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03 June 2012

email and first class post

Dear Ms GREGORY,

Planning for Traveller Sites and National Planning Policy Framework

Many thanks for your letter of 18 April 2012. I am authorised to write to you on behalf of Levi GUMBLE the owner of the Forge Caravan Site, Combs Lane, Great Finborough, Stowmarket, IP14 3BH. The Forge is mentioned in paragraph 6.36 of the Stowmarket Area Action Plan. The Forge was first identified in the SAAP under Policy 36 without consultation in the version of the local plan produced in 2009. It is understood that this version has now been abandoned. There continues to be specific reference to the Forge (Annexe 1). However, this is not linked to any specific policy. The land is identified as being within a River Valley and subject to these policies.

There has been specific guidance for gypsy traveller sites to Council's since 2006. Circular ODPM 2006/01 has recently been replaced and the government has issued new planning guidance for traveller sites in March 2012. This initiative was part of a raft of new initiatives announced in April 2011. I have attached a copy of the document used to announce the initiatives by the Government [1].

THE STOWMARKET AREA ACTION PLAN

Mid Suffolk accepted the need for provision identified in the Regional Spatial Strategy of July 2009 that it needed to have 111 gypsy / traveller pitches approved through the planning system by 2011 and that following 2011 there should be an annual 3% compound increase in number of pitches. This means that by 2016 the Council should have 129 pitches in the district, and have planned for their provision through identification of the required supply of housing land in a development plan document.

The Council identifies it is understood that it has failed to meet a requirement to provide 19 of the 111 pitches it agreed to provide before 2011. This means that Mid Suffolk should have a development plan document identifying the location of 37 pitches in its district. The land supply allocations do not appear to exist

despite Policy CS10 of the Core Strategy clearly identifying the criteria to be used by the Council in identifying new sites.

It is reasonably well accepted that about 90 per cent of gypsy / travellers currently homeless are unable to afford to purchase and/or develop sites. It must consequently be anticipated that the majority of sites to be provided as rural exception sites shall need to be affordable rural exception sites with free land provided by the Council. This means that there shall be a need for effective partnership working between the Council's Strategic Housing and Planning functions to ensure that both land and resources are available and can be delivered. The Council has identified that it intends to produce a development plan document with Babergh Council. Babergh Council acknowledged that it needed to provide 15 pitches in Policy H3 of the Regional Spatial Strategy published in July 2009. This means that in 2016 Babergh will need to identify 17 pitches by 2016. In total the development plan document to be produced by the two Council's will need to identify 54 pitches of which 47 shall need to be affordable. If the Forge should cease to be retained as a gypsy / traveller site the Council will need to identify 73 pitches and have land available of which 66 will need to be social. A number of temporary consents shall in addition need to become permanent.

The Council's will no doubt need to review their policies to take good account of the Equalities and Human Rights Acts to determine to which group (settled and/or traveller) affordable housing should be provided and to which the Council should make resources available. There would appear to be challenging times facing both Council's as without identified affordable land for gypsy / travellers being made available through a DPD it is unlikely that they will have an effective planning enforcement function or have a need for a strategic housing function.

The Council has managed to create major problems for itself by failing to engage with the public, co-operate with travellers or base its decisions on robust evidence. The Council appears to have acted in this way to avoid having to produce a Development Plan Document to identify the location of potential pitches (with the exception of the Forge established in 1982), discuss its proposals with representative bodies or co-operate with travellers. .

THE FORGE

The Secretary of State has recently refused to uphold a Compulsory Purchase Order sought by Mid Suffolk in relation to the Forge. Attached are copies of the Inspectors Report **[2]** and the Secretary of States decision letter **[3]**.

The new National Planning Framework and the planning guidance for traveller sites have been reviewed with in particular paragraphs 6.35 and 6.36 of the Stowmarket Area Action Plan.

If the Council should be producing a development plan document for gypsy / travellers the Forge should be identified in this document. The provision that the

Forge makes available has been provided despite the Council. The Forge makes a contribution of 19 pitches to the GTAA produced in 2007. As such an additional 3 pitches to enable natural growth in the Stowmarket Area should be identified (i.e. the Forge should have 22 pitches) in the SAAP. To bring the existing site up to HCA standards some expansion is required. The land needed to enable expansion is available on the Forge's land **[4a]**.

There are some errors of fact in the Council's paragraph 6.36. The issues have been subject to recent consideration by the Secretary of State. The Forge is occupied, and the owner as an ethnic gypsy is more than willing for it to continue in its current use as a gypsy / traveller site. There will be a need for some extension to bring it up to the decent homes standard. The Council identifies at paragraph 6.35 that it supports such initiatives. Curiously, the Council in the Compulsory Purchase Order that it recently sought identifies that it wished to reduce the number of pitches from 19 to 12. This was strongly opposed by the local community, with the exception of a solitary District Councillor who lives opposite the site. It is only since February 2011 that gypsy travellers have been able to access HCA funds without being required to lose their land **[4b]**. The Secretary of State will note that the Council's CPO was issued in January 2011. The meadow land forms part of the Forge and the two areas of land identified by the Council are in the process of being registered at HM Land Registry as a single landholding.

It is strongly disputed that the Council requires a controlling interest in the site, as this indicates wrongly that the Council needs to control people's land for there to be both market and affordable housing provision.

The support of the Council for the existing landowner to access pitch refurbishment funding for the 19 pitches at the Forge from the HCA and to identify this in its local development document is greatly appreciated,. The Council's failure to support the land owner access HCA funds is currently subject to proceedings. Land for an additional three pitches in the area covered by the Stowmarket Area Action Plan has been identified close to the Forge and planning consents shall be sought. The land owner wishes the land to be made available for use as a gypsy traveller site for the District Councillors benefit. It is possible that the Council with the agreement of those affected might wish to correct some of its errors of fact in paragraph 6.36.

If the Council should be of the opinion that the Forge should not be safeguarded in line with Core Strategy Policy CS10 and support the owner to access HCA funds the site should be designated as affordable housing land in the local plan, and be exempted from all s106 or CIL requirements to ensure fair play in planning, and help rebuild community relations. I am sure that the Secretary of States Inspector agrees. Identification that inclusion of the Forge meets the need of the Council to produce a sites DPD and have a good evidence base that enables rational decision making is a requirement, and in this domain the Council has again failed to make a compelling case. Identification of the Forge as a Gypsy site in the SAAP serves nothing. The entire reference to gypsy travellers

should be removed to enable the Council to produce a site specific DPD based on robust evidence. This should be identified in the Core Strategy.

If required I would be most happy to attend any meeting that the Inspector might wish to convene into the Council's compliance with the new Planning Framework and Planning policy for traveller sites. The Council's failure to act reasonably seems to be a desire on its part to transfer costs associated with its failure to take proper account of the Secretary of States guidance onto local residents by not contributing to the achievement of sustainable development. The Secretary of State and their Inspector will note that the CPO was issued under the Planning Acts.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Stuart Hardwicke Carruthers', written in a cursive style.

Stuart HARDWICKE CARRUTHERS

- [1] CLG press release dated 13 April 2011
- [2] Inspectors report into the proposed compulsory purchase of the Forge
- [3] Secretary of States decision letter in relation to proposed compulsory purchase of the Forge dated 17 April 2012
- [4a] Compulsory Purchase Order issued by the Council on about 27 January 2011
- [4b] Statement of the Council's reasons for seeking a Compulsory purchase Order.

Annexe 1

Gypsy and Traveller Provision

- 6.35 The east of England Plan, Gypsy and Traveller policies require Mid Suffolk to deliver a total of 111 pitches by 2011, and then an increase of 3% per annum (compounded) to 2016, which is approximately 129 pitches. The Suffolk Gypsy and Traveller Accommodation Assessment 2006 (GTAA) credits Mid Suffolk with 69 pitches in 2006 and therefore the district is tasked with providing an additional 42 pitches by 2011. Mid Suffolk has made good progress so far through the permitting the extension of existing sites and a previously unauthorised site so that the current shortfall for the district to the 2011 is now 14 pitches. Analysis of unauthorised encampments and developments shows that the majority are in the north-west and north-east of the district, and this is where the Council is concentrating its search for new sites rather than the Stowmarket area,
- 6.36 The largest existing site in the district is in the Stowmarket area at the Forge, Combs Lane. This has permission for 19 pitches, but in recent times its occupation levels have fallen sufficiently to question its continuation as part of Mid Suffolk's provision. The current owner has indicated that they would prefer alternative uses for the site. However, the Council's position is that it is unwilling to lose the site from Mid Suffolk provision and that the permitted use as a Gypsy Traveller site should be safeguarded in line with Core Strategy Policy CS10. The Council will also seek to refuse planning permission for the site other than as a permanent Gypsy Traveller site. Some redevelopment of the site is essential if it is to fulfil its potential and this can only be ensured if the Council holds a controlling interest. Consequently, the Council will seek to safeguard its future initially by negotiation but potentially through compulsory purchase of the land, if required. The Council will seek the re-development of the site in line with the Homes and Communities Agency guidelines for grant-aiding such projects., including the necessary partnership working, management systems, consultation processes, design and subsequent tenure options.

Eric Pickles: time for fair play for all on planning

Published 13 April 2011

Communities Secretary Eric Pickles today announced proposals for a more localist and fairer way of providing sites for travellers, building on earlier commitments to strengthen measures to tackle the abuse of the planning system.

In new proposed planning guidelines, the Green Belt and countryside will have more robust protection, local councils will have more discretion, and local planning authorities will have a stronger hand in supporting appropriate development. Central guidance to councils on compulsorily purchasing land for travellers sites will be removed, and top-down Whitehall planning rules, which Ministers believe were counterproductive, will be abolished.

Ministers believe planning regulations have seriously harmed community relations over the last few years, by imposing targets for traveller sites on local councils, increasing the number of unauthorised sites, and compelling councils to encroach onto the Green Belt. At the same time the old planning rules created a perception of special treatment for some groups, undermining the notion of 'fair play' in the planning system and further harming community cohesion.

Communities and Local Government Secretary Eric Pickles said:

"Top-down planning diktats led to the worst of both worlds - more unauthorised sites and worsening community relations. It's time for fair play in the planning system - standing up for those who play by the rules, and tougher action for those who abuse and play the system.

"We are giving councils the power and discretion to protect the environment and help rebuild community relations. Clearer planning guidelines will make the planning system easier for all to understand.

"A small minority may still try to abuse the system. Councils should be particularly vigilant over the extended Royal Wedding and Easter weekends to take firm action against anyone who tries."

Outlining the support for authorised sites in the Government's new approach, Communities Minister Andrew Stunell said:

"The majority of travellers are law-abiding citizens and they should be given the same opportunities as everyone else to live in a safe place where they can bring up their children.

"The New Homes Bonus and £60 million of site grants will support councils to build and plan new official sites. We will also give law-abiding travellers better protection against eviction and the same rights and responsibilities as residents on other mobile home sites.

"We want to ensure a smooth transition to the new system - so the Government will also help provide training opportunities for councillors about their new role."

The new planning policy will give councils the freedom and responsibility to determine the right level of traveller site provision in their area, in consultation with local communities, while ensuring fairness in the planning system. It sits within a broader package of reforms to abolish

the last Government's Regional Strategies and return planning powers to councils and communities.

Ministers believe that local planning authorities are best placed to know the needs of their communities, not unelected regional bodies. In line with other reforms to streamline the planning system, the new Planning Policy Statement will be a much shorter and clearer document that will be easier for councils and also members of the public to use effectively.

Measures to improve the provision of traveller sites include:

- **Stronger enforcement powers for councils** - strengthened enforcement powers will be made available to councils so they can tackle unauthorised development more effectively, helping to reduce community tensions. This will include action against speculative, unscrupulous private developers. A number of measures are already included in Localism Bill.
- **Stronger powers for councils to limit the opportunities for retrospective planning applications** - strengthened powers will help councils tackle any form of unauthorised development. Mr Pickles is calling on councils to be vigilant over the upcoming bank holiday weekends - including the extended Royal Wedding and Easter weekends - so there is no abuse of the planning system and retrospective planning applications.
- **Dale Farm funding** - Ministers have confirmed today that the department will provide up to £1.2m for Basildon Council to clear the unauthorised pitches on the Green Belt at the Dale Farm traveller site, given the exceptional nature of the case.
- **Stronger rights for residents of authorised council sites** - travellers on official council sites will benefit from changes to legislation that will give them the same protection against eviction as residents on other mobile home sites and other rights and responsibilities. At the same time councils will be able to take swift action against any travellers who flout the terms of their pitch agreements and they will be able to obtain possession orders with less risk of legal challenge.
- **New incentives to build authorised sites** - councils will be given incentives through the New Homes Bonus scheme to deliver new housing. This will include authorised traveller site so that councils will get financial benefits for providing sites where they are needed.
- **Pitch Funding** - the Government is providing £60 million of funding that councils and other registered providers can use to provide new authorised sites for travellers. Councils and other registered providers can apply to the Home and Communities Agency to use the funding.
- **Training for councillors** - the Government will provide £50,000 to support training for councillors about their leadership role in relation to traveller site provision and planning applications for sites. The funding will support the work of the body, Local Government Improvement and Development.

Notes to editors

1. The consultation published today will consider the details of a proposed new, single Planning Policy Statement that will replace *Circular 01/2006: Planning Gypsy and Traveller Caravan Sites* and *Circular 04/2007: Planning for Travelling Showpeople*. The consultation will run until 6 July 2011. A copy can be found at: www.communities.gov.uk/publications/planningandbuilding/travellersitesconsultation.

2. The circulars have become increasingly outdated in the context of broader reforms to the planning system, in particular the move towards more local decision making, shorter and

fewer statements of national planning policy and the abolition of Regional Strategies through the Localism Bill.

3. Following an earlier consultation, on 30 April 2011 Section 318 of the Housing and Regeneration Act 2008 will come into force. This will include traveller sites that are provided by local authorities in the Mobile Homes Act 1983. The responses to the consultation can be found at: [www.communities.gov.uk/publications/planningandbuilding / implementinghomesresponses](http://www.communities.gov.uk/publications/planningandbuilding/implementinghomesresponses).

4. The Government is providing £60 million of funding that councils and other registered providers can use to provide new authorised sites for travellers. Councils and other registered providers can apply to the Homes and Communities Agency for funding as part of the Affordable Homes Programme. Details of the Affordable Homes Programme can be found at: www.homesandcommunities.co.uk/affordable-homes (external link).

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The Planning
Inspectorate

CPO Report to the Secretary of State for Communities and Local Government

by Clive Hughes BA (Hons) MA DMS MRTPI

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

Date

TOWN AND COUNTRY PLANNING ACT 1990

ACQUISITION OF LAND ACT 1981

APPLICATION BY MID SUFFOLK DISTRICT COUNCIL

FOR CONFIRMATION OF THE

**MID SUFFOLK DISTRICT COUNCIL
(LAND AT COMBS LANE, GREAT FINBOROUGH)
COMPULSORY PURCHASE ORDER 2011**

Inquiry opened on 13 December 2011

Land at Combs Lane, Great Finborough, IP6 8DL

File Ref: LDN023/W3520/006/0002/001

File Ref: LDN023/W3520/006/0002/001

Land at Combs Lane, Great Finborough, IP6 8DL

- The Compulsory Purchase Order was made under section 226(1) (a) of the Town and Country Planning Act 1990 and the Acquisition of Land Act 1981 by Mid Suffolk District Council on 27 January 2011.
- The purposes of the Order are in facilitating its development as a gypsy caravan site with adjoining amenity or grazing land.
- When the Inquiry opened there were three remaining objections and 25 non-qualifying additional objections. No objections were withdrawn and 15 late objections were lodged.
- The inquiry sat for 3 days on 13, 14 and 15 December 2011.

Summary of Recommendation: That the Order be not confirmed.

Procedural Matters and Statutory Formalities

1. At the Inquiry an application for costs was made by Levi Gumble against the Acquiring Authority (AA). This application is the subject of a separate Report.
2. A list of abbreviations used is set out in Annex 1 at the end of this Report.
3. The site notices were posted late by the AA. The notices should have been posted 14 days before the Inquiry opened, in the event they were only posted 7 days before it opened. The AA had already written to the numerous non-qualifying objectors advising them of the date of the Inquiry. In addition it advertised the Inquiry in a local newspaper (East Anglian Daily Times; Document 22) and on its web page. The Inquiry was informed that both Parish Councils were aware of the Inquiry and had discussed the Order; some Councillors had submitted objections and one Parish Councillor addressed the Inquiry. There was a public meeting to discuss the Compulsory Purchase Order (CPO) held on 23 November at Great Finborough which was attended by 58 persons. This matter was only raised by one objector at the Inquiry and that was in the context of the alleged myriad failures of the Council rather than an indication that any persons had been unfairly prejudiced by this procedural error. There is no footway along Combs Lane past the site and I saw no pedestrians along this section of the road; it seems improbable that many local residents would be likely to see any site notice. Many local residents attended the Inquiry and I am satisfied that local residents were aware of it.
4. There is some disagreement between the AA and the land owner, Mr Levi Gumble, concerning the number of qualifying objectors. There is no dispute that Levi Gumble is the freehold owner of all the Order Lands. However, two of the letters submitted in the bundle of letters from non-qualifying objectors give the address of the writers as being The Forge Caravan Park. One of these objectors is still resident on the site while the former partner of the other writer also still lives there. The Property Information Form, submitted by Peacock Short "as instructed by Levi Gumble", says that there were, on 10 February 2010, no occupiers of the Order Lands. It was only in the Statement of Evidence III of Mr Carruthers submitted just before the Inquiry opened that it was alleged that the CPO was defective in that it did not identify the occupiers of the land (Document 18 para 25). At the Inquiry it became clear that many of these occupiers had not been present or had any interest in the Order Lands when the CPO was made.
5. One of the Council's reasons for making the Order relates to the under-occupation of the site. Some of the undisputed evidence shows that on occasions

the site has been vacant. In these circumstances it does not seem unreasonable for the AA to have accepted that the information provided by the agents (Peacock Short) for the land owner stating that there were no site occupiers was true and accurate. Only one of the other alleged occupiers, Mary Phillips, gave evidence to the Inquiry and this is outlined below. No evidence was put forward to substantiate the contention that any of the other names listed had an interest in the Order Lands on the date that the CPO was made.

6. Notwithstanding the above considerations, and to avoid prejudice to possible qualifying objectors, I have treated the letter of objection from Ms P Rowland as a qualifying objection on the basis that she probably had an interest in Plot 1 of the Order Lands when the CPO was made. Similarly, I have treated the oral evidence of Mary Phillips (incorrectly described as Mary Phillips & family in Mr Carruthers' evidence) as a qualifying objection. I have not treated the letter from Adrian Winters as a qualifying objection as it appears that he no longer has any interest in the Order Lands.
7. In view of the above, if the Order is confirmed, I recommend that it be amended to include the names of Ms P Rowland and Mary Phillips as being occupiers of Plot 1 of the Order Lands when the Order was made.
8. There is an error on the Order Map. It states that its scale is 1:1250 but this is not correct. The Order Map has a scale of 1:917. If the Order is confirmed, I recommend that the Order map be so amended.
9. Regional Strategies (RSs), including the *East of England Plan*, were revoked by the Secretary of State on 6 July 2010. However, following the decision of the Courts on 10 November 2010 in *Cala Homes (South) Limited v Secretary of State for Communities and Local Government* ([2010] EWHC 2866 (Admin)), the Regional Spatial Strategy (RSS) for the area has been re-instated and is therefore now part of the development plan. The Secretary of State has clearly stated his intention to revoke RSs and the provisions of the Localism Act reflect this intention. It is the Government's clear intention to lay orders in Parliament revoking the existing RSs as soon as possible, but this is subject to the outcome of the environmental assessments that Department for Communities and Local Government (DCLG) is undertaking. Consultation on this is now taking place. Decisions on the revocations will not be made until the Secretary of State and Parliament have had the opportunity to consider the outcome of the environmental assessment process. In view of this, the intention to revoke is given limited weight.
10. The Government has published a consultation draft Planning Policy Statement (PPS) on *Planning for Traveller Sites* (April 2011) and a consultation draft *National Planning Policy Framework* (July 2011). I have had regard to both documents as material considerations although, as these are for consultation and are subject to change, they carry little weight at this time.
11. I made an unaccompanied site visit, looking at the Order Lands and their surroundings from adjoining roads on 9 December. I made an accompanied visit, which included access onto the Order Lands, on 15 December 2011.
12. Following the close of the Inquiry, on 5 January 2012, Communities Minister Andrew Stunnell announced that the Council's bid for Homes and Communities

Agency (HCA) funding of £932,850 for the redevelopment of this site had been successful (Document 43).

The Order Lands and Surroundings

13. The Order Lands are located in a rural area to the west of Stowmarket. The Lands are defined as two plots on the Order Map and it appears that there was once a fence separating them but now there is no physical separation. The surrounding land is mainly used for farming purposes with large fields, often without boundary hedging or fencing. There is a scattering of houses along Combs Lane and, close to the Order Lands, there are further houses in Wash Lane and Finborough Road. There is a camping/ caravan site at the Wash Lane/ Finborough Road junction with a café, while further west is a car repair workshop. The remainder of the surrounding land is mostly in agricultural use although immediately to the north of the Order Lands is a small area of woodland and the River Rat.
14. The land described as Plot 1 on the Order Map is roughly rectangular with a substantial road frontage to Combs Lane and an area of 0.67ha. This Plot is bounded by the road to the south, woodland to the north and a house, No 1 Wash Corner, to the east. To the west lies Plot 2. Plot 1 is flat and is set back from the road behind a grass verge, ditch and row of mature trees. It is screened from the road by a close boarded fence behind the trees. Most of Plot 1 is hard surfaced with a loose surface interspersed with concrete hardstandings for the caravans. There is a central brick built amenity block, with 19 individual rooms and a communal laundry room. Five of the individual rooms have been refurbished with locks, showers, toilets and basins. The site is set out with 19 numbered pitches around the perimeter, each with hardstandings and hook-ups to water, electricity and sewerage. At the time of my accompanied visit there were 2 touring caravans and 3 static caravans on the site.
15. Plot 2 is substantially larger than Plot 1, having an area of about 1.45ha. It has a long hedged road frontage to Combs Lane and a shorter, more open, return frontage to Finborough Road. To the north the plot is bounded by the River Rat beyond which lies a narrow belt of woodland and an open field. This plot is also flat, but it is almost entirely laid to grass. Some land close to Plot 1 is used for chopping and storing firewood and there is a swing and seats, but the vast majority of the site is unused grassland. There is a dropped kerb and gateway into the site in the south western corner with vehicular access from Combs Lane immediately adjacent to its junction with Finborough Road. Plot 2 is, in part, vulnerable to flooding and parts are identified as falling within Flood Zones 2 and 3a both now and as predicted in 2107.

The Case for the Acquiring Authority

Background

16. It is widely recognised that the traveller community is one of the most vulnerable and marginalised groups in society. The lack of access to affordable and appropriate accommodation is considered by many to be a scandal. Successive Governments have sought to ensure that their particular accommodation needs are met. Mid Suffolk District Council (MSDC) now has a robust assessment of needs through its Gypsy and Traveller Accommodation Assessment (GTAA) and has developed cross boundary working arrangements to identify problems and

seek solutions. The Government has encouraged Housing Associations (HAs) to adapt their experience to traveller site provision; access to grant funding has been provided.

17. There is no denying the pressing need for more sites for travellers. The 2007 GTAA established that MSDC needed to provide an additional 41-43 pitches by December 2011. The GTAA stated that there were 69 pitches within Mid Suffolk District of which 19 were on The Forge site. The GTAA says that this site was closed and unavailable at that time. The GTAA also identified a need for a further 14-15 pitches by 2016. Since the GTAA was published, 28 additional permanent pitches have been provided, all through private sites. There are no public sites or Housing Association sites in Mid Suffolk. The Caravan Counts reveal a high level of unauthorised camping in the District; there are no transit sites to which the travellers can resort.
18. Concerning the Order Lands, the AA agrees that only Plot 1 has been used as a traveller site; Plot 2 was and remains in agricultural use. The AA provided details of the level of occupation at The Forge (Document 14 Appendix (App) 8 and Document 32). In the period 2001 to 2007 the site was frequently noted as being vacant. Since 2007 the Caravan Counts show that the highest number of caravans recorded on the site at any one time is 9 and that is since these CPO proceedings commenced.
19. The planning history of Plot 1 is highly relevant. An Enforcement Notice was issued in July 1981 (Document 13 App A) concerning the making of a material change in the use of the land to use as a caravan site. In allowing the subsequent appeal (Document 13 App B para 36), the Inspector corrected the Notice by the insertion of the word "gypsy" before the word "caravan". He granted planning permission for a gypsy caravan site and imposed conditions concerning business use and the provision of sight lines.
20. Outline planning permission was granted in August 2001 for the erection of 6 houses with all existing buildings to be demolished. A subsequent application to vary condition 2 (to enable applications for the approval of reserved matters to be made not later than 6 years from the date of the permission rather than 3 years) was refused in June 2005 (Document 14 App 13).
21. In 2010 the Council refused an application for a certificate of lawful use or development for the use of the land as a caravan site. In dismissing the appeal following an Inquiry in April 2011 the Inspector commented that he considered that a change of use from use as a gypsy caravan site to a general use caravan site would constitute a material change of use for which planning permission would be required (Document 13 App C para 21).

Planning Policy

22. The development plan for the area includes the saved policies of the *Mid Suffolk Local Plan 1998* (LP), the *Regional Spatial Strategy for the East of England* (RSS) and various documents produced through the Local Development Framework (LDF) processes. The Order Lands lie within a designated Special Landscape Area (SLA) where saved Policy CL2 of the LP says particular care will be taken to safeguard landscape quality. It seeks high standards of layout, materials and landscaping in new developments. Policy GP1 sets out criteria for the design and layout of development (Document 13 App E).

23. The Mid Suffolk LDF *Core Strategy* was adopted in September 2008. Policy CS 1 says land outside defined settlements is designated as countryside; Policy CS 2 says that in the countryside development will be restricted to defined categories including rural exception housing sites to include sites for gypsies and travellers. Policy CS 4 relates to flood risk and Policy CS 5 seeks to protect and enhance the District through good layout and design. Policy CS 10 relates specifically to gypsies and travellers. It sets out the criteria for the suitability of sites. It also says that existing sites that meet the criteria for suitable and appropriate locations will be safeguarded for this purpose.
24. Policy H3 of the RSS identifies a requirement for MSDC to provide an additional 42 gypsy and traveller pitches during the period 2006-2011; this is the same as the mid-point in the range of sites identified as being needed in the GTAA.
25. The emerging plans include the *Stowmarket Action Area Plan (SAAP)* whose 2009 incarnation included a policy (initially SAAP Policy 36, later renumbered Policy 28) relating specifically to Plot 1 of the Order Lands (Document 40). This draft policy said that the Council will refuse permission for uses other than a permanent gypsy and traveller site and will take steps to encourage the early refurbishment of the site, following best practice. In the *Proposed Submission 2010* the policy has been deleted and replaced with a paragraph (paragraph 6.36) which says that the site should be safeguarded in line with Policy CS 10 of the *Core Strategy* (Document 13 App G). It says that the Council will refuse permission for uses other than as a permanent gypsy and traveller site and that the Council will seek its redevelopment in line with the HCA guidelines for grant-aiding such projects.

Resource implications

26. The AA is working in partnership with the Orwell HA who is an approved development partner of the HCA. MSDC has committed some of its affordable housing capital Enabling Grant funds to cover acquisition costs; there has been an under-spend in grants for affordable housing which could be utilised if necessary. There is a bid for £932,850 to redevelop the site (Plot 1) for 12 pitches that is currently before the HCA. Further planning permission would not be required for the use, as this is the existing use, but permission would be required for some operational development. Given the authorised use of the site, it is anticipated that such planning permission should be forthcoming. The design of the redeveloped site has been drawn up in accordance with the DCLG *Good Practice Guide*.

Reasons for acquiring the Order Lands

27. The AA considers that The Forge has an important role to play in the provision of pitches for travellers. It is currently little used by persons staying in caravans; those who do use it are not necessarily gypsies or travellers as defined in ODPM Circ 01/06. The appearance of the site is poor and it does not provide the facilities of a permanent traveller site.
28. The GTAA, as ratified in the RSS, confirmed that the Council was to provide 42-43 additional pitches between 2006 and 2011. So far an additional 28 pitches have been provided leaving 14-15 to be provided by the end of 2011. The Forge is licensed for 19 pitches; this provision is included in the GTAA. The potential loss of these pitches would mean the Council would have to provide 3 additional locations where landowners would be willing to develop their land for 6-7 pitch

gypsy and traveller sites. This would mean that there would be a number of planning process challenges to overcome in addition to the potential cost of acquiring any necessary land.

29. The Council wishes to see The Forge improved and fully used as a gypsy and traveller site. The adjoining Paddock (Plot 2) could provide grazing or amenity land for site occupiers. The Paddock has vehicular access through The Forge and so may have little practical use if retained by the present owner. The Council has been working with Orwell HA to prepare a bid submission to the HCA for 12 pitches on Plot 1. If the CPO is successful, Orwell HA would manage the site. Adherence to good practice guidance on pitch provision would mean a reduction from 19 to 12 pitches. This would result in a more viable and manageable site. The Council wants to see a good standard of site provision as a permanent social rented site; there are currently no social rented sites in the District. The HCA grant funding is aimed at providing affordable pitch options and the Council is currently waiting to find out whether its HCA bid has been successful. If the bid fails, the Council has money to acquire the site and other options for the necessary redevelopment will be considered.
30. The reduction in the number of pitches from 19 to 12 would add to the District's overall pitch requirement but as no pitches are currently being provided at The Forge in reality it would add 12 pitches. The landowner has resisted attempts by the Council to work in partnership with him to bring the site up to prescribed standards and submit a joint bid to the HCA. The Council therefore has had little option but to proceed with the CPO to secure the site so that it can be permanently used as a gypsy and traveller site.
31. The Council referred to an appeal decision in respect of a site at Walsham Road, Wattisfield, Diss, Norfolk in which the Inspector reported that at the time (June 2008) The Forge site "appears to be in a derelict condition and therefore not a realistic alternative location for the family." (APP/W3520/A/08/2066138) (Document 13 App I).
32. The Council provided evidence to show that the site has been vacant or severely underused for much of the time since the land owner purchased the site in December 1983. (Document 14 App 8) A summary of the position at the time of various inspections between 1986 and July 2011 is set out in Document 32.
33. The Council also provided details of various complaints received by the Council (Document 14 App 7). The complaints related mostly to noise from dogs barking in 2006 and loud music in 2007-8. *Abatement Notices* in respect of *Noise Nuisance*, from amplified sound, loud amplified music and loud amplified sound, were issued on the land owner on 23 July 2007, 9 January 2008 and 5 June 2008.

Alternative sites

34. The Council acknowledges that it will also need additional sites for gypsies and travellers. The redevelopment of this site will reduce provision, at least on paper, but the actual provision will increase as the site has not been fully used. There are numerous challenges in finding alternative sites. This site has the benefit of having an authorised use as a site for gypsies and travellers.

Submissions Supporting the Council

35. **Cllr John Mathieson**, District Councillor for Onehouse Ward, wrote a letter dated 12 December 2011 (Document 24) in which he stated that from the outset until quite recently he had consistently supported the Council in pursuing a CPO in order to ensure that the lack of management and the anti-social behaviour in 2006-8 did not recur. He had recently been persuaded that new management might continue the relatively trouble-free operation of the site. However, the site owners' lack of good faith as the Council tried once again to reach an agreed settlement has shown that a long term strategy is needed.

The Objections

36. There are three qualifying objectors. One of these, the site owner Mr Levi Gumble, raised objections when the CPO was made. He was represented at the Inquiry and gave evidence to the Inquiry. The existence of the other two qualifying objectors only became known during the course of the Inquiry. The Property Information Form, professionally submitted on behalf of the freehold owner, stated that there were no other persons with an interest in the land. However, it appears that Ms P Rowland and Ms Mary Phillips were both renting pitches on the site when the order was made. Ms P Rowland wrote a letter dated 14 March 2011 objecting to the CPO. Ms Phillips attended the Inquiry and made an oral objection. Her former partner, Adrian Winters had written objecting to the Order when it was made but he no longer lives on the site or has an interest in the Order Lands.
37. It appears from the evidence of the land owner that there were others who had a legal interest in the Order Lands at the time that the Order was made. No evidence to support this contention was put before the Inquiry. The alleged other parties are Sam Rossiter (Plot 1), the Nunn family (Plots 6-9), Chris Hawkins (Plot 14) and Chris Mayes (Plot 19). None of these parties gave evidence at the Inquiry or raised any objections to the CPO.

Objector No 1

Address

38. The whole of Plots 1 and 2 at the Order Lands; The Forge Caravan Site, Combs Caravan Site, Great Finborough (Plot 1) having an area of approximately 0.67ha and the adjoining land known as The Paddock (Plot 2) having an area of approximately 1.45ha.

Name of Objector – Legal Interest

39. **Levi Gumble** – freehold owner of all the land. On the Property Information Form his address is given as c/o Peacock Short Ltd but he has since changed his agent. His new agent is Stuart Hardwicke Carruthers, 7 Station Road, Beccles, Suffolk NR34 9QH.

Case for the Objector

The Order

40. This identifies that the purpose for compulsorily acquiring the Order Lands is to facilitate its development as a gypsy caravan site with adjoining amenity or grazing land. No occupiers are identified and the map is at a scale different to that required. The Order is defective and requires modification by the Secretary

of State. The land is already used as a gypsy caravan site and is fully occupied. If the Council had consulted on its proposals it would not now be faced with community opposition from both the traveller and the settled populations. The Council failed to even notify the Parish Councils of its intentions. It also failed to inform representative bodies that would have intervened to support this Objector due to his ethnic background.

Statement of Reasons

41. The Council wishes to see the land improved and used properly by gypsies and travellers. It has not made a compelling case as to why it is seeking to secure the land. The main rationale is the availability of grant aid from the Secretary of State to meet the needs of gypsies and travellers while seeking to dispossess a Gypsy of his land.

Planning framework

42. Guidance on planning for gypsies and travellers is set out in ODPM Circular 01/2006 *Planning for Gypsy and Traveller Sites* (ODPM Circ 01/06). This is expected to apply equally to public sites, to sites run by registered social landlords and to private gypsy and traveller sites. One of the objectives of the Circular is to promote more private gypsy and traveller site provision in appropriate locations. In its *Core Strategy* the MSDC undertook to produce a Development Plan Document (DPD) identifying site specific allocations and to engage with members of the gypsy and traveller community when identifying areas for use by this community. As yet, no DPD has been produced; no site specific allocations have been identified. Until a DPD has been produced the Council cannot compellingly identify any need to compulsorily purchase the Order Lands.

Well-being of the district

43. The provision of sites for gypsies and travellers can increase the well-being of a District. This site was purchased due to a failure of the Council to make provision for sites for gypsies and travellers. It is unlikely that the Council would have sought the Order if the value of the land had been properly identified. It is not considered that the CPO is proportionate or takes proper account of the rights it affects.

Financial viability

44. The Council has £150,000 available in the SAAP for sites for gypsies and travellers. A grant application was made to the HCA by Orwell HA. This followed the inclusion of the site in the Council's Land Investment Framework before any negotiation with the owner. The HCA are likely to make a decision on grant funding in 2012. The HCA is expected to use its grants for the refurbishment of existing social pitches and the establishment of new social rented pitches. It is not expected to lead to a reduction in existing supply maintained by the gypsy and traveller community. There is no identification that the Council has reviewed its own land holdings or other land in public ownership to enable a gypsy and traveller site to be provided. The Council's initial offer for the land, £75,000, was well below the land value. A revised offer of £380,000 was made in late October 2011. The value of the land as building land was between £2m and £3.5m; Levi Gumble was offered £1.5m in about 2001 after planning permission was granted

for housing. The Council should have offered residential land value for the site; land owned by gypsies and travellers should not be worth less than land owned by the settled community. The Council appears to be seeking to retain its own land so that it can sell this as housing land to a HA as a social gypsy and traveller site.

Land use and management

45. Once gypsies and travellers settle on land it is deemed to be residential land. The Council has identified that there is a difference between land used residentially by gypsies and travellers and that used by the settled community; this difference is disputed. There was no requirement in the 1982 appeal decision for the land not to be used for housing or any indication that housing for gypsies and travellers is any different to that used by the settled community. The Forge Caravan Site is currently occupied by members of the Roma community and the settled community; there are no tensions. There has been a site manager since 2010 with Mark Seaman helping his uncle, Levi Gumble. The Council has consistently failed to realise that The Forge is not operated as a business. It is run as a family home. The Forge has never been used commercially; it has been the family home since Levi Gumble bought the land with planning permission on 6 December 1983. The site manager lives part time on the site; he also lives in a house in Stowmarket.
46. It is not disputed that the site does not meet *Good Practice Guide* standards but it does meet needs. There are no inflated charges or problems with neighbours or with the Council, save for this CPO.

Alternative proposals

47. The Council needs to produce a DPD and undertake consultations if it is to identify where pitches are to be located. The objector has offered to exchange the land for similar land and/ or make part of the site available to the Council for use as a social gypsy and traveller site. The land described as the Paddock (Plot 2) could be used to provide a social gypsy and traveller site. The Council has failed to examine alternative locations or proposals and has made the CPO without undertaking the required work.

Response by the Acquiring Authority

48. Concerning site occupation, the Council's records over the past almost 30 years shows a low level of use; often the site has been vacant. The Property Information Form submitted by the objector's professional agent and stated as being "as instructed" by Mr Gumble, says that there were no occupiers. It is acknowledged that the scale written on the Order Map is incorrect; the Secretary of State is asked to modify this. The Council had carried out all its statutory consultations; the site is identified for refurbishment and redevelopment as a site for gypsies and travellers in the emerging SAAP. This has been the subject of full public consultation.
49. The Council is working on a Site Allocations DPD. This will identify sites for gypsies and travellers. The Order Lands are being brought forward in advance of the publication of this due to The Forge already being a gypsy and traveller site. Although its lawful use is as a gypsy and traveller site, it is significantly underused, frequently vacant. It is licensed for 19 pitches but it has never had

this level of use since Mr Gumble bought it. It represents an underused resource. Bringing it into full beneficial use will help to address the shortage of sites for gypsies and travellers in the District which would be a public benefit. Grants are currently available from the HCA to bring the site up to the proper standard as set out in the *Good Practice Guide*. When the site was in use it suffered from poor management resulting in poor facilities for site occupiers and nuisance and inconvenience for nearby residents. The nuisance resulted in the serving of *Noise Abatement Notices* on Mr Gumble.

50. The Council now recognises that Members were misled in the Officer's Report in respect of the planning application for housing on the site in 2001. The Report stated that the caravan site could be occupied by anyone as there was no condition limiting the occupation to gypsies and travellers. However, this interpretation was incorrect and when an application to vary a condition of that permission was considered it was refused and that permission has now lapsed. The Inspector who determined the 2011 appeal made it clear that the intention of the 1982 permission was to provide specifically for gypsy accommodation. He considered that the term "gypsy caravan site" described a specific land use that is functionally different in character from a "general use" caravan site. The authorised use of The Forge Caravan Site, therefore, is as a gypsy caravan site. This use clearly does not fall within Use Class C3 (Dwellinghouses) of the Town and Country Planning (Use Classes) Order 1987; it is a *sui generis* use. The valuation of the Order Lands by the District Valuer was based upon this authorised land use. The objector is incorrect to suggest that both Plots should be valued as residential land. Plot 1 is a gypsy caravan site for 19 pitches; Plot 2 is in agricultural use. The land value must reflect these uses.
51. There is no planning permission for the use of The Paddock (Plot 2) as a site for gypsy and traveller accommodation. It is an agricultural field. As its access is through Plot 1 it could be held that its use would be blighted by losing this access. While there is a vehicular access point in the south western corner, this is immediately adjacent to the Combs Lane/ Finborough Road junction and is considered too dangerous to be used as an alternative access. The land is, in part, liable to flooding and is partly within Flood Zones 2 and 3a. Caravans and mobile homes are classed as highly vulnerable in PPS 25: *Development and Flood Risk* and should not be permitted in Flood Zone 3a; the Exception Test is required for such development in Flood Zone 2.
52. There is a need for more sites for gypsies and travellers in the District. This is an underused site that already has the benefit of planning permission for this use. It is difficult to develop sites for this use and there are no alternative sites in the District with planning permission.

Objector No 2

Address

53. Plot 2, The Forge Caravan Site, Combs Lane, Great Finborough. This is part of Plot 1 of the Order Lands.

Name of Objector – Legal Interest

54. **Ms Penny Rowland**: leaseholder, monthly agreement

Case for the Objector

55. Ms Rowland wrote that she opposes the CPO on the grounds that i) there is nowhere else to go in the area; ii) she has tried staying in camp sites but can only stay 28 days; and iii) she travels around and does seasonal work so that she can travel. She says that site is well kept. If it wasn't there she would have nowhere else to stay. In 2010 she spent a week in a car park before being told to move on by the Council. She says she is not a Gypsy. The site needs to be kept as some people are made homeless and are forced to live this way.

Response by the Acquiring Authority

56. Much of her case is covered by the Council's response to Objector No 1, Mr Gumble. Ms Rowland could apply for a pitch on the site once acquired by the Council and refurbished by the HA.

Objector No 3

Address

57. Plot 3, The Forge Caravan Site, Combs Lane, Great Finborough. This is part of Plot 1 of the Order Lands.

Name of Objector – Legal Interest

58. **Mary Phillips**; leaseholder, monthly agreement

Case for the Objector

59. Ms Phillips gave oral evidence to the Inquiry. Her former partner, Adrian Winters, had written a letter of objection that was received on 17 March 2011. He had then lived on the site for 3½ years and called it home. The site had improved considerably during his stay there with new showers and toilets; he could not see what improvements the CPO would bring. Ms Phillips had lived on the site for 4 years and had no issues with the facilities. She could see no need to waste public money on the site. She argued that she felt vulnerable living on her own; somebody from the Council should have come to see her as she had no idea what would now happen to her; this was causing stress. She is a traveller with a static caravan on the site. She used to travel all over Essex and south Wales but she does not travel at present and she no longer has a tourer; she currently works full time in Asda in Stowmarket. She does not pay Council Tax. She knew about trouble with squatters on the site in about 2007 but since they moved off and she moved on there has been no trouble.

Response by the Acquiring Authority

60. Much of her case is covered by the Council's response to Objector No 1, Mr Gumble. Ms Phillips could apply for a pitch on the site once acquired by the Council and refurbished by the HA.

Other Submissions opposing the Acquiring Authority

61. A total of 25 letters and emails were received in advance of the Inquiry, all from local residents and all opposing the CPO. At the Inquiry a further bundle of 10 objections were received, one signed by 5 Great Finborough Parish Councillors, in addition to a petition signed by 16 nearby residents. The objections also included the Minutes of a Public Meeting for Great Finborough residents held at Pettward Hall, Great Finborough on 23 November 2011, and attended by 58 persons.

62. The objections raised relate to the following matters:

- Cost of purchasing this site, particularly in the current economic climate when the Council is being forced to make significant cuts (£7.2m);
- Waste of public money;
- Proposals will result in fewer pitches;
- Highway safety issues in Combs Lane;
- Site is already used by gypsies and travellers and licensed by Council;
- Site is well managed at present and it is clean and tidy;
- Concern at management by a HA not a local Gypsy;
- Proposals would contravene owner's rights;
- Local residents support present arrangements;
- Lack of information from the Council about the issue and the unrepresentative decision to CPO the site;
- If money is available, local affordable housing, street lighting etc should be the priority;
- Residents living near the site say it causes no trouble and is run without public funding;
- 1982 permission did not say it should be fully occupied at all times;
- The CPO is insulting to the owner; and
- Plot 2 is subject to frequent flooding.

63. **Colin Waspe**, a local resident, was born in Great Finborough and farms the land opposite the site. His family lives nearby. They have had no trouble with the site and have a good relationship with the site owner and manager. There is no need for the Council to take over the site and reduce its capacity. The Council should use its money to build a new site elsewhere. It is unusual for the local community to support the gypsy and traveller community. In answer to questions he accepted that it was difficult to obtain planning permission for new gypsy and traveller sites.

64. **Neil Watts** lived for 25 years in Stowmarket and for the last three years has lived in Great Finborough. He had found it difficult to get unbiased information about the CPO. The only information he could get was from local residents. He was aware of the site which is not a blot on the landscape or the source of constant problems. It was reasonable for Mr Gumble to try to get the best deal he could. If the site caused problems the local residents would not have turned out in support. The fact that it is run and occupied by local people helps; a HA may bring in non-locals that could cause a problem. Travellers move around; changing from 19 pitches for travellers to 12 permanent pitches would not be beneficial. He was concerned about what would happen to the site residents. At the public meeting, everybody had been against the CPO.

65. **George Powley** has lived for about 40 years in Finborough Road with the site behind his house. In the last 4 years management has improved. Like other residents he had not been kept informed as to what was happening by the Council. If the Councillors had been more forthcoming, perhaps there would not have been so many objectors. He considered the CPO to be a waste of tax payers' money. In answer to questions he agreed that more sites for gypsies and travellers are needed but he had seen little roadside camping in this area in the last 20 years. Site residents are travellers and they should be allowed to stay; he agreed that he was objecting to disturbing the current position. What was being proposed was too intensive and out of keeping with the area.
66. **David Edginton** has lived in Wash Lane for 25 years, within "sound" of the site. He had chaired the meeting in Great Finborough but did not see himself as the spokesperson for that meeting. It is a well-run site. He knew some residents and he supported its continued use by the land owner. There had been noise problems but none in the last 4 years. The Council is short of money; this would not be a good use of resources. Existing residents could become homeless; there is already a long housing waiting list and the money should be spent on affordable housing. There had been no local consultation by the Council. At the Open Day for the AAP there was no mention of the CPO.
67. **Peter Turner** is a Parish Councillor for Finborough Parish. The CPO had been discussed at all 4 Council meetings since he became a Councillor. He knew about a Parish Council meeting in the adjoining Onehouse Parish. Everybody was against the CPO. At the public meeting there were no District or County Councillors so only one side of the story was heard. He agreed with the points made by Messrs Watts and Edginton. In answer to questions he agreed that the Stowmarket AAP gave the opportunity for residents to contribute to the debate.

Response by the Acquiring Authority

68. Most of these points are covered in the AA's response to Objector No 1, Mr Gumble. Concerning highway safety, the Council is seeking to purchase The Paddock which would ensure that the access on the Combs Lane/ Finborough Road junction is closed. The Council has tried to come to a negotiated settlement with the site owner but has not succeeded. Existing residents, provided they meet the planning definition of gypsies and travellers, could apply for a pitch on the refurbished site.

Conclusions

Numbers in square brackets [n] refer to earlier paragraphs in this Report.

Introduction [3, 13-15]

69. The Acquiring Authority is MSDC. The Order was made under section 226(1)(a) of the 1990 Act (as amended). I have had regard to advice in ODPM Circ 06/06 *Compulsory Purchase and the Crichel Downs Rules*. In particular, paragraphs 16-

23 contain advice on the justification for making a CPO and state that compulsory powers should only be used where there is a compelling case in the public interest. The AA should be sure that the purposes for which it is making a CPO sufficiently justify interfering with the human rights of those with an interest in the land.

70. The Order Lands comprise two adjoining parcels of land that are located on the northern side of Combs Lane between Stowmarket and Great Finborough. They are both in the same ownership. Plot 1 (0.67ha) comprises The Forge Caravan Site and is used as a gypsy caravan site. Plot 2 (1.45ha) is referred to as The Paddock and comprises agricultural land. The land is in a countryside location and is mostly surrounded by agricultural fields and woodland with a scattering of houses to the east and north east. The land is flat and part of the northern boundary is defined by the River Rat. The Forge Caravan Site is mostly hard surfaced with a central amenity block. At the time of my visit there were 3 static and 2 touring caravans on the site. The Paddock is mostly unused grassland with some chopped firewood and seats in the north eastern corner.
71. There was a procedural error by the Council in that the site notice was only displayed 7 days prior to the opening of the Inquiry and not the required 14 days. The Council responded to this error by advertising the Inquiry in a local newspaper and on their web site. There were numerous letters, emails and a petition signed by local residents concerning the CPO and there was a public meeting about the CPO in Great Finborough in November. The Inquiry was well attended and it seems unlikely that any local interested parties were not aware of the Inquiry. I am not a lawyer but I do not consider it likely that any interested persons have been unfairly prejudiced by this minor administrative error.

Background [19-21, 47, 50-51]

72. There is no planning history in respect of Plot 2. In respect of Plot 1, in July 1981 the Council issued an Enforcement Notice concerning a material change in the use of the land to use as a caravan site. Following an Inquiry, the Notice was quashed and planning permission granted for a gypsy caravan site in April 1982. In 2001 the Council granted outline planning permission for the erection of 6 dwellings on the land, the Committee report erroneously stating that the use of the caravan site was not limited to occupation by gypsies and travellers only as there was no condition to that effect. The Council recognised that it had misinterpreted the planning permission and an application to vary a condition of that permission, to extend the period for the submission of details, was refused by the Council. The 2001 permission has now lapsed.
73. The planning position was clarified beyond reasonable doubt in September 2011 when an Inspector dismissed an appeal for a certificate of lawful use or development for the use of the land as a caravan site. The Inspector considered that the intention of the 1982 appeal decision to provide specifically for gypsy accommodation was very clear. He concluded that he was satisfied that the limitation in the description (describing the use as a gypsy caravan site) of the development permitted on appeal in 1982 was express and intended.

Reasons for acquisition [17, 18, 26, 27-33]

74. Plot 1 of the Order Lands has the benefit of planning permission for use as a site for gypsies and travellers. The Council considers that it has an important part to

play in providing such pitches but that it is little used by persons staying in caravans. Those who do stay there are not necessarily gypsies and travellers. The Council has an acknowledged need to provide additional pitches and this site is under-used. It is licensed for 19 pitches, a provision included in the GTAA, and the Council would find it difficult to make up this number of pitches were this site to be lost to this use.

75. The Council wishes to see the site improved and properly used as a permanent sit for gypsies and travellers. The adjoining Paddock (Plot 2) could be used to provide grazing or amenity land; its access is through The Forge Caravan Site and this land may have little practicable use if it is retained by its present owner. The Council, in partnership with a HA, would redevelop Plot 1 to provide 12 pitches of good quality that would accord with the design and space standards in the Good Practice Guide. There are no social rented pitches for gypsies and travellers in Mid Suffolk; all existing sites are for owner-occupation only. The Council has been working with Orwell HA who has submitted a bid to the HCA for funding. The Caravan Site has caused nuisance to nearby residents.
76. The Council acknowledges that the reduction in pitch numbers from 19 to 12 would increase the number of pitches that would have to be provided elsewhere, but as it argues that no actual pitches are currently being provided on this site, in real terms there would be an increase in pitch numbers. The Council would not manage the site itself; it would be managed by the HA. The Council has unsuccessfully tried to negotiate a settlement with the land owner.

Planning policy [9, 10, 13-15, 22-25, 26, 49]

77. The development plan includes the saved policies of the *Mid Suffolk Local Plan 1998*, the *Mid Suffolk LDF* and the *Regional Spatial Strategy for the East of England*. The LDF Core Strategy was adopted in 2008 and is gradually replacing the LP. The Order Lands lie within a SLA as designated in the adopted LP where saved Policy CL2 says particular care will be taken to safeguard landscape quality. It seeks high standards of layout, materials and landscaping in new developments. Policy GP1 sets out criteria for the design and layout of development.
78. Policy CS 1 of the LDF Core Strategy says land outside defined settlements is designated as countryside where Policy CS 2 restricts development to defined categories such as sites for gypsies and travellers. Policy CS 5 seeks to protect and enhance the District through good layout and design. Policy CS 10 relates specifically to gypsies and travellers and sets out the criteria for the suitability of sites. Importantly it also says that existing sites that meet the criteria for suitable and appropriate locations will be safeguarded for this purpose.
79. Concerning the need to provide sites for gypsies and travellers, Policy H3 of the RSS identifies a requirement for MSDC to provide an additional 42 pitches during the period 2006-2011; this is the same as the mid-point in the range of sites identified as being needed in the GTAA.
80. The emerging plans include the Stowmarket AAP. The *Proposed Submission 2010* says that The Forge should be safeguarded in line with Policy CS 10 of the Core Strategy and that the Council will refuse permission for uses other than as a permanent gypsy and traveller site. It adds that the Council will seek its redevelopment in line with the HCA guidelines for grant-aiding such projects.

81. In the light of the above, it is clear that the CPO would facilitate development that would accord with the development plan and emerging policy. Due to the authorised use of Plot 1, and subject to the submission of a scheme detailing an acceptable layout and appearance for the site, there are no planning policy reasons to prevent its redevelopment as a site for social rented pitches for gypsies and travellers. Concerning Plot 2 it is likely that planning permission would be granted for ancillary uses provided that such use results in no harm to the character or the appearance of the SLA or result in increased flood risk either here or on other land. I consider that, subject to the matters set out below under the heading "resource implications", there is a reasonable prospect of the scheme going ahead. There is no obvious reason as to why planning permission might be withheld. The relevant parts of paragraphs 22 and 23 of Circular 06/2004 are thus met.

Need for gypsy and traveller sites [17, 28-29, 34, 42-43, 46-47]

82. This issue is complicated by the fact that while there is an acknowledged significant shortage of sites for gypsies and travellers in the region, sub region and District, the authorised use of this site currently contributes to the existing site provision as identified in the GTAA. Evidence to the Inquiry was that the pitches on the site are all leased and that there are currently no vacancies, although few of the lessees are actually living on the site. Many lessees spend most of their time away travelling while a few are still living in the Dale Farm area of Basildon. If the Council acquires the site and redevelops it in partnership with a HA in the way it intends, there would be a reduction of 7 pitches in the District. This would increase the already significant shortfall in pitches.

83. There is no dispute that there is a need for more sites for gypsies and travellers in the District. This is clear from the requirements of the RSS, the findings of the GTAA and the latest Caravan Count figures. Plot 1 currently contributes 19 pitches to the existing provision and, given the known scale of the need, it is understandable why the Council does not wish to see this provision lost to an alternative use. In this regard, the land owner successfully obtained outline planning permission to redevelop Plot 1 for 6 houses in 2001 although this permission has since lapsed. An application to vary the condition concerning the time limit for the submission of details was refused; this decision was not appealed. A recent application for a certificate of lawful use or development concerning the use of the site as a caravan park was refused and the subsequent appeal was dismissed, the Inspector concluding that it is a gypsy caravan site. While these applications indicate that the owner has sought to maximise the value of the land, they also show that the Council has been successful in resisting alternative uses.

Resource implications [26, 44-45, 50]

84. There is no doubt that the AA has the funds to acquire the land at its present use value; that is to say as a gypsy caravan site (Plot 1) and agricultural land (Plot 2). Concerning Plot 1, the AA does not accept the contentions of the land owner that it has a Class C3 (Dwellinghouses) use. I agree; the planning permission for 6 houses has lapsed and the Council has made it clear that such use would not be permitted. The emerging Stowmarket AAP will strengthen that position if and when it is adopted. The authorised use has been established beyond reasonable

doubt by the Inspector in the 2011 appeal decision. It is a gypsy caravan site and as such is a *sui generis* use.

85. Following the close of the Inquiry, it has been announced by the Minister that the application for a grant of £932,850 from the HCA to redevelop the site has been successful.

Need for compulsory acquisition [18, 21, 26, 29, 44-45]

86. The parties are a long way apart in their valuation of the Order Lands. This stems from the different uses that the parties ascribe to Plot 1 in particular, but also to the hope value for Plot 2. The land owner is seeking residential land value for Plot 1 and considers that Plot 2 could be developed as a transit site for travellers. The AA says Plot 1 is a gypsy caravan site and Plot 2 is agricultural land. The AA has sought a negotiated settlement but the land owner does not wish to sell. The negotiations have therefore failed and the only way forward for the AA is by way of this CPO.

Overall conclusions

87. Plot 1 has historically been an underused gypsy caravan site in an area where there is an acknowledged shortage of pitches for gypsies and travellers. It is not disputed that sites for gypsies and travellers can be difficult to find as evidenced by the ongoing mismatch between supply and demand and the difficulties in obtaining planning permission. While Plot 1 has been in use as a gypsy caravan site for upwards of 30 years, it is clear from the numerous site visits and records that its level of occupation has frequently been low; sometimes it is vacant. There are no Council Tax payers living on the site today. Based upon the evidence to the Inquiry, one of the site occupiers, Ms Phillips, does not currently meet the definition of gypsies and travellers as set out in ODPM Circ 01/06 as she is not travelling at present. The site was, for a short period, a source of nuisance to nearby residents due to rowdy behaviour resulting in the service of Noise Abatement Notices on the land owner. However, that nuisance stopped a few years ago and it is evident from the support of the local residents for the land owner and acting site manager that it now causes no nuisance to the settled community. Nonetheless, the low level of occupation weighs in favour of the CPO. [18-19, 32-33, 45-46, 59, 62-66]
88. The Order Lands lie within a SLA. Plot 1 is largely screened from the roads by fencing and trees, although the facilities block is prominently sited in line with the entrance gates. At the time of my visits the site was clean and tidy and the scattering of caravans on it had only a limited visual impact. The use as a gypsy caravan site is in keeping with the character of the area due to the mix of agricultural, residential and commercial uses and buildings in the immediate vicinity. Plot 2 is unused grassland and is not harmful to the appearance of the area. The Council's intentions to redevelop the site would undoubtedly result in a more pleasant living environment for the site residents, with a more spacious layout and internal planting and amenity areas. However, it would also be likely to become more visually prominent in the landscape due to the internal fencing, amenity blocks and fencing to the western boundary. While such development would be likely to be granted planning permission due to the authorised use of the site, I consider that the proposed improvements only add limited weight in favour of the CPO. [13-15, 29, 46, 49, 51]

89. The loss of this gypsy caravan site would significantly increase the need for more sites as it currently provides 19 pitches. However, the land owner has not indicated any willingness to sell the land or use it for any other purposes. When there was an extant planning permission for 6 houses he did not seek to sell the site; he claims he turned down substantial sums of money for the land. The recent appeal decision concerning the refused application for a certificate of lawful development has clearly defined the authorised use of Plot 1; the use of Plot 2 is not in doubt. The adoption of the Stowmarket AAP will further strengthen the Council's hand in resisting alternative uses of the land. [17-18, 20, 25, 28-30, 44, 49, 64]
90. From the above considerations, there arise a number of concerns about the justification for this CPO. In particular, if the CPO is confirmed it will result in the loss of some gypsy and traveller pitches, although the scale of the loss would be less than if the use ceased. I consider that, given that the use has continued, albeit intermittently, for over 30 years, there does not appear to be any realistic likelihood of the use ceasing in the foreseeable future. There is also concern that confirmation of the CPO would result in the loss of a type of gypsy and traveller site that meets the basic needs of those travellers who choose to spend most of their time travelling and only return to their base occasionally. ODPM Circ 01/06 identifies that there is a need for more public and private sites as well as for transit sites and emergency stopping places. No other private sites were brought to my attention that are run on similar lines and so its loss to the existing lessees would be likely to result in their no longer having a settled base to which they could return. While the site is managed in a very different way to the HA social gypsy and traveller site envisaged by the AA, that does not mean that it does not fulfil an important role. The support of local residents both in writing and at the Inquiry shows that the site is well integrated into its community. The fact that so many local residents attended the Inquiry demonstrates the mutual respect between the travelling and settled communities. This may well be lost if the existing management and residents are replaced; that could be harmful to both the travelling and settled communities. [17, 29, 31-32, 34, 45, 49-50, 55, 59, 62-67]
91. I am also very concerned that the Council has not yet produced a Site Allocations DPD that identifies sites for travellers. One of the main intentions of ODPM Circ 01/06 was to increase significantly the number of gypsy and traveller sites in appropriate locations over the next 3-5 years. That 5-year period ended in February 2011 and yet the Council still has not carried out a call for sites or consulted on a DPD. Given the known scale of need in the area, as set out in the GTAA and the Partial Review of the RSS, it is perhaps surprising that the Council is still at such an early stage in the process. [17-18, 30, 34, 42, 47, 49]
92. The AA's Statement of Reasons refers to there being a number of planning process challenges to be overcome in order to deliver the required number of sites; the presence of these challenges is not disputed. ODPM Circ 01/06 identifies that the unmet need has often proved difficult to meet. However, it may be that a call for sites, or a systematic review of the Council's own under-used land holdings, as advocated in ODPM Circ 01/06, would result in other sites becoming available that could be developed in partnership with a HA and which do not result in a net loss of pitches. There is no evidence to show that other, alternative, sites do not exist that could be brought forward without the need for a CPO. In this respect the CPO seems premature; it has not been demonstrated

that the public benefit arising from the use of the Order Lands as a social housing site for travellers would outweigh the private loss. This loss includes both the loss of the land to the owner, Mr Levi Gumble, and the loss of this private gypsy caravan site. [17, 28, 34, 42, 47, 49]

93. Funding for the purchase of the site and its redevelopment to provide 12 pitches for use by gypsies and travellers is now in place. [12, 26]

94. Overall, therefore, I conclude that the CPO would be likely to result in an improvement in the quality of the pitches provided on the site; an increase in the level of occupation of the site; and a small improvement in the appearance of the site. It would also ensure that the site continues to help meet the need for sites for gypsies and travellers in the area. Against this is the reduction in the number of pitches on the site; the loss of a site for gypsies and travellers that has integrated into the local community; and the loss of a site that provides a type of pitch for which there is clearly some demand but for which there is only a limited supply. The impact on those residents who rent pitches on the site but only stay there intermittently is not known; it is possible that they would not be able to qualify for a pitch on a HA-run site if they are away travelling for most of the year. Also weighing against the CPO is the Council's failure to demonstrate that there are no alternative sites that could meet the identified need without reducing the overall number of pitches in the area and the Council's acknowledged difficulty in finding more sites to replace those pitches lost by this proposed acquisition and redevelopment.

95. I conclude that there is no compelling case in the public interest for the proposed CPO. The purposes for which the AA seeks the CPO do not sufficiently justify the interference with the objectors' interest in the affected land. The CPO would unacceptably interfere with the land owners' rights under Article 1 of the First Protocol to the *European Convention on Human Rights*.

96. If the Secretary of State disagrees with my conclusions in respect of Plot 1, and considers that the CPO should be confirmed, then it should also be confirmed in respect of Plot 2. While Plot 2 is physically separate from Plot 1, the only safe access to it is through Plot 1. The other access to Plot 2, at the junction of Combs Lane and Finborough Road, is in a dangerous location right beside the junction and does not appear to have the benefit of planning permission.

Recommendation

97. I recommend that The Mid Suffolk District Council (Land at Combs Lane, Great Finborough) Compulsory Purchase Order 2011 be not confirmed.

98. If the Secretary of State does not agree with this conclusion, and concludes that the Order should be confirmed, then I recommend that it be modified by amending the scale of the Order Map to 1:917. The names of the other objectors, Ms Rowland and Ms Mary Phillips also need to be added.

Clive Hughes

Inspector

APPEARANCES

FOR THE ACQUIRING AUTHORITY:

Mrs Harriet Townshend	Of Counsel; instructed by the Acquiring Authority
She called	
Greg Dodds	New Business Manager, Orwell Housing Association
Julie Abbey-Taylor	Strategic Housing Manager, Mid Suffolk District
BA(Hons) MCIH DMS	Council
Stuart Reid	Principal, Stuart P Reid Planning

FOR THE STATUTORY OBJECTORS:

Stuart Hardwicke Carruthers	Instructed by Levi Gumble
He called himself and	
Levi Gumble	Objector
Mark Seaman	Acting site manager, The Forge Caravan Site

STATUTORY OBJECTOR REPRESENTING HERSELF:

Mary Phillips	Site resident
---------------	---------------

INTERESTED PERSONS:

Colin Waspe	Local resident
Neil Watts	Local resident
George Powley	Local resident
David Edginton	Local resident
Peter Turner	Local resident and Parish Councillor

DOCUMENTS SUBMITTED PRIOR TO THE INQUIRY

- 1 The Order and Order Map
- 2 Statement of Case of Acquiring Authority
- 3 Extracts from the Mid Suffolk District Council Development Framework Core Strategy Development Plan Document 2008
- 4 2011-15 Affordable Homes Programme – Framework (DCLG & HCA)
- 5 Suffolk Cross Boundary GTAA; Final Report 2007
- 6 Gypsy and Traveller Strategy for Suffolk: A Partnership Document
- 7 Designing Gypsy and Traveller Sites: Good Practice Guide 2008
- 8 Statement of Reasons of Acquiring Authority
- 9 Letter dated 16 March 2011 from Peacock Short: Objection No 1 (Mr Gumble)
- 10 Letter dated 14 March 2011 from Ms P Rowland: Objection No 2
- 11 Undated letter (received 17 March 2011) from Adrian Winters: Objection No 3
- 12 Bundle of letters from non-qualifying objectors
- 13 Statement of evidence and appendices of Stuart Reid
- 14 Statement of evidence and appendices of Julie Abbey-Taylor
- 15 Statement of evidence and appendices of Greg Dodds
- 16 Statement of evidence I and appendices of Stuart Hardwicke Carruthers
- 17 Statement of evidence II and appendices of Stuart Hardwicke Carruthers
- 18 Statement of evidence III and appendices of Stuart Hardwicke Carruthers
- 19 Statement of evidence and appendices of Mark Seaman

- 20 Letter dated 17 Feb 2011 from Peacock Short and Property Information Form
- 21 Application for costs I on behalf of Levi Gumble

DOCUMENTS SUBMITTED DURING THE INQUIRY

- 22 Press Notice; East Anglian Daily Times 9 December 2011
- 23 Site location map scale 1:1250
- 24 Letter dated 12 December 2011 from Cllr Mathieson
- 25 Opening submissions for the Acquiring Authority
- 26 Letter dated 23 July 2007 from Environmental Health to Mr G Powley
- 27 Bundle of emails raising objections to the Order as set out in Annex 2 of opening submissions for the Acquiring Authority and notes of Public Meeting
- 28 Officers' Report to Southern Area Planning Control Committee 1 August 2001
- 29 Site location plan for application 1542/04
- 30 Email from Onehouse PC dated 13 December 2011
- 31 Email from Julie Abbey-Taylor with instructions to District Valuer dated 2 September 2011
- 32 Site occupation; dates and numbers of caravans 1986 to July 2011
- 33 Inspection Report for an Electrical Installation – Barrington Miller 2 May 2008
- 34 List of persons resident on site when CPO served
- 35 Plan showing layout of 19 pitches
- 36 Submissions on behalf of Levi Gumble
- 37 Application for costs II on behalf of Levi Gumble
- 38 Statement of evidence IV and appendices of Stuart Hardwicke Carruthers
- 39 Extract from Equality Act 2010 s149
- 40 Stowmarket AAP Proposed Submission Oct 2009 and consultation responses
- 41 Closing submission on behalf of Levi Gumble
- 42 Closing submissions on behalf of Acquiring Authority

DOCUMENTS SUBMITTED AFTER THE INQUIRY

- 43 Letter dated 9 January 2012 from np law to PINS enclosing Statement dated 5 January 2012 by Communities Minister

Annex 1: List of abbreviations used in this Report

AA	Acquiring Authority
AAP	Stowmarket Action Area Plan
App	Appendix
CPO	Compulsory Purchase Order
DCLG	Department for Communities and Local Government
DPD	Development Plan Document
GTAA	Gypsy and Traveller Accommodation Assessment
HA	Housing Association
HCA	Homes and Communities Agency
LDF	Local Development Framework
LP	Mid Suffolk Local Plan 1998 (Saved Policies)
MSDC	Mid Suffolk District Council
ODPM Circ 01/06	ODPM Circular 01/2006 Planning for Gypsy and Traveller Sites
Para	Paragraph
PPG	Planning Policy Guidance
PPS	Planning Policy Statement
RS	Regional Strategy
RSS	Regional Spatial Strategy for the East of England
SLA	Special Landscape Area

Mr C Skinner
nplaw
County Hall
Martineau Lane
Norwich
Norfolk
NR1 2DH

Our Ref: LDN023/W3520006/0002/part001
Your Ref: CFS/JR-GYBC/32032

17 April 2012

Dear Mr C Skinner

TOWN AND COUNTRY PLANNING ACT 1990

ACQUISITION OF LAND ACT 1981

**THE MID SUFFOLK DISTRICT COUNCIL (LAND AT COMBS LANE, GREAT
FINBOROUGH) COMPULSORY PURCHASE ORDER 2011**

1. The report of the Inspector, Clive Hughes BA (Hons) MA DMS MRTPI, who held a public local inquiry into the above Order on 13 December 2011, has been considered. A copy of the Inspector's report is enclosed. References in this letter to paragraphs in the Inspector's report are indicated by the abbreviation IR, followed by the relevant paragraph number.

2. The purposes of the order, if confirmed, are to facilitate the development of the land as a gypsy caravan site with adjoining amenity or grass land.

Procedural issues

3. The Secretary of State for Communities and Local Government notes (IR3) that the site notices should have been posted 14 days before the Inquiry opened but in the event they were only posted 7 days before it opened. He agrees with the Inspector (IR71) that it is unlikely any interested party has been unfairly prejudiced by this minor administrative error.

4. The Inspector states (IR4) that there is some disagreement between the Acquiring Authority and the land owner, Mr Levi Gumble, concerning the number of qualifying objectors. The Secretary of State agrees with the Inspector (IR6) that, to avoid prejudice to possible qualifying objectors, the letter of objection from Ms P Rowland should be treated as a qualifying objection, on the basis that she probably had an interest in Plot 1 of the Order Lands when the Order was made, as should the oral evidence of Mary Phillips. He also agrees with the Inspector that the letter from Adrian Winters should not be treated as a qualifying objection as it appears that he no longer has any interest in the Order Lands. The Secretary of State notes (IR7) that, if the Order is confirmed, the Inspector recommends that it be modified to include the names of Ms P Rowland and Mary Phillips as being occupiers of Plot 1 of

the Order Lands when the Order was made and the Order Map modified to show that it has a scale of 1:917 and not 1:1250.

5. The Secretary of State considers that the revocation of Regional Strategies has come a step closer following the enactment of the Localism Act on 15 November 2011. However, as the East of England Plan has not yet been formally revoked by Order, he agrees with the Inspector (IR9) that the intention to revoke should be given limited weight.

6. Since the Inspector completed his report to the Secretary of State, the Government published its new planning policy for gypsy and traveller sites on 23 March 2012. This came into effect on 27 March 2012, at the same time as the National Planning Policy Framework and is to be read in conjunction with that document. This package replaces the draft documents referred to by the Inspector at IR10, but the Secretary of State is satisfied that there are no policy changes which have a direct bearing on the Inspector's recommendation and so he has not considered it necessary to refer back to parties on it.

7. The Inspector (IR12) points out that, following the close of the Inquiry, Communities Minister Andrew Stunnell announced on 5 January 2012 that the Council's bid for Homes and Communities Agency funding of £932,850 for the redevelopment of this site had been successful.

Objections received

8. When the Inquiry opened there were 3 remaining objections and 25 non qualifying additional objections. No objections were withdrawn and 15 late objections were lodged.

9. The main grounds of objection were that the Order was defective and needs modification as no occupiers were identified and the map is not of the correct scale; a compelling case as to why the Council was seeking to acquire the land had not been made; the proposal would contravene the owner's rights; the Council has consistently failed to realize that the Forge is run as a family home not a family business; the Council did not consult properly on its proposals; local residents support present arrangements; no Site Allocations DPD had been produced that identifies sites for travellers; and the proposal would result in a reduction in pitch numbers and a waste public money.

Application for Costs

10. An application for a full award of costs was made by Levi Gumble against Mid-Suffolk District Council. This application is the subject of a separate report (IR1) and will be addressed following the issue of this decision letter.

The Inspector's report and recommendation

11. The Inspector's report summarises the submissions made at the local inquiry. A copy of his Report is annexed to this letter. The Inspector has recommended that The Mid Suffolk District Council (Land at Combs Lane, Great Finborough) Compulsory Purchase Order 2011 be not confirmed.

Correspondence received after inquiry closed

12. After the inquiry closed the Secretary of State has been copied in on correspondence from Mr Carruthers, acting on behalf of Levi Gumble, and the Council, including requests from Mr Carruthers that the Council support a bid from the Forge for its development by the owners and occupiers and that the Secretary of State reopen the inquiry to consider various issues that have arisen since it closed.

13. The Secretary of State has had regard to the late correspondence and the request to reopen the Inquiry. However, he is satisfied the correspondence received does not raise any new issues that affect his decision and therefore there is no need for him to reopen the inquiry.

Secretary of State's consideration and formal decision

14. The Secretary of State has given careful consideration to the Inspector's report on the merits of the case for confirmation, the submissions of the parties and the correspondence received after the inquiry closed. The Secretary of State agrees with the Inspector's overall conclusions (IR 94) that the order would be likely to result in an improvement in the quality of the pitches provided on the site; an increase in the level of occupation of the site; and a small improvement in the appearance of the site. It would also ensure that the site continues to help meet the need for sites for gypsies and travellers in the area. However, he agrees with the Inspector that against this has to be taken into consideration the reduction in the number of pitches on the site; the loss of a site for gypsies and travellers that has integrated into the local community; and the loss of a site that provides a type of pitch for which there is clearly some demand but for which there is only a limited supply. The Secretary of State also concurs with the Inspector that the Council's failure to demonstrate that there are no alternative sites that could meet the identified need without reducing the overall number of pitches in the area and the Council's acknowledged difficulty in finding more sites to replace those pitches lost by this proposed acquisition and redevelopment also weigh against the Order.

15. For all the reasons given by the Inspector (IR 95), the Secretary of State accepts that no compelling case in the public interest has been made to justify the confirmation of the Order.

16. The Secretary of State has carefully considered whether the purposes for which the Order was made sufficiently justify interfering with the human rights of the qualifying persons under section 12(2A) of the Acquisition of Land Act 1981 and he is not satisfied that such interference is justified. In particular he has considered the provisions of Article 1 of the First Protocol to the European Convention on Human Rights. In this respect the Secretary of State like the Inspector (IR 95) is not satisfied that the purpose for which the Acquiring Authority seeks the Order sufficiently justify interference with the objector's interests in the affected land. He has reached this conclusion for the reasons given above in relation to the lack of a compelling case in the public interest.

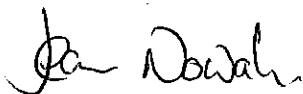
Decision

17. For all these reasons, the Secretary of State has decided to accept the Inspector's recommendation not to confirm The Mid Suffolk District Council (Land at Combs Lane, Great Finborough) Compulsory Purchase Order 2011.

18. I return the sealed order and the map.

19. Copies of this letter and the Inspector's report are being sent to the remaining objector whose representations were considered at the inquiry. Copies of the letter are also being sent to other persons who objected or made submissions at the local inquiry.

Signed by authority of the Secretary of State for Communities and Local Government



Jean Nowak

National Unit for Land Acquisition and Disposal

**THE MID SUFFOLK DISTRICT COUNCIL
(LAND AT COMBS LANE, GREAT FINBOROUGH))
COMPULSORY PURCHASE ORDER 2011**

**The Town and Country Planning Act 1990
and the Acquisition of Land Act 1981**

The MID SUFFOLK DISTRICT COUNCIL (in this Order called "the acquiring authority") makes the following order:-

1. Subject to the provisions of this Order, the acquiring authority is under section 226(1)(a) of the Town and Country Planning Act 1990 hereby authorised to purchase compulsorily the land described in paragraph 2 for the purpose of facilitating its development as a gypsy caravan site with adjoining amenity or grazing land.
2. The land authorised to be purchased compulsorily under this Order is the land described in the Schedule and delineated and shown edged red on a map prepared in duplicate, sealed with the Common Seal of the acquiring authority and marked "Map referred to in the Mid Suffolk District Council (Land at Combs Lane, Great Finborough) Compulsory Purchase Order 2011".

**Table 1
SCHEDULE**

Number on map	Extent, description and situation of the land	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 -- name and address			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers
Plot 1	Land at Combs Lane, Great Finborough, Suffolk, having an approximate area of 0.67 hectares, comprising a caravan site known as "The Forge Caravan Site".	Levi Gumble The Forge Caravan Site, Combs Lane, Great Finborough, Suffolk and c/o 84 High Street, Needham Market, Ipswich, IP6 8AW	-	-	-

Plot 2	Land at Combs Lane, Great Finborough, Suffolk, having an approximate area of 1.45 hectares, being grass land to the west of Plot 1.	Levi Gumble The Forge Caravan Site, Combs Lane, Great Finborough, Suffolk and c/o 84 High Street, Needham Market, Ipswich, IP6 8AW	-	-	-
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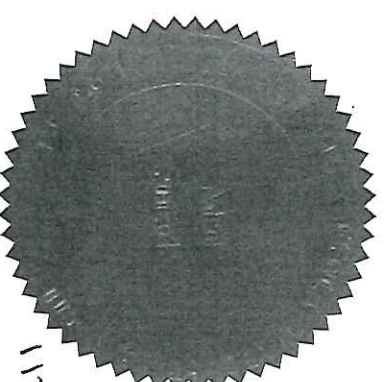
Table 2

Number on map	Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981	Description of interest to be acquired	Other qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 – not otherwise shown in Tables 1 & 2	Name and address	Description of the land for which the person in adjoining column is likely to make a claim
Plot 1	-	-	-	-	-
Plot 2	-	-	-	-	-

Dated this 27 day of January 2011

THE COMMON SEAL of
MID SUFFOLK DISTRICT COUNCIL

was affixed in the presence of:

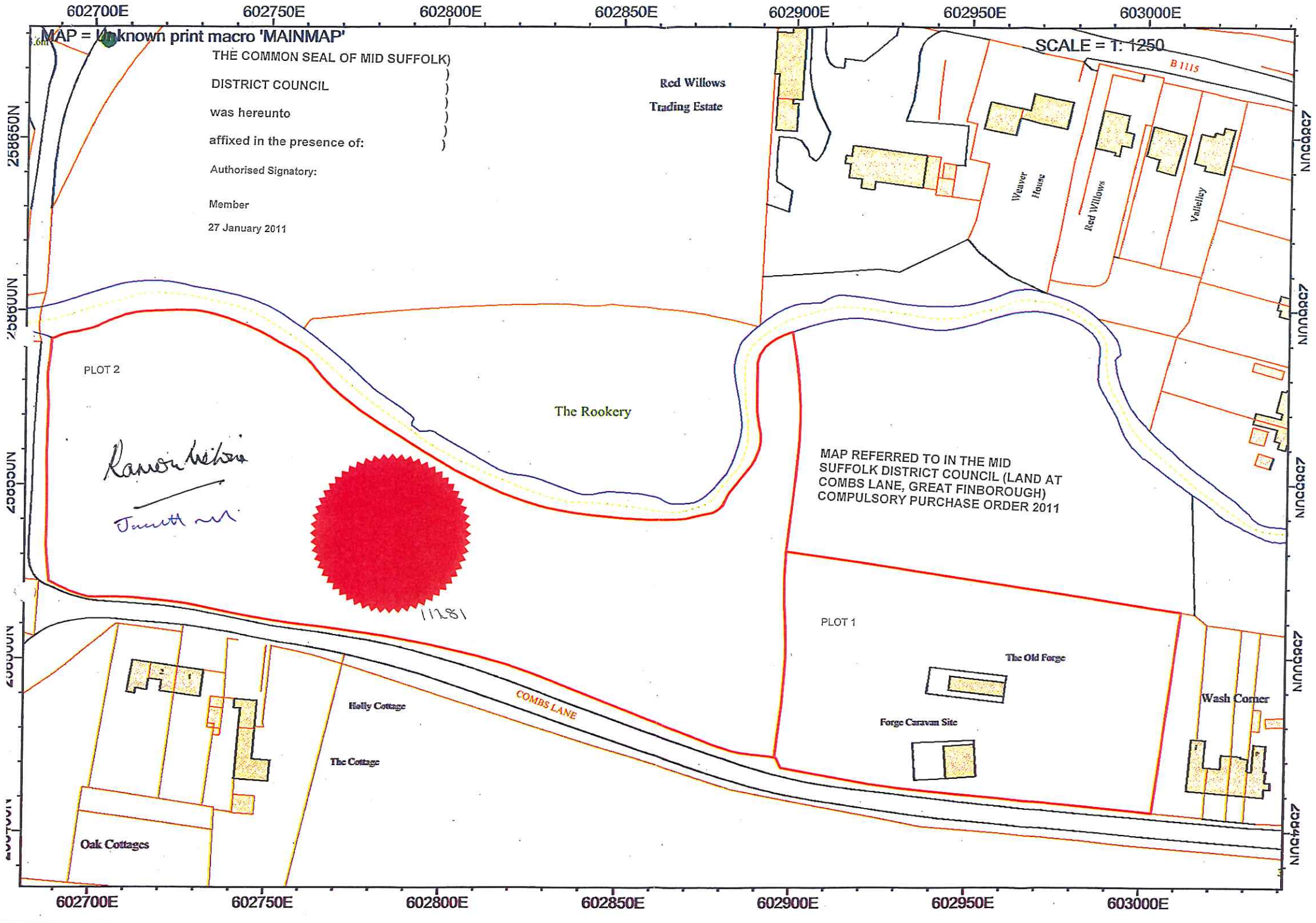


11281

Authorised Signatory *David W*

Member

Ramona Nelson



602700E

602750E

602800E

602850E

602900E

602950E

603000E

258650N

258600N

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MAP = Unknown print macro 'MAINMAP'

THE COMMON SEAL OF MID SUFFOLK)
DISTRICT COUNCIL
was hereunto
affixed in the presence of:

Authorised Signatory:

Member

27 January 2011

SCALE = 1:1250

B1115

Red Willows
Trading Estate

Weaver
House

Red Willows

Valley

PLOT 2

The Rookery

MAP REFERRED TO IN THE MID
SUFFOLK DISTRICT COUNCIL (LAND AT
COMBS LANE, GREAT FINBOROUGH)
COMPULSORY PURCHASE ORDER 2011

PLOT 1

The Old Forge

Forge Caravan Site

Wash Corner

Oak Cottages

Holly Cottage

The Cottage

COMBS LANE

THE MID SUFFOLK DISTRICT COUNCIL (LAND AT COMBS LANE GREAT FINBOROUGH) COMPULSORY PURCHASE ORDER 2011

STATEMENT OF REASONS

1. The Order Land comprises The Forge Caravan Site in Combs Lane, Great Finborough, Suffolk ("the Forge Site") and grass land to the west ("the Paddock Land").
2. Planning permission was granted on appeal in 1982 for the Forge Site to be used as a gypsy caravan site. An application was submitted by the owner of the Forge Site in 2010 for a Certificate of Lawful Use, certifying that the land had a lawful use as a caravan site. This was refused by Mid Suffolk District Council and is the subject of an appeal.
3. The Paddock Land is level and bounded by hedges and the River Rat. It has been used as a pony paddock in the past. The land is currently unused and covered by grass and weeds, with a number of small trees and shrubs close to the River.
4. The Council considers that the Forge Site has an important role to play in providing pitches for the gypsy and traveller community. However it is currently little used by persons staying in caravans, and those persons who do use it are not necessarily gypsies and travellers. The appearance of the Forge Site is poor and it does not provide the facilities of a permanent gypsy and traveller site.
5. The Gypsy and Traveller Accommodation Assessment (GTAA) in 2006, and ratified by the Regional Spatial Strategy (RSS) in July 2009, confirmed that the Council was required to provide 42-43 new pitches between 2006 and 2011. To date the Council, working with the Gypsy and Traveller community, has secured an additional 28 pitches, leaving a net 14-15 pitches to be provided by the end of 2011.
6. The Forge Site is currently licensed for 19 pitches and this provision has already been counted in the GTAA and the potential loss of those 19 pitches would mean the Council would have to identify other sites to make up for the loss of the site. This would involve finding 3 additional locations within the District whereby the landowners would need to be willing to develop the land for this purpose. There is a risk of landowners not coming forward with suitable sites and the shortfall in sites not being met. In the event that three additional sites could be found in suitable locations, each providing an average of 6 pitches, there will be a number of planning process challenges to overcome in order to deliver the required sites in addition to the potential cost of acquiring the land.
7. The Council's purpose in acquiring the Forge Site is to see it improved and properly used as a permanent site for the gypsy and traveller community. The

Paddock Land, also owned by the owner of the Forge Site, could provide grazing or amenity land for occupiers of the Forge Site. Vehicular access to the Paddock Land is currently through the Forge Site and it may have little practicable use if it is retained by its current owner.

8. Council officers have been working with Orwell Housing Association to prepare a bid submission to the HCA for 12 pitches for the Forge Site. Whilst the caravan site licence allows for 19 pitches on this site, and this is the figure included in the 2006 GTAA, current good practice guidance takes account of improved space standards and the number of pitches that are more likely to ensure a viable and more manageable site. The Council's priority is to ensure that any new provision will be produced to a good standard and will have long term financial viability as a permanent social rented site. Of the 14 existing sites in Mid Suffolk, all pitches are for owner occupation only; none offer a social rented tenure option to the Gypsy and Traveller community. The HCA grant funding is specifically aimed at increasing the provision of social rented pitches, to provide affordable pitch options in the same way as for bricks and mortar affordable housing provision.
9. Reducing the site from 19 to 12 pitches could technically add another 7 pitches to the 14-15 outstanding, giving a net requirement of 21-22 pitches by the end of 2011 but as there are no actual pitches being provided currently at The Forge, the 12 pitches would in reality be additional to existing overall provision numbers across the district.
10. The Council is currently waiting to hear whether the HCA bid has been successful, or whether a fresh application will be required. The Council considers there is a good prospect of obtaining funding. However it already has the money available to acquire the land and if HCA funding is not forthcoming, other options to secure the improvement and redevelopment of the Forge Site will be considered.
11. If the site is Compulsory Purchased, the Council do not intend to manage it directly but work in partnership with one of its housing association partners and jointly with the Gypsy & Traveller Community to come up with a satisfactory and workable system to provide a good quality and well run site. Discussions are currently on-going with Orwell Housing Association to formulate an agreed working arrangement.
12. The landowner has resisted numerous attempts to work in partnership with the Council to bring the site up to prescribed standards and to submit a joint bid to the Homes & Communities Agency (HCA) to develop the site to modern standards and bring the site into full use. As a result, the Council's Gypsy & Traveller Steering Group have agreed that the Council has little option other than to proceed with the Compulsory Purchase Order in order to secure and develop the site so that it can be practically used as a permanent site for the Gypsy and Traveller community to meet their needs for permanent pitches.