

Mr C Skinner
nplaw
County Hall
Martineau Lane
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NR1 2DH

Our Ref: LDN023/W/3520006/0002/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.

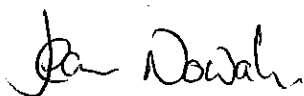
Decision

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