition the site feels marginalised and desolate. One of the pitches had a complete wreck of a static caravan on it that looked like it had been there for a long time. There is razor wire around the site and CCTV cameras which gives the feeling of being separated from the wider community. Ms McGill and Mr Langton, despite travelling a lot have always felt that integration with their local community has been key to not being or feeling marginalised. Furthermore, the residents of the site are predominantly *****Travellers. It is commonly understood that *****Travellers and New Travellers do not really mix or have any cultural similarities which can cause discomfort and unease. From our enquiries, it is understood that this site does not have a good reputation, there are free pitches because Travellers don't want to live there. The ***** , was very clear about this site being fairly problematic, not a happy place, and certainly within the Gypsy Traveller communities people do not want to go there, it is also apparently used more like a transit site. We are also told that there are issues with rats and electrical safety. It is unsurprising that there are pitches available.*

Ashoaks Park, Wareham-

*Although the pitches were larger than at Piddlehinton, only single unit statics are allowed on each pitch which would not be large enough for the family's needs. The site is occupied solely by *****Gypsies. There are no New Traveller families on the site which would make it very hard for the family to integrate. There was only one pitch free here and apparently they are never free for long at this site.*

General notes (applicants' agent)-

Both sites were shockingly different for the family in terms of what they are used to from their Traveller lifestyle. Autonomy of services, cooking on a fire, having compost toilets, being involved in the nature and communities around them, is central to the

family's way of life and simply is not an option on these sites. Autonomy is very important to the family and one of the main reasons why Ms McGill first started travelling. Furthermore, neither of the sites provide enough space on each pitch for the needs of this family. In terms of the location, the family have important infrastructure emotionally, practically, socially and economically around the Dorset Devon border. Importantly, it should also be noted that there is no requirement in planning policy or case law for an applicant to prove that no alternative sites are available: See South Cambridgeshire DC v SSCLG and Julie Brown [2008] EWCA Civ 1010, para 37

15.40 Based on the existing set-up the applicants would require accommodation for up to 5 persons together with sufficient storage and workshop facilities. Without sufficient storage and workshop facilities for their economic activity their livelihood could be in jeopardy or even entirely lost. The applicant points out that:

We use the barn as part workshop part storage for materials- sheets of metal, boxes of leather and feathers and general things we use for our mobile workshop and making art work plus tools and tarps, tables and display items also for the workshop.

These space requirements may not be so readily achievable on a "conventional" caravan pitch. One of the family is currently undertaking part-time work experience locally to the Beaminster locality.

15.41 In terms of cultural differences between travellers and ethnic gypsies, the appeal decision in January 2012 acknowledged that:

the type of accommodation and facilities sought by New Travellers may differ from those usually promoted by gypsies, but the appellants agreed that cultural difficulties are not inevitable or insuperable. Indeed, from my experience whether or not a new family is welcomed on a site depends more on the personalities and attitudes of the individuals than ethnicity. In my view it is not inevitable that the appellants would not be welcomed on another site; indeed Ms McGill works closely with Romany Gypsies (2012) as Chairman of the support organisation Kushti Bok.

Nevertheless, having discussed this issue recently with the Gypsy Liaison Officer it can be the case that tensions can arise between different traveller-type groups. The Inspector's decision in 2005 also found that could be an issue.

15.42 There is clearly a significant shortage of traveller sites in Dorset which is unlikely to be met within the next 12 months. There is just one Council owned New Traveller site but this is currently full (23/1/26) and distant from the applicants' site. Even if there were pitches available at the two Council owned sites visited, the appellants' do not consider them suitable and their position on that is supported by the Gypsy Liaison Officer, albeit inspectors have taken varying views on that in the previous appeals. The applicants do not appear to be actively looking for alternative sites save for through their network and say that those sites which have been for sale are

unaffordable, something which is questioned by objectors. Given para 28 of the PPTS and Para 11d) of the NPPF it is not considered that any lack of search for an alternative site is a material consideration here. However, even if it was a material consideration, despite what may be considered limited active attempts to find alternative sites, the significant shortfall of sites in Dorset and the shortage of pitches at Council owned sites, together with their questionable suitability for the applicants, should be given moderate weight in the planning balance.

Appellant's Personal Circumstances:

15.43 The site is the family's home and whilst their children are now older, they clearly have a need for a settled base. Refusal of the application could therefore result in the loss of the family's home and so be an interference with their rights under article 8 of the European Convention on Human Rights.

15.44 An enforcement notice issued in 2004 remains extant on the site. If this application were to receive permanent planning permission the notice would be overridden by the planning permission and could be withdrawn by the Council.

Mobile home/caravan:

15.45 Representations have been received querying if the main caravan on the site is actually a caravan under the terms of the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 amended by the 2006 Order. Regarding size, the maximum permitted size is 20m x 6.8m x 3.05m (internal height) for a twin unit caravan. The structure in question is 14.84m x 5.1m x 2.8m (internal height). It therefore complies with the permitted dimensions.

15.46 The applicant has also provided a statement from an engineer (Penpole Engineering Ltd) as follows:

The structure does appear to be designed to be split and moved;

- Inside the structure the central primary support beam, running the length of the roof is a double timber section, each side supporting its own rafters, allowing the structure to be separated at this point.*
- The internal finishings to the gable ends are plywood, the plywood again is split at the centre of the structure to allow it to be separated at this point.*
- Some internal walls cross the central boundary, however from evidence of the fixings used, there appears to be double studs to allow separation, following removal of a small part of internal finishings.*
- Externally, cladding and also, it would appear, the steel roof flashings are also split in the centre of the structure.*

- *The floor is also of a design capable of being split, again through its long dimension. Floor joists run between the large sawn timber perimeter beams and a central double joist: a finishing trim covers the joint in the internal wooden floor.*
- *The structure has no permanent foundations, or attachment to the ground, the main timber beams appear to sit freely on levelled paving slabs laid on top of the ground.*

In the opinion of Penpole Engineering Limited that, whilst there would be some preparation work involved if the structure were to be moved, the structure has been designed and constructed such that it can be split into its two constituent parts and is capable of being lifted onto a standard sized articulated lorry trailer with the correct lifting or jacking equipment.

15.47 Representations have been submitted alleging the structure arrived in “hundreds of pieces” rather than two and do not consider a 40 foot articulated trailer could negotiate the tight bends and narrow approach lane, hence taking the view that the structure is not a “caravan”.

15.48 The applicant has responded to this, stating that:

“case law demonstrates that the mobile home does not need to arrive on site in two pieces. The legal requirement is only that the final act of construction must be the joining together of the two sections. Therefore a mobile home can be self-built/constructed in situ and still meet the definition”.

15.49 The Case Officer comments that appeal decisions have found that mobile homes (caravans) do not need to arrive at a site in two pieces. Constructing the two final sections can take place at the site with the final act of assembly being the joining of the two sections. Regarding mobility, the completed structure must be structurally capable of being moved by road (regardless of whether the local road network is suitable for it to be moved) to satisfy the definition of a caravan. The structure must be capable of being lifted as one part to satisfy the “caravan” definition. The applicant has submitted a further report (received January 2025) explaining in detail how a lifting frame can be constructed and positioned to facilitate this. The report was prepared by an experienced Chartered Engineer. Taking all of this into account, the Case Officer considers that the mobile home is within the definition of a caravan.

15.50 Representations have been received alleging intensification has occurred on the site since the 2015 permission. Commenting on this, the change to the layout of the site since the 2015 permission is that the touring caravan on the north-east side of the barn has been replaced by a mobile home (still compliant with the definition of a caravan). The existing touring caravan alongside the south-east gable of the barn remains. A long wheel-base (LWB) Mercedes motor van is now parked further to the west of the barn (which is used for travelling to fairs/festivals). On the intensification query; the re-building of a building on the site to form a workshop might be termed an intensification. However, as explained in below paragraphs, it is not considered to

be an unacceptable intensification and its use has been explicitly accepted by a previous appeal inspector.

15.51 Representations have also suggested other structures which may require planning permission are on the site. Apart from relatively light weight lean-to type elements associated with the workshop building a lack of other more substantive structures is noted, though this is not material to the current application.

The workshop building (background):

15.52 The remains (lower wall sections) of a building in this location were present in the early 2000's. The applicants applied to rebuild this building as an agricultural store/ancillary rest room in 2005 (1/W/05/000620). It was refused based on development plan policies at the time (mainly lack of evidenced business plan and visually detrimental to Area of Outstanding Natural Beauty). At some point some years later (circa 2010-11) a building was constructed here. The appeal decision in 2012 acknowledged this barn's presence and indeed the Inspector acknowledged its presence in condition 5 "No primary residential accommodation shall be formed in the barn". The building was constructed more than 4 years ago. However, it is possible that condition 3 of permission WD/D/15/000305 requires the building to be removed and if so the building would not be immune from enforcement action. As a result the impacts of the building are considered below.

Effect on Dorset National Landscape and Visual Amenity:

15.53 The policy context includes the National Planning Policy Framework (NPPF) 2024, the Planning Policy for Travellers (PPTS) 2024, The Countryside and Rights of Way Act 2000, the adopted West Dorset, Weymouth and Portland Local Plan 2015 and the Dorset National Landscape Management Plan 2026 – 2031.

15.54 The site lies within the Dorset National Landscape (formerly known as AONB) and adjacent to public rights of way. As such the visual impact on the area has to be considered carefully.

15.55 The scheme includes an existing barn of natural stone and timber with a pitched slate roof. This is used as a dayroom/workshop/store. On the south-east side of this is a green painted caravan used for residential purposes. An awning extends from this with open sides. A sink, communal cooking facilities and a fire-pit are located here. A mobile home-type structure is located immediately north-east of these structures, measuring 14.84 x 5.1m with an internal height of 2.8m. This structure rests on slabs/blocks, with ship-lap timber cladding sides and a corrugated dark grey coloured near-flat roof. The touring caravan previously indicated on the plans at the western edge of the frontage car park has now been replaced with a long wheelbase motor-van instead (used for accommodation when driven to events).

15.56 It is clear from historic appeal decisions here that the effect of development on the character and appearance of the Dorset National Landscape has been a significant material planning issue. Over time the applicants have carried out landscaping to help mitigate the site's impact.

15.57 In March 2012 the appeal inspector noted that *“the planting, tidying up and relocating items have improved the site’s appearance.”* And also *“some new low box and yew hedging on the sides of the footpath and near the lane has somewhat improved the situation, but in my view not enough to adequately mitigate the impact”*.

He concluded on the AONB issue:

“I acknowledge that the appellants improvements have reduced the original harm to the AONB, but the development is still readily visible, especially when vegetation is not in leaf. In my view it still compromises the designation of the AONB, in breach of the development plan, although to a lesser extent.”

Condition 6 of the allowed 2012 appeal decision required some landscaping details - which were provided at the time.

15.58 The site is visible from the public bridleway W21/14 passing the site frontage (on Meerhay Lane) and from public footpath W21/21 which runs through the site passing across the parking area, past the barn on its south-west side before being contained between the yew/box hedging for a short distance before exiting south-eastwards into a meadow then eastwards with filtered views back. Footpath W21/12 branches south-eastwards past a manege (the property being more screened by vegetation from here). It lacks visibility from more distant viewpoints due to the wooded context.

15.59 National Planning Policy Framework (NPPF 2024) makes the following reference to National Landscapes in paragraph 189:

“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.”

In the context of the above the scheme includes planting and landscape management measures which help to enhance the local National Landscape due to more appropriate native species planting and coppice management, together with ecological gains (such as hibernacula).

15.60 The site is subject to a Tree Preservation Order including beech, sycamore, ash and yew. The Tree Officer has advised that the woodland management is acceptable in this context.

15.61 The scheme has also been assessed in relation to para 190 and 191 of the NPPF 2024 regarding major development. Footnote 67 to the NPPF states that *“for the purposes of paragraphs 190 and 191, whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and*

whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.” The Case Officers judgement is that the nature of the proposal being residential and for one family and on a relatively small and visually contained site, coupled with the case officer’s assessment that the scheme is not considered to have a significant adverse impact on the purposes for which the area has been designated means that the development is not considered to be ‘major development’ for the purposes of paragraphs 190 and 191 of the NPPF.

15.62 Regarding PPTS 2024 this includes guidance on visual aspects: In its Introduction (para 4k) the governments aims include *for local planning authorities to have due regard to the protection of local amenity and the environment.*

Para 26 states:

Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

Within the considerations under Policy H it goes on to say at para 27:

When considering applications, local planning authorities should attach weight to the following matters:

b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness

Representations have included the view that the development is harmful to the National Landscape from the lane and right of way because the workshop and main mobile home structure can be seen from here. In the officer’s assessment, the mobile home structure is largely screened by the timber boundary fence. Whilst the workshop is clearly visible, its small scale, appropriate pitched roof design and traditional materials finish contribute to its visual acceptability adjacent to the lane/bridleway, and apart from the vehicular access to the site, views are filtered by existing tree planting along the lane. The siting of the structures set back from the top bank of the stream passing the site helps foster a sense of openness to the stream channel (which is crossed by the public footpath). Furthermore, the immediate wider environment is positively enhanced by the proposed woodland management which will help enhance the environment. Having regard to the small scale, visual compactness of the scheme coupled with existing and proposed planting and woodland management it is considered that the development reflects the aims of the paragraphs above as quoted and that impacts are consequently regarded as very limited.

15.63 Turning to the Dorset National Landscape Management Plan 2026-31 which is also relevant. Policies within this include:

Policy C1a: Development should seek to conserve and enhance the National Landscape

Policy C2a: Require high-quality landscape assessment and evidence-based planning

Policy C3c: Enable appropriate development that supports adaptation to, and mitigation of climate change.

15.64 The establishment of traditional woodland coppice rotation management is consistent with Policies C1a and C2a above. The scheme would make beneficial contributions to the National Landscape addressed by condition consistent with policy C2a. There are ecological gains from the increased habitat mosaic and hibernaculums proposed which would be consistent with policy C3c.

15.65 Section 85 of the Countryside and Rights of Way Act 2000 (CROW) require relevant authorities (including Local Planning Authorities) to “seek to further the purposes of conserving and enhancing the natural beauty of the area of outstanding natural beauty” (rather than “have regard to...”) in relation to land in an AONB. As mentioned earlier the site is adjacent to two public rights of way; a footpath running past the site crossing the stream, and a bridleway which runs along Meerhay Lane past the site frontage. The landscaping measures include removal of non-native species within the hedgerows. For example, species such as mahonia and sycamore will be removed from the lane-side hedge to the north and replaced by native hedgerow planting. A small orchard will be planted just east of this hedgerow. The now well established relatively high yew/box hedging south of the barn associated with the stream crossing would remain. The woodland areas within the applicants control flanking the bridleway along the lane and south-west of the footpath crossing the stream would be selectively coppiced on a 7-year rotation. In these areas non-native species would be removed with particular emphasis on coppicing hazel stools. These measures mitigate and more than compensate for the limited impacts of the development so that the proposal is considered to enhance the natural beauty of the National Landscape.

15.66 Turning to the adopted West Dorset, Weymouth and Portland Local Plan 2015, Whilst the traveller accommodation-related development sits within relevant policies, there is not a specific policy to encompass direct support for the workshop building. However, assessing the relevant planning issues, in visual terms the small scale, pitched roof design and traditional materials palette are appropriate. In terms of residential amenity there would be no unacceptable overlooking or loss of privacy to neighbours as other residential properties are located at a significant distance from the building. Regarding parking, there is sufficient parking space adjacent to support its use as workshop/dayroom/ancillary building.

15.67 Policy ENV1 includes ensuring development does not harm the character, special qualities or natural beauty of the Dorset Area of Outstanding Natural Beauty (National Landscape). In respect of this application it is considered that the visually contained site size combined with the existing planting including hedging and the proposed planting and woodland management would enhance the National Landscape. The proposals would seek to enhance and restore locally distinctive

landscape features such as the hedging and coppicing which would be consistent with ENV1 ii).

15.68 Policy ENV10 (the landscape and townscape setting) is also relevant to the scheme. The existing and proposed soft landscaping would help to successfully integrate the site with the surrounding area and would be consistent with ENV10 iii). The coppicing would be a traditional feature to enhance local character consistent with ENV10 iv).

15.69 Whilst the small scale of this current application does not require a full Landscape and Visual Impact Assessment the applicant has provided a Landscape Assessment. This does not include photographs to show the site at different times of year. However, the Landscape Officer for the Dorset National Landscape has reviewed the applicants' submitted Landscape Assessment and has visited the site to assess this scheme. The overall conclusion the officer reaches is that they *"consider that the proposal would not result in significant harm to the character and appearance of the AONB. However, I advise that further consideration is given to opportunities to enhance the site through the determination of this application"*.

15.70 Following from the landscape officers comment the applicant has provided further landscape proposals; Tda.2509.05 (rev a) and an accompanying Landscape Specification and Management Plan. This would include native hedgerow enhancement, new orchard planting, box and yew hedging retained, removal of some non-native species and woodland management including some coppicing. This scheme has been referred to the Dorset National Landscape Officer who comments that *"not all of the suggestions I made have been incorporated, However, some of the more important recommendations are included"*. The officer then states:

Whilst there are some suggestions that have not been adopted, the applicant has included proposals to improve the structure of the roadside hedge, will plant a small orchard and, perhaps most significantly, has offered coppice management in the wider woodland. As noted in my earlier advice, our Landscape Character Assessment (LCA) guidance for this area promotes the replanting of hedgerow sections where historical loss has occurred and the planting of new hedgerow trees/enhanced woodland management, particularly coppice woodlands with small-scale planting of broadleaves along valley sides. The LCA guidelines also promote the restoration of orchards which can be broadly extended to supporting the proposed planting.

15.71 Regarding the workshop building (barn) the building is being used as a workshop/dayroom/ancillary facility to the occupation of the site by the family. As such it is clearly linked to the work and travelling activity of the users. The building is of modest scale, of appropriate pitched roof design and uses vernacular external materials. Consequently, it has a rural character and whilst not agricultural in its use, it nevertheless has an appearance suggestive of an agricultural-type use. The

Landscape Officer, National Landscape stated: *in terms of scale and materials there are no significant concerns about the landscape/visual impacts of this building.* Furthermore, the Landscape Officers comments include *“the site is comprised of relatively small-scale elements that do not fundamentally detract from the natural beauty of the area.”*

- 15.72 The submitted landscaping information significantly adds to the overall standard of landscaping which would be achieved relative to this site as part of this application. Whilst it is true to say that the site would still be apparent from public land/public rights of way and a residential presence in this location would be visible, the combination of existing landscaping, proposed landscaping, coupled with the quite tightly visually contained accommodation structures and appropriately designed barn helps to mitigate and also more than compensate for the limited visual impact. Taking into account the National Landscape Officers view, the Case Officer considers the additional planting and proposed landscape management, which can be secured by condition, does seek to further the purposes of conserving and enhancing the natural beauty of the Dorset National Landscape. The limited impacts that arise from the visibility of the site from public land and public rights of way are considered to be outweighed by the enhancements arising from the additional planting and proposed landscape management.

Utilities and Services:

- 15.73 The site is powered by a 12 volt electrical system using battery storage and solar panels for generation. Heating is provided by solid fuel stoves and there is an LPG gas bottle for a gas fired cooker. Regarding water supply the site uses existing spring water from sources higher up on the site to provide piped potable water. Regarding sanitation arrangements liquid waste is processed in lidded containers via active charcoal, and solids via soil closet mixed with sawdust. The used charcoal and soil waste is then transferred for secondary treatment either within a composter for solid matter or spread onto land in the case of the charcoal. The mobile home is served by grey water sewerage in the form of a pit dug within the (predominant) clay subsoil and filled with pea gravel. there is no overflow to the stream. The (former) Team Leader Housing Standards West has visited the site to verify these measures. Surface water drains to the existing adjacent watercourse.
- 15.74 These measures have been communicated to the Environment Agency who have indicated they do not wish to comment on the application. In light of the above the scheme is considered to satisfy local plan policy COM 10 (Provision of utilities service infrastructure).
- 15.75 The applicant has also submitted an application to the Council's Environmental Health Section for a caravan site licence. This cannot be approved unless planning approval is first granted. .
- Residential Amenity:**
- 15.76 The area lies in a wooded countryside location with several dwellings in the locality. Opposite, but set back from the lane is Meerhay Cottage (this is the nearest

residential property over 40m away to the east). Further to the south-west is Meerhay Manor, and further to the north-east is Higher Meerhay Farm. Due to the significant distances, there is no unacceptable overlooking or loss of privacy issues. Accordingly, the scheme is considered consistent with local plan policy ENV16 (Amenity). It is also consistent with the PPTS aim in point k where local planning authorities should " *have regard to the protection of local amenity and local environment.*"

Flood Risk:

15.77 With the release of new National Flood Risk Maps as part of the National Flood Risk Assessment 2 by the Environment Agency, the maps show annual likelihood of surface water flooding at 1 in 30, 1 in 100 and 1 in 1000 and the latter appears to affect part of this site.

15.78 Accordingly, the applicant has submitted a Flood Risk Assessment dated 17/10/25 which reviews the various origins of potential flood waters. This has been reviewed by the Flood Risk Management Team. In terms of surface water a very small proportion of the site along with short sections of the access road to both the north and south of the site is shown to be at risk of surface water flooding.

15.79 The FRA states:

8.2 It is only the access to the Site that is at risk of flooding. However, there is a Very low chance of the flood depth reaching 60cm in depth and Low to Very low chance of the flood depth reaching 30cm. There is a High to Medium chance of flood waters reaching 20cm, however, this could be traversed with care in emergency by a vehicle, particularly given the short length of road at risk of flooding. It is also noted that the flood depth and flood risk to the access is likely to be overstated as the mapping is unlikely to have accounted for the culvert.

15.80 The Councils Project Engineer has within his comments stated: *The floor level of the residential mobile home is at least 1m above the estimated flood level.* He concludes by saying; *he generally agrees with the conclusions of the FRA. The LLFA do not object to the proposed scope of development.* He does also comment that the LPA may consider a condition regarding flood depth markers along a small section of the access track may be appropriate. Whilst the Councils Project Engineer suggests a planning condition this is not a strongly advised point. The markers would not mitigate any flood risk, rather they would only advise of driving depth so that someone driving along can make a more informed choice about driving through flood waters but there are several short sections of the track that are potentially at risk of flooding and there wouldn't be markers at all of them. It is not considered necessary to condition the provision of flood markers to make the development acceptable and therefore such a condition would not meet the tests that conditions are required to. In the light of the above considerations the scheme is considered to be acceptable in terms of policy ENV5 of the Local Plan.

Highways:

15.81 From Beaminster the site is accessed via Bowgrove Road and then via Meerhay Lane. The lanes leading to the site are relatively narrow lacking footways. There is an existing vehicular access to the site itself together with an ample off-road parking area. The Highways Officer comments that:

The site's vehicular access is gained from a private road and not highway maintained at the public expense. Given the quantum of development the Highway Authority considers that the proposal does not present a material harm to the transport network or to highway safety and consequently has no objection.

15.82 In light of the above it is considered that the scheme is acceptable in highway safety terms and is compliant with local plan policy COM7 (Creating a safe and efficient transport network).

Planning balance:

15.83 Paragraph 3 of the PPTS (2024) states that the Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.

15.84 From the review in this report of planning policy and relevant documents it is clear that the task of identifying suitable sites for gypsies and travellers in the Dorset Council area is difficult and on-going. Dorset Council's area is constrained by an extensive and widespread range of landscape designations including green belt and National Landscape and ecological designations such as SSSI's and European Protected sites, such that potential sites outside such designated areas are likely to be limited. Neither need or supply are static and the level of unmet need for sites is *increasing* over time. A strategy is to be incorporated in the emerging Dorset Council Local Plan, albeit the Local Plan will not be adopted until Winter 2027 at the earliest. Hence the Council cannot currently demonstrate an up-to date 5 year supply of deliverable sites.

15.85 Under Policy H of the PPTS 2024 para 28 states:

28. If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, the provisions in paragraph 11(d) of the National Planning Policy Framework apply. Local planning authorities should consider how they could overcome planning objections to particular proposals using planning conditions or planning obligations including:

a) limiting which parts of a site may be used for any business operations, in order to minimise the visual impact and limit the effect of noise

b) specifying the number of days the site can be occupied by more than the allowed number of caravans (which permits visitors and allows attendance at family or community events)

c) limiting the maximum number of days for which caravans might be permitted to stay on a transit site

15.86 Paragraph 11(d) of the NPPF states that decisions should apply a presumption in favour of sustainable development and sets out the criteria for doing so. In the context of paragraph 11(d) there *are* relevant development plan policies to the scheme which have been considered in this report and are further considered below.

15.87 A letter of objection received in April 2025 disagrees with the weight attached to different material considerations by the officer. However, this is a matter of planning judgement for the Committee. The officer's recommendation takes into account the fact that the Landscape Officer, Dorset National Landscape considers the scheme more appropriate; that the applicants have added to landscaping over the years and that they have submitted a detailed woodland management plan (including ecological enhancements) which will enhance the local area of woodland and hence the National Landscape.

15.88 The site in question has been the subject of several temporary permissions in the past and this traveller family has resided on the site for about 21 years. The planning officer is not aware of any complaints regarding traffic to the Highways Section or to the Environmental Health Section regarding the use of this site over this time.

15.89 Whilst there does not appear to have been recent rigorous efforts by the applicants to find an alternative site the applicant has, at the planning officer's request, been to view two council-owned sites in the wider Central Dorset area. The applicant has explained why they felt these sites were not acceptable. These included community/location and cultural difference reasons and a more sustainable approach to living by the applicants and the GLO has confirmed that the cultural difference concerns can have some substance. The applicants need for workshop facilities and storage is less likely to be found at a "conventional" site. There is no legal or express policy requirement for the applicants to search for an alternative site but the availability (or lack) of available sites for the applicant is a consideration under national policy. That said, the extent of any such search is a material consideration to be weighed in the planning balance.

15.90 Whilst the site is clearly in the countryside it is not in a geographically remote location. The town of Beaminster is about 1.8km away and could be accessed by walking or bicycle, albeit on unlit roads or rights of way, and the town has a good range of services and facilities. Indeed, this was acknowledged in the 2012 appeal decision where the Inspector considered the proposal to be "a sustainable form of traveller development" (Para 24). The granting of planning permission for this site is not considered to set a precedent since the applicants meet the definition of travellers in the PPTS and each application is considered on its own merits, even if it were in the context of another proposal for a traveller site.

15.91 When considering the application against the PPTS 2024 government advice, Policy C: Sites in Rural Areas and the countryside states:

When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.

And Policy H para 26 states:

LPA's should very strictly limit new traveller development in open countryside that is away from existing settlements or outside areas allocated in the development plan. LPA's should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure

The compactness and small scale of this site for use by a single traveller family mean that the proposal is considered to comply with the above policies of the PPTS.

15.92 Policy H of the PPTS gives a number of parameters starting with the point that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

15.93 Policy SUS2 (distribution of development) of the adopted Local Plan allows for gypsy/traveller development outside defined development boundaries, but provided it is strictly controlled, having particular regard to the need for protection of the countryside and environmental constraints. It will be gathered from this report that landscaping improvements are included in this application, and that the site would be strictly controlled in extent by virtue of planning conditions. The particular way this family use the site in a physically contained way, following sustainable lifestyle principles and knowledge of woodland management means it is reasonable to impose a personal use condition.

15.94 Regarding Policy INT1 of the adopted Local Plan, (presumption in favour of sustainable development) this development would contribute environmental improvements through the additional planting and woodland management and contribute towards the social dimension due to the applicant's community work.

15.95 Regarding Policy ENV1 (Landscape, seascape and sites of geological interest) the existing structures- without any mitigation-would cause some limited harm. However, the existing and proposed landscaping would provide beneficial visual mitigation and enhancements to the National Landscape (AONB) and views from public rights of way. The proposed woodland management would also help restore locally distinctive landscape features (including orchard planting and coppicing) consistent with that policy. ENV10 (the landscape and townscape setting) is also relevant as the scheme includes additional planting. The site is relatively compact and visually contained. The proposed landscaping also accords with 27(b) of PPTS Policy H in that: *When considering applications, local planning authorities should attach weight to the following matters: (which include 27b): sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness.*

15.96 The applicants are seeking this application to be for the *permanent* continuation of the site for this traveller family. There have been material changes in circumstances since the last permission in 2015; the level of sites now needed has markedly increased; existing landscaping has further established at the site; additional planting and a landscape management plan are now proposed to enhance the Dorset National Landscape (and which are recommended to be secured by condition); and ecological benefits are also included. Whilst pitches on authorised sites can become available from time to time it is noted the standardised utility provisions, relatively small plot sizes and locations distant from the current location (which is linked to community and work- related connections) do not relate well to the operational needs of this Traveller family.

15.97 Paragraph 25 of the PPTS states that local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- a) the existing level of local provision and need for sites
- b) the availability (or lack) of alternative accommodation for the applicants
- c) other personal circumstances of the applicant.

15.98 As there is no 5 year supply of sites the Development Plan is considered to be out of date so that paragraph 11d of the NPPF is engaged. Having regard to 11d(i) and the consideration of the National Landscape and Flood risk as identified by the NPPF it is considered that these do not provide a reason for refusing the application. Indeed, the development would have only limited localised visual impacts which would be mitigated and more than compensated for by the existing and proposed planting and there would be an enhancement to the National Landscape from the planting, removal of non-native species and the woodland management. The development would not adversely impact on flood risk and has been shown to be safe for its lifetime given floor levels and the potential for limited surface water flooding on the access lane.

15.99 The level of unmet site need carries significant and even if tempered by the applicants limited search for sites it still carries moderate weight. Having said this, the applicants' needs for adequate workshop space to facilitate their livelihood, an important consideration, carries some weight. Whilst there would be very limited localised visual impacts from public rights of way (mitigated by the existing/proposed planting), this is outweighed by the weight that should be attached to the detailed woodland landscape management in enhancing the National Landscape proposed as part of this scheme. The management and enhancement of the adjoining woodland is an important material consideration here.

15.100 In respect of 11d(ii) there are no adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits identified in this report. Given the above, it is considered that the proposal is in accordance with the Development Plan as a whole and there are no material considerations indicating

that permission should be refused, so that a permanent permission is acceptable subject to planning conditions.

16.0 Conclusion

- 16.1 For the reasons set out above the site is considered appropriate for a permanent grant of permission subject to planning conditions.

17.0 Recommendation

Grant permission subject to conditions:

1.The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan TDA.2509.03A

Existing and Proposed site Layout TDA.2509.01C

Planting Plan 2015 (received 11/8/2015)

Landscape Plan TDA 2509.04A

Landscape Specification and Management Plan Rev A (January 2024)

Elevations of existing barn TDA.2509.06

Reason: For the avoidance of doubt and in the interests of proper planning.

2. The use hereby permitted shall be carried on only by Mr T Langton and Ms R McGill and their resident dependents only.

Reason: In the interests of protecting the natural beauty of the Dorset National Landscape.

3. Within 4 months of the site ceasing to be permanently occupied by those named in condition 2 above the use hereby permitted shall permanently cease and all residential use shall cease and all caravan/mobile home structures, materials and equipment brought onto the land shown edged red on the approved plan (excepting the natural stone barn), shall be removed and the land restored to its former condition before the development took place in accordance with the scheme and timetable for restoration which shall have first been agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting the natural beauty of the Dorset National Landscape.

4. The development hereby permitted shall be in accordance with layout plan TDA 2509.01C with the main caravan/mobile home structure stationed adjacent to the north-east side of the barn, and the secondary caravan (both used for residential purposes) retained on the south-east side of the barn all within the site area edged red.

Reason: In the interests of helping to minimise the impact on the Dorset National Landscape.

5 The (travelling) touring motor van/or touring caravan shall be parked when not in use in the location indicated on layout plan TDA 2509.01C within the site area edged red.

Reason: In the interests of helping to minimise the impact on the Dorset National Landscape.

6. No more than two caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be used for residential occupancy purposes whilst stationed on the site shown edged red on the approved plan TDA 2509.01C. No additional caravans shall be stationed on the site.

Reason: In the interests of limiting the amount of residential-related development and of helping to minimise the impact on the Dorset National Landscape.

7. The red-lined site area on the approved location plan shall only be used for purposes ancillary to the residential use of the approved main caravan/mobile home structure (adjacent the north-east side of the barn). The barn shall not be used for primary residential accommodation (sleeping accommodation).

Reason: To ensure control over the location and extent of the residential use in the interests of the visual amenity of the Dorset National Landscape.

8. The planting shown on Wintergreen Planting Plan 2015 (received 11/8/2015) shall be permanently retained at the site and any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of protecting the Dorset National Landscape.

9. The soft landscaping works shown on Detailed Landscape Proposals Plan TDA.2509.04A must be carried out in full during the first planting season (November to February) following approval of the development or within a timescale to be agreed in writing with the Local Planning Authority. The soft landscaping shall thereafter be maintained and managed in accordance with the submitted Landscape Specification and Management Plan (Rev A) updated January 2024. Any trees or plants which are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure the satisfactory landscape enhancements to the site which lies within the Dorset National Landscape.

10. Every year following the grant of this planning permission annual woodland management operations shall be carried out in accordance with the details show on the Detailed Landscape Proposals Plan TDA.2509.04A and as set out in the Landscape Specification and Management Plan (Rev A) updated January 2024. Prior to the commencement of annual woodland management operations on site, trees to be removed (non-native and dangerous/leaning) are to be clearly marked and agreed for felling with the local planning authority in writing. Replacement tree species for any removed trees, with tree planting measures, are also to be agreed in writing with the local planning authority and undertaken during the first available planting season following tree removal works.

Reason: To ensure the satisfactory landscape enhancements to the site which lies within the Dorset National Landscape.

11. Within 3 months of the date of this permission details of the hibernacula design and timetable for its construction shall have been submitted to and approved in writing by the local planning authority. The hibernacula shall be provided in accordance with approved details. After construction the hibernacula shall be permanently retained thereafter.

Reason: In the interests of enhancing the ecological value of the area.

Informatives:

1. Informative: National Planning Policy Framework Statement

In accordance with paragraph 39 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.

2. Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to

have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Dorset Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in full in a subsequent informative below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply.

- The application for planning permission was made before 12 February 2024.

Read more about Biodiversity Net Gain at

<https://www.dorsetcouncil.gov.uk/w/biodiversity-net-gain>

2. Statutory Exemptions and Transitional Arrangements in respect of the Biodiversity Gain Plan

1. The application for planning permission was made before 12 February 2024.

2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and

(i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or

(ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

- i) the application for planning permission was made before 2 April 2024;
- ii) planning permission is granted which has effect before 2 April 2024; or
- iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A “householder application” means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* “original planning permission means the permission to which the section 73 planning permission relates” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.