26/01646/FUL – Ramsey Town Council Comments
Proposed change of use to site for 4 static caravans for residential use, associated parking for vehicles & 2 touring caravans, and day room
Land on South Side of Middle Drove, Ramsey Heights

Procedural Matters – Inconsistent Plans

The online planning records contains plans which are fundamentally inconsistent. There is a plan labelled 'Plots 1-5' or 'Plots (1-5)' which is uploaded four times on the documents tab. This is a drawing reference 3772-01 produced by MTC Engineering that identifies five plots in different colours. However, this relates to a completely different parcel of land to the area of land identified as the application site by the red line on the application plan. That plan purports to address Lidar data but in fact contains no height data in any event.

As such it is assumed that this plan is erroneous, and we have based our comments on the submitted location plan and the proposed plan reference MW/CR-01.

Procedural Matters - Red Line and Impact on Certificate

It is noted that the application red line does not incorporate Middle Drove all the way east to the public highway at Ugg Mere Court Road. Middle Drove is not a public highway, neither is it a public right of way. It is recorded as being a private way. Ownership of Middle Drove is not recorded on the Land Registry records.

Planning Practice Guidance (Reference ID: 14-024-20140306) advises: *"A location plan should be based on an up-to-date map. The scale should typically be 1:1250 or 1:2500, but wherever possible the plan should be scaled to fit onto A4 or A3 size paper. A location plan should identify sufficient roads and/or buildings on land adjoining the application site to ensure that the exact location of the application site is clear.*

The application site should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (e.g. land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings). A blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site."

As such the red line fails to comply with national guidance as it does not include the full length of Middle Drove to Ugg Mere Court Road as the nearest public highway.

The applicant should be required to amend the red line to include the full length of Middle Drove. This will render the Certificate A completed to be incorrect as the relevant party making the application does not own Middle Drove. A new certificate will then be required to comply with the provisions of Article 13(1)(a) and (b) of the Town and Country Planning (Development Management) (England) Order 2015 (DMPO).

Under the provisions of Section 65(2) of the Town and Country Planning Act 1990 (TCPA) and Article 13(1)(a) of the DMPO they are required to serve the relevant statutory notice of the submission of the planning application on the owners of all the land within the red line of the planning application site, which will need to include the full length of Middle Drove. An 'owner' is anyone with a freehold interest, or leasehold interest the unexpired term of which is not less than 7 years.

Certificate C should be completed if the applicant does not own all of the land to which the application relates and does not know the name and address of all of the owners and/or agricultural tenants. Alternatively, Certificate D should be completed if the applicant does not own all of the land to which the application relates and does not know the names and addresses of any of the owners and/or agricultural tenants.

Article 13 identifies that where the applicant has taken reasonable steps to ascertain the names and addresses of every such person deemed an 'owner', but has been unable to do so, then they must publish a prescribed notice in a newspaper circulating in the locality in which the land to which the application relates is situated. If through any due diligence search of land registry records and any deeds that may exist, the respective applicants/agents cannot determine who owns Middle Drove; then they must publish a notice in a local newspaper at their cost.

As you will be aware Section 65(5) TCPA provides that an LPA shall not consider any application for planning permission unless the requirements of the certificates of ownership have been complied with. Articles 13 and 14 of the DMPO have not been complied with.

The applicant should therefore be required to correctly define a red line to the nearest public highway and then complete the correct certificate following the serving of the relevant statutory notice on all the 'owners' and/or publishing the relevant notice in a local newspaper. Then in accordance with the statutory provisions of Section 65 of the TCPA and Article 13 of the DMPO, the LPA cannot lawfully determine the applications for a period of at least 21 days from the date the appropriate statutory notice is served.

In our view the circumstances of the case of *Re Bray Investments Ltd [1997]* apply. As such the planning authority, in response to a third party complaint about the validity of the ownership certificate, should take the view that the failure to correctly serve the required notice gives rise to a potential for prejudice as it has deprived that potential 'owners' of Middle Drove the opportunity to seek the relevant professional and legal advice prior to the submission of the application which is necessary to make fully informed representations during the required consultation period.

The planning authority should therefore refuse to determine the applications, as the High Court has confirmed that an authority is entitled to refuse to entertain an application that was accompanied by an inaccurate certificate.

Procedural Matters - Red Line and Biodiversity Net Gain

It is noted once the red line is corrected to include all the access back to the nearest public highway, then the application site will exceed the 0.2-hectare threshold meaning that the application is legally subject to biodiversity net gain (BNG). Plus, any unauthorised degradation of habitat pre-application must be taken into account as the law requires.

Decision Making

The area along Middle Drove and Harpers Drove in Ramsey Heights has been subject to lots of unauthorised development. The latest National Planning Policy Framework (NPPF) published in August 2026 now sets out a series of national decision-making policies. This includes:

"DM8: Unauthorised development and enforcement

1. *Where there has been unauthorised development and local planning authorities are considering whether enforcement action is expedient, they should take account of their local enforcement plan, the impact of the breach of planning control, and the extent to which the breach would otherwise be acceptable.*
2. *In cases of unauthorised development where consideration is being given to an application for retrospective planning permission (or through an enforcement appeal, whether to grant planning permission in respect of a breach of planning control), if it is concluded based on evidence that the unauthorised development was intentional, that fact should be given substantial weight in considering whether to grant planning permission."*

Whilst in this case the proposal does not relate to regularising unauthorised development, the NPPF policy is applicable to the wider context of decision making in the wider area.

Accessibility and Location

Ramsey Heights is a small village under Policy LP 2 (Strategy for Development) in the Huntingdonshire Local Plan to 2036 as explained in the table in paragraph 4.100 of Policy LP 9 (Small Settlements). Ramsey Heights does not form part of the Ramsey Spatial Planning Area as the table in paragraph 4.87 under Policy LP 7 (Spatial Planning Areas) of the Local Plan explains.

The site falls within the countryside in planning terms. Policy LP2 in the Local Plan sets out the strategy for development. Policy LP2 states:
"The development strategy for Huntingdonshire is to: Concentrate development in locations which provide, or have the potential to provide, the most comprehensive range of services and facilities; Direct substantial new development to two strategic expansion locations of sufficient scale to form successful, functioning new communities; Provide opportunities for communities to achieve local development aspirations for housing, employment, commercial or community related schemes; Support a thriving rural economy; Protect the character of existing settlements and recognise the intrinsic character and beauty of the surrounding countryside; Conserve and enhance the historic environment; and Provide complementary green infrastructure enhancement and provision to balance recreational and biodiversity needs and to support climate change adaptation."

In terms of distribution of growth, the Policy LP2 identifies four spatial planning areas that are designated reflecting their status as the district's traditional market towns and most sustainable centres.

Overall, the Huntingdonshire Local Plan to 2036 looks to focus growth in sustainable locations and has allocated a number of strategic urban extensions and strategic sites. In terms of creating balanced and mixed communities, Gypsy and Traveller provision should be planned for as part of those strategic site allocations.

The Local Plan sets out a definition of the 'built-up area' which is used to define the geographic extent of existing settlements. The Ramsey Communities Neighbourhood Plan is awaiting Referendum on the 26th November 2026. On the 20th October 2026, the Ramsey Communities Neighbourhood Plan gained the legal status of 'a post examination draft neighbourhood

development plan'. Under section 1 of the Neighbourhood Planning Act 2017 and section 70 of the Town and Country Planning Act 1990, the LPA in the determination of applications for planning permission must have regard to a post-examination draft neighbourhood development plan, so far as material to the application.

The Neighbourhood Plan has applied the Local Plan definition of 'built-up area' to define a settlement boundary through Policy 1 – Definition of 'Built-up Area' (Settlement Boundary). The application sites fall outside the Neighbourhood Plan settlement boundary and in planning terms the sites lie within the countryside.

Policy LP 16 (Sustainable Travel) of the Local Plan identifies that new development will be expected to contribute to an enhanced transport network that supports an increasing proportion of journeys being undertaken by sustainable travel modes.

Policy 8 – Sustainable Transport of the Ramsey Communities Neighbourhood Plan also looks for development proposals to demonstrate how opportunities for the use of sustainable modes of transport are maximised.

The application site is remote from any settlement and from the necessary services and facilities for day-to-day needs. Accordingly, the application conflicts with Policy LP 16 (Sustainable Travel) of the Huntingdonshire Local Plan to 2036 and Policy 8 – Sustainable Transport of the Ramsey Communities Neighbourhood Plan.

The site has a score of only 6 (out of 100) on the Department for Transport Connectivity Tool. As such it has a score that places it in the lowest percentile (0 – 10%) of connectivity in all categories. Notably in the detail it scores 0 (out of 100) for walking connectivity to education, health, shopping and workplaces.

The nearest bus stop is in Ramsey Heights around 1km away from the site at the junction of Ugg Mere Court Road with Middle Drove. There is no footway on Middle Drove, which is an unmetalled private lane and it is unlit. Ugg Mere Court Road also has no footways. Consequently, even if the occupiers of the sites were to use the bus services, this would likely be confined to daylight hours given the unlit nature of Middle Drove.

The absence of streetlights, and the distances involved to the nearest settlements where there are a reasonable number of day-to-day local services amenities the occupiers of the sites would not be likely cycle or walk on a regular basis.

Accordingly, the site is not accessible to a reasonable number of local services and amenities. Meaning that the occupiers of the sites would likely to be heavily reliant on the private motor vehicle from the point of view of travelling to settlements which have a reasonable range of day-to-day services and amenities. Consequently, the site is not in a sustainable location in terms of its accessibility to existing local services.

The NPPF includes a national decision-making policy as follows:

"S5: Principle of development outside settlements

1. *Only certain forms of development should be approved outside settlements, as set out in the following list. These should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework:*
   a. *Development for: agriculture, horticulture and forestry; outdoor sport and recreation; allotments; cemeteries and burial grounds; mineral extraction and processing; engineering operations and infrastructure (including for transport, energy, water and telecommunications); roadside facilities in accordance with policy TR5; national defence and security; or which is solely for nature conservation, restoration and/or enhancement;*
   b. *Development for rural businesses and services, including tourism, where a location outside settlements is shown to be necessary;*
   c. *The reuse, extension, alteration or replacement of an existing building, provided that the existing building is of permanent and substantial construction, is lawful in planning terms, and any extension or alteration will not result in a disproportionate increase in size compared to the existing building[25]. In the case of proposals for a replacement building, it should be for the same use and not disproportionately larger than the one it replaces;*
   d. *The redevelopment of previously developed land (including a material change of use to residential or mixed-use including residential);*
   e. *Limited infilling within groups of houses;*
   f. *An exception site as provided for in policy HO10, or development brought forward under a Community Right to Build Order or Neighbourhood Development Order;*
   g. *Development which would address an evidenced unmet need for gypsy, traveller or travelling showpeople accommodation[26], provided it meets the criteria in policy HO12;*
   h. *Residential and mixed-use development which would:*
      i. *Be within reasonable walking distance of a well-connected station (applying the definitions in the glossary at Annex B);*

ii. *Be physically well-related to the station or the settlement within which the station is located;*

iii. *Be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure; and*

iv. *Not prejudice any proposals for long-term comprehensive development in the same location.*

i. *The development of land allocated for that purpose in the development plan (where this lies outside settlements); and*

j. *Development which would address an evidenced unmet need (including, but not limited to, development proposals involving the provision of housing where the local planning authority cannot demonstrate a five year supply of deliverable housing sites or scores below 75% in the most recent Housing Delivery Test[27]), and where the development would:*

i. *Be physically well-related to an existing settlement[28] (unless the nature of the development would make this inappropriate) and be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure; or*

ii. *Comprise major development for freight and logistics purposes which accords with policy E3.*

2. *In applying this policy, the circumstances in which the benefits of approving development proposals are likely to be substantially outweighed by adverse effects include, but are not restricted to, situations where the development proposal would fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances.*
3. *Development proposals comprising isolated homes, which are those lying outside settlements or groups of houses, should not be approved other than in accordance with policy HO11.*
4. *Development proposals which do not fall within one of the categories set out in this policy should only be approved in exceptional circumstances, where the benefits of the proposal would substantially outweigh the adverse effects, including to the character of the countryside and in relation to promoting sustainable patterns of movement.*
5. *This policy does not apply to development proposals in the Green Belt or on land designated as Local Green Space, which should instead be determined in accordance with policies HC8, GB6, GB7 and/or GB8 (as appropriate). However, where development would not be inappropriate in these locations (through the application of policies HC8 and GB7), proposals should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework, and applying paragraph 2 of this policy."*

The NPPF in the Glossary in Annex B defines 'settlement as:

"Settlement: Includes cities, towns, villages and other predominantly built-up areas, including land which is allocated or has permission for development which will form part of the built-up area once the development is complete. This includes areas defined as a settlement in the development plan (whether using defined settlement boundaries or equivalent terms, or criteria for identifying settlement extents where boundaries have yet to be defined). Settlements do not include hamlets and scattered groups of houses located outside predominantly built-up areas, unless specifically defined as a settlement in the development plan. For the purpose of this Framework they also exclude villages which lie within and are defined as part of the Green Belt in the development plan."

The NPPF is explicit through Policy S5: Principle of development outside settlements that development for gypsy and traveller provision can only be supported under criterion 1 where it meets the provisions of Policy HO12. In addition, criterion 2 is clear that failure to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances, such as flood risk, is likely to be sufficient to constitute adverse effects that substantially outweigh the benefits.

"HO12: Traveller sites

1. *Development proposals for traveller sites should be located so that they:*
    a. *Provide a settled base while recognising the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability and may also mean that locations not well-related to existing settlements may be appropriate; and*
    b. *Enable access to frequently used services, such as education, welfare and health services, including ensuring that children can attend school on a regular basis.*
2. *When considering proposals for traveller sites, including for the purposes of considering need under policies S5 and GB7, local planning authorities should take into account the existing level of local provision and need for additional sites and other personal circumstances which may be relevant. Applications from any traveller should be considered and not just those with local connections.*
3. *Where development proposals require the permanent or temporary relocation of an authorised traveller site, an alternative site should be identified and provided. Suitable alternative sites should take into account the views of existing residents as well as existing family or community groupings where possible."*

In this case, the evidence indicates that a regular potential to access an acceptable level of amenities and services in surrounding settlements, on foot, by bicycle, and by public transport, is significantly inhibited for the reasons outlined above. Owing to the likely car dependency, therefore the development would conflict with the environmental requirements of the NPPF, even accounting for the more flexible approach to be applied to rural areas.

The occupiers of the site would be heavily reliant on the private motor vehicle for most day-to-day journeys and to reach a range of amenities and services which are some distance away. This is not a sustainable mode of transport. In this case, the use of sustainable modes of transport to reach day-to-day services and amenities would be limited. This would conflict with Policies LP2 (Strategy for Development) and LP 16 (Sustainable Travel) of the Huntingdonshire Local Plan to 2036 and Policy 8 – Sustainable Transport of the emerging Ramsey Communities Neighbourhood Plan.

There would not be access to frequently used services, such as education, welfare and health services as Policy HO12 of the NPPF is seeking.

Ramsey Heights is a small village whose main community facility is a Community Park and Children's Play Area. It has no school or shop and as such it does not have the facilities to meet the day-to-day needs of residents. Although it does have a bus service every 2 hours by virtue of the X31 service, it should be noted that the circular nature of the route of this service means that from Ramsey Heights the bus goes to Peterborough, there is no daily direct bus service from Ramsey Heights to the services and facilities in Ramsey town.

The scale and concentration of unauthorised and authorised gypsy and traveller sites along the Droves do not respect the scale of Ramsey Heights; and are dominating the village as the nearest settled community.

The application site does not lie within the settlement either by virtue of the Local Plan definition of the 'built-up area' nor through Policy 1 – Definition of 'Built-up Area' (Settlement Boundary) of the Ramsey Communities Neighbourhood Plan.

Policy LP 9 (Small Settlements) of the Local Plan does also support development where it is on land well-related to the built-up area where this is allowed for through other policies in the Local Plan.

Paragraph 4.107 of the Local Plan sets out a definition of what is meant by Policy LP 9 as: *"Proposals for development on land well-related to the built-up area will be considered subject*

to the provisions of policies LP 10 'The Countryside', LP 19 'Rural Economy', LP 22 'Local Services and Community Facilities', LP 23 'Tourism and Recreation', LP 28 'Rural Exceptions Housing', LP 33 'Rural Buildings' and LP 38 'Water Related Development'."

The application site cannot by any reasonable interpretation be considered to be on land well-related to the built-up area. The applications therefore conflict with Policy LP 9 (Small Settlements) of the Huntingdonshire Local Plan to 2036 and with Policy 1 – Definition of 'Built-up Area' (Settlement Boundary) of the Ramsey Communities Neighbourhood Plan.

Policy LP 10 (The Countryside) of the Local Plan is relevant. It states:
"Development in the countryside will be restricted to the limited and specific opportunities as provided for in other policies of this plan. All development in the countryside must:
a. seek to use land of lower agricultural value in preference to land of higher agricultural value:
i. avoiding the irreversible loss of the best and most versatile agricultural land (Grade 1 to 3a) where possible, and
ii. avoiding Grade 1 agricultural land unless there are exceptional circumstances where the benefits of the proposal significantly outweigh the loss of land;
b. recognise the intrinsic character and beauty of the countryside; and
c. not give rise to noise, odour, obtrusive light or other impacts that would adversely affect the use and enjoyment of the countryside by others."

The scale and concentration of unauthorised and authorised gypsy and traveller sites along the Droves do not respect the intrinsic character and beauty of the countryside. Middle Drove is also entirely on Grade 1 agricultural land, and no exceptional circumstances have been demonstrated. The application therefore conflict with Policy LP 10 (The Countryside) of the Huntingdonshire Local Plan to 2036.

The application would also conflict with Policy N2: Improving the natural environment of the NPPF which recognises the importance of best and most versatile agricultural land, landscape character and of trees and woodland.

The site is not located in safe walking distance to a settlement, and the evidence is that access to a range of services including health and education provision would, on a day-to-day basis, be private motor vehicle focussed. For the above reasons, the application would not accord with the sustainable and accessibility requirements of the policies of the Local Plan and the NPPF. This is a matter that weighs against permitting the application.

Great Fen Landscape and Landscape Character

In the Local Plan the site falls within the Great Fen Landscape & Visual Setting. Policy LP 3 (Green Infrastructure) in relation to The Great Fen states:
"Within the Great Fen a proposal will only be supported where it is clearly demonstrated that it will make a positive contribution towards the implementation of the Great Fen Master Plan (2010) or successor documents. A proposal that lies outside the designated Great Fen area, but within its Landscape and Visual Setting will be expected to demonstrate consideration of the landscape and visual impacts that the proposal could have on the Great Fen, such as how the proposal might affect the aims of the Great Fen project to establish an area where the experience gained by visitors will be one of a tranquil area of countryside unaffected by urban encroachment."

The prevailing undeveloped and rural landscape character of the area adds positively and distinctively to the way that the area is experienced by those living or travelling within the area.

The submitted plans show a long driveway and a large area of hardstanding which would urbanise the character of the site and the countryside.

Along the Droves caravans and mobile homes are individually and cumulatively very large. The evidence is that prior to the developments, authorised and unauthorised including associated hardstanding being formed, the land was agricultural as part of the fenland landscape.

The change of use will lead to increased activity and a greater intensity of use of the site. This site will add to the impact arising from caravans/mobile homes, hardstanding, parking of vehicles, and the provision of likely associated domestic paraphernalia, which cumulatively through the scale and concentration of authorised and unauthorised sites has significantly eroded the otherwise more open, undeveloped and rural character of this part of the countryside.

The development will contribute to the overall harmful effect of expanding the built form associated into the countryside undermining the flat fenland landscape character. Caravans and mobile homes do not assimilate well with this landscape character in terms of its material, scale and overall utilitarian appearance.

The scale and concentration of unauthorised and authorised gypsy and traveller sites along the Droves is harmful to the experience gained by visitors to the Great Fen through urban encroachment and the loss of a tranquil area of countryside. Collectively this has become a sprawling form of development into the otherwise more open area of countryside.

Policy LP 11 (Design Context) of the Local Plan also looks for proposals to demonstrate that it responds positively to its context and has drawn inspiration from the key characteristics of its surroundings, including natural, historic and built environment, to help create distinctive, high quality and well-designed places. Policy LP 12 (Design Implementation) of the Local Plan also looks for proposals to respond to their context.

The application involves change of use which will change activity from a rural character to a residential use with an urban character that does not respond positively to its context. The development has no regard to the key characteristics of its surroundings and fails to respect the natural and historic fenland environment. Accordingly, the application does not help to create distinctive, high quality and well-designed places.

Consequently, the application thereby conflicts with Policy LP 3 (Green Infrastructure), Policy LP 11 (Design Context) and Policy LP 12 (Design Implementation) of the Huntingdonshire Local Plan to 2036.

The application would also conflict with Policy N2: Improving the natural environment of the NPPF which looks for proposals to consider the environmental qualities of land proposed for development, including habitats, landscape character and the natural beauty of the countryside, and identify opportunities for those qualities to be conserved or enhanced including through requirements for biodiversity net gain where this applies.

Flood Risk

The application site, together with Middle Drove, Harpers Drove and Ramsey Heights lies within Flood Zone 3, which is land defined by the planning practice guidance as having a high probability of flooding.

Policy F4 of the NPPF sets out when a flood risk assessment is required, it states:
"F4: Assessing flood risk for decision-making

1. *To inform the assessment of flood risk and, where relevant, appropriate mitigation, a site-specific flood risk assessment should accompany all development proposals in Flood Zones 2, 3a, and 3b as defined in Annex F, table 1.*
2. *In Flood Zone 1, a site-specific flood risk assessment should inform and accompany all development proposals involving:*
    1. *Sites of one hectare or more;*

2. *Land which has been identified by the Environment Agency as having critical drainage problems; and*
3. *Land identified in a strategic flood risk assessment or the Flood Map for Planning[55] as being at risk of flooding from any source, whether now or in the future.*

3. *Site-specific flood risk assessments should be appropriate to the scale, nature, and location of development and should, where relevant, support an assessment of whether a development proposal satisfies the sequential and exception tests set out in policies F5 and F6."*

Planning Practice Guidance on Flood Risk and Climate Change (Reference ID: 7-020-20220825) states: *"A site-specific flood risk assessment is carried out by (or on behalf of) a developer to assess the flood risk to and from a development site and should accompany a planning application where prescribed in footnote 55 of the National Planning Policy Framework. The assessment should demonstrate to the decision-maker how flood risk will be managed now and over the development's lifetime, taking climate change into account, and with regard to the vulnerability of its users (see National Planning Policy Framework Annex 3 – Flood Risk Vulnerability.*
Developers can use the Environment Agency guidance on flood risk assessments when considering the scope of the assessment.
The objectives of a site-specific flood risk assessment are to establish:

- *whether a proposed development is likely to be affected by current or future flooding from any source;*
- *whether it will increase flood risk elsewhere;*
- *whether the measures proposed to deal with these effects and risks are appropriate;*
- *the evidence for the local planning authority to apply (if necessary) the Sequential Test, and;*
- *whether the development will be safe and pass the Exception Test, if applicable."*

(Note reference in PPG to footnote 55 of the NPPF should now be to Policy F4 in the August 2026 version of the NPPF)

Continuing paragraph 21 of the Planning Practice Guidance (Reference ID: 7-021-20220825) quotes: *"The information provided in the flood risk assessment should be credible and fit for purpose. Site-specific flood risk assessments should always be proportionate to the degree of flood risk and make optimum use of information already available, including information in a Strategic Flood Risk Assessment for the area, and the interactive flood risk maps available on the Environment Agency's web site.*
A flood risk assessment should also be appropriate to the scale, nature and location of the development. For example, where the development is an extension to an existing house (for

which planning permission is required) which would not significantly increase the number of people present in an area at risk of flooding, the local planning authority would generally need a less detailed assessment to be able to reach an informed decision on the planning application. For a new development comprising a greater number of houses in a similar location, or one where the flood risk is greater, the local planning authority would need a more detailed assessment".

The application is accompanied by a Flood Risk Assessment, albeit it is dismissive of flood risk on the basis of the drained fenland nature of the landscape.

Policy LP 5 (Flood Risk) of the Local Plan states:
"Location of development
A proposal will only be supported where all forms of flood risk, including breaches of flood defences or other defence failures, have been addressed, as detailed in the National Planning Practice Guidance and with reference to the Cambridgeshire Flood and Water Supplementary Planning Document (SPD), such that:
a. the sequential approach and sequential test are applied and passed, having regard to actual and residual flood risk and including consideration of the impact of climate change;
b. if necessary, the exception test is applied and passed;
c. development has been sequentially located within the site to avoid flood risk;
d. all reasonable opportunities to reduce overall flood risk have been considered and where possible taken;
e. the integrity of existing flood defences is not adversely affected, and any necessary flood mitigation and compensation measures have been agreed with relevant bodies and the Council; and
f. the requirements relating to flood risk set out in the Cambridgeshire Flood and Water SPD have been applied.
Any reliance on emergency services to make a proposal safe will not be acceptable. Safety risks will be determined with reference to the Defra guidance on flood risk safety FD2320 or successor guidance, on the basis that development should be 'safe for all' for a 1:100 annual probability flood event, for the lifetime of the development, with appropriate climate change allowances."

The evidence is that the site falls within flood zone 3 as shown on the Environment Agency Flood Risk for Planning map. Caravans and mobile homes intended for permanent residential use are classified in Annex F of the NPPF as a 'highly vulnerable' form of development. It is accepted that buildings used for dwelling houses would be classified in Annex F of the NPPF as a 'more vulnerable' form of development.

The application form is explicit that the amenity building is to be used in connection with a caravan/mobile home intended for permanent residential use. The NPPF is explicit that such a caravan/mobile home intended for permanent residential use must be deemed to be a 'highly vulnerable' use.

As the two elements are inextricably linked and the amenity building could not be occupied separately; then the development can only reasonably be considered to amount to a highly vulnerable residential use having regard to the NPPF.

The submitted flood risk assessment promotes a wholly inappropriate dismissive attitude towards flood risk. As such the flood risk assessment fails to meet the requirements of the NPPF and Planning Practice Guidance.

Table 2 of the Flood Risk and Coastal Change chapter of Planning Practice Guidance states that planning permission should 'not be permitted' for highly vulnerable development in flood zone 3. The site is within flood zone 3 and use of it for residential purposes is a highly vulnerable form of development. In this regard, the development fails to accord with the flood risk requirements of the NPPF or Planning Practice Guidance.

Given the clear policy position, the development should not be permitted. The occupiers of the development would be at unacceptable risk from flooding.

The application is not supported by an appropriate and adequate application of the sequential test. In addition, the application does not demonstrate compliance with the principles set out in the exception test which are material considerations.

The NPPF in Policy F5 in relation to the sequential test states:
"F5: The sequential test

1. *The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Where the test applies, development proposals should not be located in areas at risk of flooding where alternative sites, appropriate for the development, are reasonably available in areas with a lower risk of flooding. The area to which the test is applied should not be greater than the anticipated catchment of the development in terms of its likely occupiers or users.*
2. *The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, other than for:*
    a. *Sites allocated in the development plan which were subject to the sequential test during plan preparation;*

b. Sites where a site-specific flood risk assessment demonstrates clearly that:

i. No built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk); or

ii. Where the site would be at risk of surface water flooding only, the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development without increasing flood risk elsewhere in accordance with policy F7.

c. For the following types of development:

i. Householder development;

ii. Small non-residential extensions (with a footprint of less than 250m^2); and

iii. Changes of use, other than changes of use to a caravan, camping or chalet site, or to a mobile home or park home site.

3. The strategic flood risk assessment covering the area of the proposed development and the Flood Map for Planning should provide the evidential basis for applying the sequential test."

The NPPF is clear in Policy F5 that a change of use to a caravan, camping or chalet site, or to a mobile home or park home site must pass the sequential test. No sequential test has been undertaken.

Accordingly, as submitted the application fundamentally fail to demonstrate compliance with showing that the sequential test is passed, and that the development is acceptable in flood risk terms. The development does not therefore accord with the flood risk requirements of Policy LP 5 of the Local Plan, Policy F5 of the NPPF and Planning Practice Guidance.

The NPPF sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future) to areas with lowest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. To achieve this a sequential risk-based approach, the 'sequential test' should be applied to individual planning applications.

The responsibility for determining whether the sequential test is met lies with local planning authorities. The Council should determine an appropriate area of search, based on the development type proposed and relevant spatial policies, with the applicant then identifying whether there are any other 'reasonably available' sites within the search area.

In the context of Gypsy and Traveller provision, the need identified is a district-wide need, there is no sub-aggregation of need to sub-areas or individual settlements. The policies of the Local Plan do not set out any spatial strategy for Gypsy and Traveller provision, nor any form of distribution strategy. This differs to market housing and affordable housing where the Local Plan sets out both a spatial hierarchy and a distribution strategy.

Planning Practice Guidance (Reference ID: 7-027-20220825) states: "*The sequential test should be applied to 'Major' and 'Non-major' development proposed in areas at risk of flooding, as set out in paragraphs 173 to 174 of the National Planning Policy Framework. Paragraphs 175, 176 and 180 set out exemptions from the sequential test.*

In applying paragraph 175 a proportionate approach should be taken. Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied.

The absence of a 5-year housing land supply is not a relevant consideration in applying the sequential test for individual applications. However, housing considerations, including housing land supply, may be relevant in the planning balance, alongside the outcome of the sequential test."

The Local Plan does not offer advice on as to what search area should be used for applying the sequential test. Given that the application sites are in the countryside and Ramsey Heights as a small village fall within the lowest category in the spatial strategy, it is not considered appropriate to limit the area of search for the sequential test to Ramsey Heights and surrounding settlements. The need is district-wide, and the sequential test should be based on a district-wide area of search.

The applications are not accompanied by any cogent or substantive sequential test. No information relating to whether or why any other sites with lower risk of fooding have been discounted has been provided.

Instead, the application incorrectly contend that reliance can be placed upon the area being defended which is irrelevant to flood risk. The Government has explicitly determined the flood

zones for use in planning will be defined ignoring flood defences and the presence of defences is not a legitimate rationale for not applying the sequential test.

Whilst other land in the district also lies within flood zones, that does not provide evidence of there being no other sites at lower risk of flooding and therefore being sequentially preferable than the application sites in flood zone 3.

Importantly, a lack of a 5-year pitch supply is not a parallel to there being no other alternative sites with a lower risk of flooding. Other sites, with lower flood risk, may or may not be available. In this regard Planning Practice Guidance confirms that the absence of a 5-year land supply is not a relevant consideration for the sequential test for individual applications. As such, the search for alternative sites with lower risk should be made on a geographical basis. For these reasons it must be concluded that the sequential test has not been passed.

Even if the sequential test had been passed, the NPPF provides that where it is not possible to locate development in an area at lower risk of flooding, the 'exception test' may need to be applied. However, Planning Practice Guidance is clear that the exception test is not appropriate to apply to highly vulnerable development proposed in flood zone 3, which it states should not be permitted. As such highly vulnerable development should just never be permitted in flood zone 3.

On the exception test the NPPF is clear:

"F6: Development in areas at risk of flooding from rivers or the sea

1. *In areas falling within flood zones 2, 3a, or 3b (as defined in Annex F, table 1):*
    a. *Development proposals should be refused if the use is incompatible with the risk from river or sea flooding, as set out in Annex F, table 3; and*
    b. *In certain other circumstances set out in Annex F, table 3, in addition to satisfying the sequential test in policy F5 where applicable, development will only be appropriate where an 'exception test' is satisfied. The exception test involves demonstrating that the development would meet all the following criteria:*
        i. *Provide wider sustainability benefits to the community that outweigh the flood risk;*
        ii. *Be safe for its anticipated lifetime in accordance with policy F7; and*
        iii. *Not increase flood risk elsewhere and, where possible, reduce flood risk overall.*
2. *The application of the exception test should be informed by a site-specific flood risk assessment56. The exception test does not need to be applied:*
    a. *To those forms of development, or in those circumstances, where the sequential test is not required, as set out in policy F5; or*

b. *Where development is proposed on a site allocated in the development plan to which the exception test was applied at the plan-making stage, unless there has been a significant increase in the risk of flooding to the site subsequently, or the nature of the development itself has changed significantly from that which was allocated so as to introduce a more vulnerable use (having regard to Annex F, table 2).”*

Annex F of the NPPF shows absolute incompatibility of a highly vulnerable use in flood zone 3; accordingly in strict policy terms the exception test should not be applied. However, as case law[1] has demonstrated the matters contained in the exception test still remain material considerations even if the exception test does not have to be applied. Policy F6 of the NPPF is explicit that the application should simply be refused on the basis of the use being incompatible with flood risk.

The first material consideration is whether development will provide wider sustainability benefits to the community that outweigh flood risk; and the second material consideration is whether the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Planning Practice Guidance (Reference ID: 7-031-20220825) states: *“The Exception Test is not a tool to justify development in flood risk areas when the Sequential Test has already shown that there are reasonably available, lower risk sites, appropriate for the proposed development. It would only be appropriate to move onto the Exception Test in these cases where, accounting for wider sustainable development objectives, application of relevant local and national policies would provide a clear reason for refusing development in any alternative locations identified. Table 2 sets out the circumstances when the Exception Test will be required.”*

Planning Practice Guidance (Reference ID: 7-036-20220825) states: *“Examples of wider sustainability benefits to the community could include:*

- *The re-use of suitable brownfield land as part of a local regeneration scheme;*
- *An overall reduction in flood risk to the wider community through the provision of, or financial contribution to, flood risk management infrastructure;*
- *The provision of multifunctional Sustainable Drainage Systems that integrate with green infrastructure, significantly exceeding National Planning Policy Framework policy requirements for Sustainable Drainage Systems;*

[1] R (Faversham Town Council) v SSHCLG [2026]

Identified sustainability benefits need to be balanced against any associated flood risks, informed by the site-specific flood risk assessment. The impacts of flood risk on social, economic and environmental factors should be considered. Where wider sustainability benefits are absent or where they are outweighed by flood risk, the Exception Test has not been satisfied and the site allocation in the plan should not be made or planning permission should be refused."

Nowhere in Planning Practice Guidance does it suggest that the provision of housing or pitches for the Gypsy and Traveller community amounts to a wider sustainability benefit. It certainly doesn't identify that granting permanent permission for the pitches is a sustainability benefit that outweighs the flood risks in light of the uncertainties that still remain as to the flood extents, depths and potential for increased flood risk elsewhere.

In terms of the demonstration that the development will be safe for its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere, there are fundamental uncertainties because no detailed flood risk assessment has been undertaken.

The development would change ground permeability and would introduce fixed buildings and caravan/mobile home structures. This could dictate the flow route of any flood waters and could result in greater flood risk to others.

Notwithstanding the inability to meet the sequential test required by Policy F5 of the NPPF and the fundamental incompatibility in Policy F6 meaning that the development should be refused. Even if this is ignored then the NPPF in Policy F7 states that development should only be allowed in areas at risk of flooding where any residual risk can be safely managed, and safe access and escape routes are included where appropriate as part of an agreed emergency plan.

It is appropriate to take a precautionary approach. Overall, there would remain an unacceptable residual risk to life of occupiers, particularly to children, elderly or disabled persons who may be on site. Furthermore, flood water levels on site could quickly leave people stranded in caravans (or buildings), particularly for an event occurring during the night when people are asleep, leaving occupiers in need of rescue from emergency services.

Even if a Flood Warning Evacuation Plan were to be put forward, then this would not reasonably ensure the safety of occupiers of the sites in the event of a flood. In enforcement appeals, Inspectors on behalf of the Secretary of State has expressed concern that it remains possible that the occupiers of a site may not receive flood warnings in time, either because they are sleeping, or owing to the failure of technology. If this were to happen, the occupiers of the sites may be

stranded given that the evacuation route may be flooded. Furthermore, the safety of members of the emergency services may be put at risk in this situation.

There are a number of enforcements appeals[2] that have considered the issue of unauthorised Gypsy and Traveller sites in the countryside and flood risk as a main planning issue alongside the lack of a demonstrable supply of Gypsy & Traveller sites. These appeals clearly demonstrate how Huntingdonshire District Council is not correctly applying the presumption in favour of sustainable development and the planning balance in relation to applications in Ramsey Heights.

Fear, Apprehension, Public Safety and Health and Well-Being

In *West Midlands Probation Committee v Secretary of State for the Environment and Walsall Metropolitan Borough Council [1998]* the court held that fear or apprehension could be a material consideration. In this case, it was found that the occupation of a probation hostel had led to incidents which had given rise to public concern, apprehension or fear of crime.

In *Newport County Borough Council v Secretary of State for Wales [1998]*, it was held that the decision-maker might take into account genuine concerns over public safety, even when not supported by technical evidence.

There has to be a reasonable factual basis for concerns over safety before it is capable of being a material consideration. For example, in *Smith v First Secretary of State [2005]* the court rejected the concerns of residents over the proximity of a nearby Gypsy caravan park on the basis that their concerns were based not upon actual evidence of behaviour of the occupants of the park but rather on unsubstantiated rumour and aspersion.

In this case there is a reasonable factual basis which underpins the fear and apprehension of the settled community. In April 2026, data[3] from the Police shows higher crime rates in Ramsey Heights than in Ramsey St Mary's, Ramsey Mereside and Ramsey Forty Foot, the other villages in the Parish. In April 2026 there were 8 crimes recorded for Ramsey Heights, compared to 1 in Ramsey St Mary's; 3 in Ramsey Mereside and 3 in Ramsey Forty Foot. Whilst crime data is a snapshot and in no way

[2] This includes appeal decisions on APP/J1915/C/25/3375663 & APP/J1915/C/25/3375664 dated 13 March 2026 in Hertfordshire; appeal decisions APP/F2415/C/24/3343384, APP/F2415/C/24/3343386, APP/F2415/W/24/3342250 & APP/F2415/W/24/3342312 dated 9 January 2025 in Leicestershire; and appeal decisions APP/D2510/C/25/3364355 & APP/D2510/W/25/3364354 dated 27 August 2025 in Lincolnshire

[3] https://www.police.uk/pu/your-area/cambridgeshire-constabulary/st-ives/?yourlocalpolicingteam=about-us&tab=crimemap

identifies a direct link between any part of the community and crime, it does nonetheless contribute to the perception of fear and apprehension in Ramsey Heights.

The scale and concentration of unauthorised and authorised gypsy and traveller sites along the Droves that do not respect the scale of Ramsey Heights; which is dominating the village as the nearest settled community does not help the perception of fear and apprehension in the settled community.

The Secretary of State in reaching a decision on appeal APP/A0665/W/18/3207952 in Ellesmere Port on the 7th June 2022 concluded that stress and anxiety and their impact on well-being can be a relevant material planning consideration.

The Inspector Brian Cook *BA (Hons) DipTP MRTPI* in his report identified that stress and anxiety are recognised as factors affecting an individual's mental health. He suggested that this could be distilled to three questions. First, why has the appeal proposal given rise to stress in the local community, second, is it justified and, third, would there be an actual rather than a perceived health and well-being impact?

In this case the proposal has given rise to stress in the local settled community arising from concern over the unauthorised nature of most of the developments; the scale and concentration of unauthorised and authorised gypsy and traveller sites along the Droves; the lack of information and incorrect information contained in the planning application; the perception of intimidation and the feeling within the settled community that they are not free to make representations on the applications; the apparent or perceived rise in crime; the impact on flood risk; concern relating to foul sewage treatment; and the proximity of the site to The Great Fen.

That stress and anxiety is wholly justified based on relevant material planning considerations having regard to policies of the Development Plan and in national policy.

The LPA has acknowledged that the fear and anxiety concerns of local residents is real, as it is aware that arrangements are in place with the Town Council for their response to include comments from local residents without the personal details of those residents being put into the public realm.

As such, the tests set out in case law are met in order for the concerns of the settled community in relation to fear, apprehension, public safety and health and well-being to be a material planning consideration in the determination of these applications.

HC1: Planning for healthy communities of the NPPF identifies that planning should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. The scale and concentration of unauthorised and authorised gypsy and traveller sites along the Droves does not respect the scale of Ramsey Heights as the nearest settled community; so, conflict with this national policy.

Planning Balance and Conclusion

The Local Plan Policy LP 27 (Gypsies, Travellers and Travelling Showpeople) states:
"New traveller sites outside of the Built-Up Area will be supported in sustainable locations where they respect the scale of the nearest settled community, and will be very strictly limited in open countryside that is away from existing settlements. The Council will therefore support a proposal which contributes to the delivery of Gypsy and Traveller pitches and Travelling Showpeople plots, where it satisfies each of the following criteria:
a. the location is within 1.5 miles of a primary school and 2 miles of a GP surgery;
b. the character and appearance of the wider landscape is not significantly harmed;
c. the location and scale of sites does not dominate the nearest settled community, when the proposal is considered collectively with other nearby traveller sites;
d. the proposed boundary treatment provides a good balance between minimising the development's impact on surrounding countryside and its integration into the local community;
e. there will not be a significant adverse effect on the amenity of nearby residents or the effective operation of adjoining uses;
f. the site provides a high level of residential amenity for the proposed residents, for example in relation to protection from noise and provision of play facilities;
g. the health and safety of occupants is not put at risk, including through unsafe access to sites, poor air quality, contamination or unacceptable flood risk;
h. there is adequate space for operational needs, including the parking and turning of vehicles;
i. there are appropriate management arrangements in place, where the site may have multiple owners or tenants or be used for transit purposes; and
j. the site can be safely and adequately serviced by infrastructure."

This policy does not support provision in the open countryside away from settlements. It does not support provision individually or cumulatively that would dominate the nearest settled community. In addition, the policy does not support development that would be at unacceptable flood risk. Consequently, for the reasons set out the applications would conflict with Policy LP27 of the Huntingdonshire Local Plan to 2036.

In terms of accessibility and location, the occupiers of the site would be heavily reliant on the private motor vehicle for most day-to-day journeys and to reach a range of amenities and services which are some distance away. This is not a sustainable mode of transport. This would conflict with Policies LP2 (Strategy for Development) and LP 16 (Sustainable Travel) of the Huntingdonshire Local Plan to 2036 and Policy 8 – Sustainable Transport of the emerging Ramsey Communities Neighbourhood Plan.

The countryside location would conflict with Policy S5 and Ho12 of the NPPF. It would further conflict with Policy LP 9 (Small Settlements) and Policy LP 10 (The Countryside) of the Huntingdonshire Local Plan to 2036.

In terms of design and landscape the application would also conflict with Policy N2: Improving the natural environment of the NPPF which recognises the intrinsic character and beauty of the countryside and local character and history, including the surrounding built environment and landscape setting. The application would also conflict with Policy LP 3 (Green Infrastructure), Policy LP 11 (Design Context) and Policy LP 12 (Design Implementation)of the Huntingdonshire Local Plan to 2036.

Given the clear policy position in the NPPF, Planning Practice Guidance, Policy LP 5 (Flood Risk) of the Local Plan, the development is fundamentally unacceptable in principle in flood zone 3 and should not be permitted. The occupiers of the development would be at unacceptable risk from flooding.

The location in flood zone 3 is clearly in conflict with Policies F5, F6 and F7 of the NPPF. The proposal fails the sequential test, and the fundamental incompatibility of land use risk classification is explicitly prohibited in principle by Policy F6 of the NPPF. In national decision-making policies F6 of the NPPF directs that refusal should apply. This failure to meet this policy means that criterion 2 of Policy S5 of the NPPF applies on the basis that failure to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances, i.e. in this case flood risk, is sufficient to constitute adverse effects that substantially outweigh the benefits. Accordingly, the presumption in favour of development does not apply.

The NPPF identifies that planning decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. The scale and concentration of unauthorised

and authorised gypsy and traveller sites along the Droves does not respect the scale of Ramsey Heights as the nearest settled community; so, conflict with this national policy.

Policy LP 27 of the Huntingdonshire Local Plan to 2036 refers to The Cambridgeshire, Kings Lynn & West Norfolk, Peterborough and West Suffolk Gypsy and Traveller Accommodation Assessment 2016 (GTAA 2016), which identified a need within Huntingdonshire for an additional 9 permanent residential Gypsy and Traveller pitches between 2016 and 2036, of which 5 were needed between 2016 and 2021.

Huntingdonshire District Council has consulted on a Preferred Options Draft Local Plan to 2046. To date no gypsy or traveller sites have been put forward as draft allocations in the new Local Plan. However, it is clear from the examination of other Local Plans by Inspectors appointed by the Secretary of State that such a passive approach towards not allocating sites to meet the need for gypsies and travellers is likely to result in the emerging Local Plan being found to be fundamentally unsound.

As part of the evidence base document that will inform and shape the new Local Plan, the District Council has recently published an updated Gypsy and Traveller(GTAA), Travelling Showperson, boat dwellers and other caravan dwellers Accommodation Assessment 2024. Although it must be remembered that this evidence has not yet been tested through the examination of the emerging Local Plan Review to 2046. As such it must be viewed in the context of being untested evidence.

That study concludes that there is an overall minimum need for 127 additional Gypsy and Traveller pitches across Huntingdonshire District over the period 2023/24 to 2045/46. Of this need, 36 are needed in the first five years, 69 over the period 2028/29 to 2041/42 and 22 over the period 2042/43 to 2045/46.

At face value, based on the untested and unexamined evidence, Huntingdonshire is not currently meeting its need in terms of gypsy and traveller pitches. Through the Local Plan Review process the LPA needs to allocate land to meet this need, having regard to factors including the spatial strategy, flood risk etc. Given the size and scale of strategic housing allocations likely to be included in emerging Local Plan Review to 2046, the strategic allocations would be more than capable of incorporating sufficient provision for gypsy and travellers as part of mixed and balanced communities.

There is prima facie evidence is that there is unmet need for Gypsy and Traveller pitches in the area based on the most up-to-date assessment of need which is the Gypsy and Traveller

Accommodation Needs Assessment. Due to a lack of a strategy then it is recognised that the local planning authority cannot demonstrate a five-year supply of deliverable Gypsy and Traveller sites.

However, the NPPF in Policy S5 does not identify that the circumstances where a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable Traveller sites, this disapplies the need to apply the balance in criterion 2. That criterion is clear that failure to comply with a national decision-making policy is sufficient to justify refusal.

In addition, the proposal conflicts with the Ramsey Communities Neighbourhood Plan. The NPPF states:

"S6: Neighbourhood plans and the presumption

1. *For development proposals involving the provision of housing, the benefits of approving development are likely to be substantially outweighed by the adverse effects where a proposal would conflict with a neighbourhood plan, provided the following apply:*
   a. *The neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and*
   b. *The neighbourhood plan contains allocations to meet its identified housing requirement (see policy HO2)."*

The Neighbourhood Plan is pending its Referendum. The unmet identified housing requirement for the Ramsey Neighbourhood Area (i.e. the area covered by the Ramsey Communities Neighbourhood Plan) set out in the Local Plan is zero, therefore no allocations are required in the Neighbourhood Plan to meet the identified housing requirement. Consequently, with no residual unmet housing requirement for the Ramsey Communities Neighbourhood Plan to find; as such there are no allocations required in the Neighbourhood Plan to meet any unmet housing requirement. Therefore, the Neighbourhood Plan does in fact meet its identified housing requirement. Policy HO2 of the NPPF acknowledges that if the Local Plan meets in full the housing requirement for any Neighbourhood Area, then the Neighbourhood Plan doesn't need any allocations. As such the presumption set out in Policy S6 of the NPPF applies.

Article 8 of the European Convention on Human Rights, as incorporated into the Human Rights Act 1998, states that everyone has a right to respect for private and family life, their home and correspondence. This is a qualified right, whereby interference may be justified in the public interest, but the concept of proportionality is crucial.

Furthermore, the LPA in exercising a function on behalf of a public authority, and the Town Council in making comments has due regard to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment, and

victimisation and to advance equality of opportunity. The Act recognises that race constitutes a relevant protected characteristic for the purposes of PSED. Romany Gypsies and Irish Travellers are ethnic minorities and thus have the protected characteristic of race.

As the PSED is engaged, due regard to eliminating discrimination, advancing equality of opportunity, and fostering good relations needs to be considered; and the decision must be proportionate to achieving legitimate planning aims.

It is also necessary that consideration is given to Article 3 of the United Nations Convention on the Rights of the Child, which requires a child's best interests to be a primary consideration in all actions by public authorities concerning children.

It is however important to understand that the vulnerability classification in relation to caravans and mobile homes applies to the nature of the structures, irrespective of the occupants.

For the reasons outlined above, the development will exacerbate the significant harm to the otherwise open rural landscape character and appearance of the countryside. The conflict with local and national policies weighs very significantly against allowing the development.

Furthermore, the site is not sustainably located in terms of accessibility to existing local services and amenities. The occupiers of the site would not be likely to regularly use sustainable modes of transport when accessing existing day to day amenities and services. Instead, the occupiers of the site would be heavily dependent on use of the private motor vehicle for most journeys. In this regard, the development does not accord with local or national policies.

Moreover, the development is expressly not supported by the NPPF and Planning Practice Guidance with regard to flood risk as a matter of principle.

Other material considerations relating to fear and apprehension weigh moderately against the development.

Weighed against the above harms, are the other considerations outlined above relating to supply and duties under HRA and PSED. These weigh in favour of allowing the applications. However, the positive weight that can collectively be afforded to these matters is not sufficient to justify granting permanent planning permission. Flood risk is a strong reason for refusing the development. As such, the presumption in favour of sustainable development does not apply.

Even if it wasn't the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. The harm would significantly and demonstrably outweigh the benefits.

In these cases, interference with the Article 8 HRA rights of the applicants is proportionate and necessary in the public interest. It would support and be consistent with the enforcement action the LPA has already undertaken on other sites in the wider area.