

## **Item No. 9**

<b>APPLICATION NUMBER</b>	<b>CB/15/04612/VOC</b>
<b>LOCATION</b>	<b>Plot 2, Woodside Caravan Park, Thorncote Road, Northill, Biggleswade, SG19 1PT</b>
<b>PROPOSAL</b>	<b>Variation of Condition 3 of planning permission CB/11/01301/FULL (Change of use of land comprising of 10 caravans and associated ancillary development). To allow a further two static caravans, space for touring caravans to park and additional hardstanding within site area of plot two.</b>
<b>PARISH</b>	<b>Northill</b>
<b>WARD</b>	<b>Northill</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Mr Firth</b>
<b>CASE OFFICER</b>	<b>Mark Spragg</b>
<b>DATE REGISTERED</b>	<b>26 November 2015</b>
<b>EXPIRY DATE</b>	<b>21 January 2016</b>
<b>APPLICANT</b>	<b>Mr A Howard</b>
<b>AGENT</b>	
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Cllr call in: Councillor Firth, for the following reason:</b>  <b>Contrary to the Planning Inspectors report APP/P0240/A/11/2156395/NWF dated 16 Nov 2011, against appeal APP/P0240/A/11/2156395.</b>
<b>RECOMMENDED DECISION</b>	<b>Variation of Condition - Approval recommended</b>

### **Reason for recommendation:**

Planning permission was granted on appeal in 2011 for use of the site for Gypsy and Traveller pitches. This proposal for more accommodation on Plot 2 would allow the applicants own family and their dependents to stay on the site. The additional pitches would also contribute towards the Councils 5 year supply of sites in accordance with the National Planning Policy Framework and Planning Policy for Traveller Sites. The proposed development not result in unacceptable harm to the character of the area or an adverse impact on the residential amenity of neighbouring properties and is acceptable in terms of highway safety. It is therefore considered to be in conformity with Policy DM3 of the Core Strategy and Management Policies, November 2009; and The National Planning Policy Framework, Planning Policy for Traveller Sites and Saved Policy HO12 of the Mid Beds Local Plan Review.

### **Site Location:**

Located on the edge of the hamlet of Hatch, the site currently comprises an approved Gypsy and Traveller site with access off Thorncote Road allowed on appeal in 2011.

The 2011 appeal was granted subject to a number of conditions including:

1. Restricting the use to gypsies and travellers only.
  2. Restricting the use to named residents and their dependents.
  3. Restricted the number of caravans to 10 (with a maximum of 3 were to be static).
- The condition also restricted the number of caravans on plot 2 to 4 (with a maximum of 1 static).

The site currently has permission for a total of 5 pitches/static caravans, each with associated touring caravans. Plot 2, the subject of this application currently has consent for 3 caravans, one being a static, occupied by the applicant and his family.

### **The Application:**

This application seeks a variation of condition 3 of planning permission CB/11/01301 to allow two further static caravans, and additional gravel/hardstanding for the parking of 6 touring caravans, within the area of plot 2.

Condition 3 stated that:

*"The scheme hereby permitted shall allow no more than 10 caravans (of which no more than 3 shall be static caravans) to be stationed on the site at any one time. Of these no more than 4 caravans (of which no more than 1 shall be a static caravan) shall be parked or stored on plot 2A (the north westerly one), and no more than 3 caravans (of which no more than 1 shall be a static caravan) shall be parked or stored on plots 2 and 3 (respectively the south western plot and the north eastern plot). For the avoidance of doubt it should be noted that Plot 1 is not part of the appeal site and is not part of thi permission".*

The submitted supporting statement explains that the additional pitches and touring caravans are required to accommodate Mr Howard's extended family, so that they can continue to live together on the site.

One daughter and her family would occupy 1 static and have 2 tourers. His grandson and family would occupy another static and also have two tourers, whilst his other daughter and family would occupy two tourers.

### **RELEVANT POLICIES:**

#### **National Planning Policy Framework (NPPF) (March 2012)**

Planning Policy for Traveller Sites (August 2015)

#### **Mid Bedfordshire Local Plan Review December (2005)**

HO12 - Gypsies

#### **Core Strategy and Development Management Policies - North 2009**

CS14 (High Quality Development)

DM3 (High Quality Development)

DM4 (Development within and beyond Settlement Envelopes)

## **Development Strategy**

At the meeting of Full Council on 19 November 2015 it was resolved to withdraw the Development Strategy. Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our website as material considerations which may inform further development management decisions.

## **Draft Gypsy and Traveller Plan**

In June 2014, Central Bedfordshire Council submitted the Gypsy and Traveller Plan to the Planning Inspectorate for Examination after a long process of preparation and consultation.

In August 2014, the issues and matters that the Inspector wished to discuss were received. In doing so, he raised significant issues on a substantial number of matters and asked the Council to undertake a considerable amount of additional work prior to the commencement of the Examination hearings.

Following considerations of these matters Officers concluded that it was unrealistic for the Council to respond within the proposed timescale and recommended to Members (via Executive on 19th August and subsequently at Council on 11th September) that the plan was withdrawn. This document therefore carries little weight in the determination of this application. However for the purpose of assessing a planning application for the suitability of a proposed site, the policies contained within the document are considered to be useful guidelines as to whether a proposal is considered to be acceptable for its intended purpose.

Those policies thought to be relevant are:

GT5 (Assessing planning applications for Gypsy and Traveller sites)

## **Supplementary Planning Guidance/Other Documents**

Central Bedfordshire Design Guide (March 2014)

## **Relevant Planning History:**

Application Number	15/01847/FULL
Description	Plot 1. Change of use to land for 2 gypsy and traveller pitches, comprising one static caravan, two touring caravans and associated development.
Decision	Approved
Decision Date	28/09/2015
Application Number	11/01301/FULL
Description	Plots 2, 2A, 3. Change of use of land to use as a private gypsy site for 3 families comprising 10 caravans.

Decision  
Decision Date

Appeal allowed  
16/11/2011

**Consultees:**

Northhill Parish Council	No comments received to date.
Highways Officer	No objection.
Tree Officer	No comments received to date.
Private Sector Housing	No objection subject to condition regarding spacing of caravans.
Internal Drainage Board	No comments received to date
Environment Agency	No comments received to date

**Other Representations:**

Neighbours	No comments received to date.
Councillor Firth	Makes the following additional comments:

Ref: A: Planning Application CB/15/04612/VOC  
B: Planning Application CB/11/0131/Full  
C: Planning Application CB/15/01847

The planning application at Ref A is seeking a variation of conditions as imposed under Ref B, namely that of an additional two static vans, space for touring, plus addition hard standings within the site of plot 2. Ref B, being granted on appeal, allowed for no more than ten caravans of which no more than three shall be static. In addition it was stated that only named residents and their dependents shall occupy those caravans. Under Ref C application was granted for the change of use of land for an additional two gypsy and traveller pitches, namely one static and two touring pitches.

It is clearly seen that Ref C was not in accordance, and contrary to the ruling of the Planning Inspectorate. Unfortunately despite local objections we cannot change what has been granted.

It is of my opinion that this new application (Ref A) should NOT be granted. It is contrary to Ref B, moreover it is again seeking to increase the size of the Woodside Caravan Park by a further 25%, it already having expanded by 33% from its original approval. Sight should not be lost that Hatch is a small hamlet, with only a few properties. The addition of further caravans would only serve to upset the current balance of travelling to the static community.

**Determining Issues:**

The main considerations of the application are;

1. Principle
2. Affect on the Character and Appearance of the Area
3. Neighbouring Amenity
4. Highway Considerations
5. Other Considerations

**Considerations****1. Principle**

- 1.1 Planning Policy for Traveller Sites (PPTS, August 2015) sets out the Government's policy for planning and managing the development of accommodation for Gypsy and Travellers and Travelling Showpeople. It provides specific guidance on determining planning applications for traveller sites in a way that facilitates their traditional, nomadic habit of life whilst respecting the interests of the settled community. The policy document requires that Local Planning Authorities (LPAs) carry out a full assessment of the accommodation needs of Gypsies and Travellers in their area, in liaison with neighbouring authorities. In particular it states that LPAs should identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years worth of sites against their locally set targets.
- 1.2 PPTS further states that if a local authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. This application seeks permission for further pitches through removal of a condition.
- 1.3 PPTS Policy C relates to sites in rural areas and the countryside and seeks to ensure that the scale of such sites does not dominate the nearest settled community.

**Gypsy and Traveller Pitch Provision**

- 1.4 A Central Bedfordshire-wide Gypsy and Traveller Local Plan was prepared to deliver the assessed pitch and plot requirement for the period to 2031 and was subject to public consultation following approval at full Council in February 2014. However as the plan was subsequently withdrawn it carries little weight in the determination of this application.
- 1.5 In preparation of the Gypsy and Traveller Local Plan the Council undertook a Gypsy, Traveller and Showperson Accommodation Assessment (GTAA, January 2014). The GTAA identified a backlog of 35 pitches in November 2013 and estimated a total requirement of 54 pitches for 2014- 2019 and 30 pitches for 2020-2024. Therefore on this basis the current requirement over the next 5 years (to 2020) would be 60 pitches. Recent planning permissions and appeal decisions have granted consent for a number of additional pitches and current site provision in Central Bedfordshire is continually being reviewed. However it is accepted that there is currently still an unmet need against that identified in

that GTAA.

- 1.6 As the Gypsy and Traveller Local Plan has been withdrawn there are currently no allocated sites. Additional pitches on existing sites such as those being proposed contribute to the number of windfall pitches provided and therefore make an important contribution to the delivery of the required number of Gypsy and Traveller pitches and therefore the proposal is acceptable in principle.

## **2. Affect on the Character and Appearance of the Area**

- 2.1 Planning policy for Traveller Sites allows for sites to be in rural or semi-rural settings whilst seeking to protect amenity and the environment.
- 2.2 The application site is part of an existing approved Gypsy and Traveller site where a number of pitches have been granted planning permission therefore the proposal for two additional pitches would not be completely at odds with the immediate area.
- 2.3 The proposed additional static caravans and tourers would be on land in the north east corner of the existing site behind the existing hedge along the frontage of the site, furthest from the road and behind existing screening. Given the screening from Hatch Road it is considered that the proposed development within the boundaries of the existing site would not be significantly visible from the surrounding countryside and be appropriate in scale. It is considered that the proposal accords with Policies DM3 and CS14 of the Core Strategy and Development Management Policies Document.

## **3. Neighbouring Amenity**

- 3.1 The proposed application site is located some 100m away from neighbouring properties in Hatch. It is part of an existing Gypsy and Traveller site and separated from the neighbouring dwellings by the existing plots on the site. Additional comings and goings to the site is unlikely to result in a material increase in noise and disturbance to the existing nearby residents due to the scale and location of the proposal.
- 3.2 As a result, it is not considered that the additional impact on living conditions as a result of the development would reach harmful levels that would justify the refusal of this planning application.

## **4. Other Considerations**

### **4.1 Assessment against Policy HO12**

Policy HO12 is a criteria-based policy for assessing planning applications and is the relevant adopted policy for the determination of this application. The previous application was assessed against this criteria and found to be acceptable however for clarity each part of the policy is addressed in turn below:

Proposals for the development of new gypsy sites will be expected to conform with the following criteria:

(i) That the proposal is not detrimental to the character and appearance of the surrounding countryside and that adequate landscaping measures to mitigate any adverse visual impact of the proposed use are capable of being carried out;

As outlined above it is not considered that there would be any significant additional harm resulting from the additional caravans within this existing site.

(ii) Development must incorporate a safe, convenient and adequate standard of access, including provision for pedestrians and cyclists;

The Highways Officer has raised no objection.

(iii) The amenities of neighbouring or nearby residential property are not unacceptably harmed;

Due to the distance between the proposed site and other residential dwellings it is not considered that the amenities of nearby properties would be unacceptably harmed.

(iv) Appropriate safeguards are put in place to prevent pollution of surface water and groundwater;

The comments of the Environment Agency and the Internal Drainage Board are awaited, however previous applications have raised no fundamental objections.

(v) There is no unacceptable adverse impact on nature conservation interests; and

Whilst the site is in the open countryside where nature conservation is important the site is not within an area designated of particular conservation importance. Large parts of the application site and other land owned by the applicant would remain undeveloped.

(vi) There is no unacceptable adverse impact on the historic environment.

The site is not within the vicinity of any other designated heritage asset.

Sites should relate well to existing built development, although a location within a defined settlement envelope will not be deemed essential. Sites which are poorly located in relation to community facilities and public transport will not be permitted.

The site has already been considered by the Inspector in 2011 to be an appropriate base for the family "giving them the best chance to facilitate their peaceful integration into the local community". They already use local facilities including local healthcare practices.

### **Assessment against Policy GT5**

Policy GT5 which is a criteria-based policy for assessing planning applications

and still considered to be relevant in the assessment of planning applications however as notes above the draft Gypsy and Traveller Plan carries little weight.

Justification of local need for the scale and nature of development proposed

Development such as that proposed will help contribute towards the identified need.

The scale of the site and number of pitches would not dominate the nearest settled community and would not place undue pressure on infrastructure.

Planning Policy for Traveller Sites (PPTS) states that in rural and semi-rural settings, Local Planning Authorities should ensure that the scale of such sites does not dominate the nearest settled community. It is not considered that the aim of the PPTS is to prevent there being more Gypsies and Travellers than members of the settled community within an area. Due to the limited scale of the proposed site it is not considered that the site would dominate the settled community.

The site would not be located in an area of high risk of flooding, including functional floodplain.

The application site is within Flood Zone 2. During consideration of previous applications neither the Internal Drainage Board or Environment Agency have raised objections subject to all caravans having floor levels above the predicted flood levels.

Site design demonstrates that the pitches are of sufficient size.

Whilst there is no defined size for a Gypsy and Traveller pitch, they are normally of sufficient size to accommodate a static caravan, touring caravan, parking spaces and amenity space. Providing that the licensing requirements for the separation between the caravans can be met it is considered that the proposal is acceptable in this regard.

Landscaping

The site contains adequate levels of boundary landscaping. which would be retained.

The amenity of nearby occupiers would not be unduly harmed by the development.

As addressed above there would be no unacceptable impact on neighbouring properties.

Pollution from light and noise sources should be minimised.

A condition restricting commercial use of the site has been included should permission be granted.

Adequate schools, shops, healthcare and other community facilities are within a



reasonable travelling distance.

As highlighted above the location for such a Gypsy and Traveller site has already been accepted.

Suitable arrangements can be made for drainage, sanitation and access to utilities.

Sewerage would be dealt with by way of two existing septic tanks and the site is already served by water and electricity. There is a regular refuse collection service to the site.

Highway safety

The application site is accessed off Thorncote Road. The existing access is considered acceptable by the Highways Officer for the minimal additional use generated by the proposal.

Sustainability

In terms of sustainability of the site, the original appeal decision considered the location of the site as being acceptable for the purpose of the Gypsy and Traveller site.

**Human Rights issues:** No implications.

**5.2 Equality Act 2010:** No implications.

**Recommendation:**

That Planning Permission be granted subject to the following:

## **RECOMMENDED CONDITIONS / REASONS**

- 1 No caravan located on the Site shall be occupied for residential purposes by persons other than Gypsies and Travellers, as defined by the Planning Policy for Traveller Sites 2015.

Reason: To ensure that the occupation of the residential caravans on the site is restricted to Gypsies and Travellers.

- 2 The occupation of the caravan site hereby permitted shall be only by the following residents and their dependants, namely; Abraham Howard, Pamela Howard, Donna Marie Howard, Jason Draper, Michelle Draper, Sinead Draper, Isaac Abraham Draper, Pamela Cooper, Joe Cooper, Lenny Smith (aka John Alfred Smith), Joseph Smith, Ellen Louise Smith, James Smith, Lisa Smith, Leonard Smith, Marie Smith, Billy Price and Laura Price. When the land ceases to be occupied by those named above the use hereby

permitted shall cease and all caravans, structures, materials and equipment brought on to or erected on the land, or works undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place.

Reason: In recognition of the location of the site in the open countryside and having regard to the provisions of the National Planning Policy Framework and Policy DM3 of the Core Strategy and Development Management Policies (2009)

- 3 The scheme hereby permitted shall allow (plots 2, 2a and 3) no more than 18 caravans (of which no more than 5 shall be static caravans) to be stationed on the site at any one time. Of these no more than 4 caravans (of which no more than 1 shall be a static caravan) shall be parked or stored on plot 2a, and no more than 3 caravans (of which no more than 1 shall be a static caravan) shall be parked or stored on plot 3 and no more than 11 caravans (of which no more than 3 shall be static caravans) shall be parked on plot 2.

Reason: In recognition of the location of the site in the open countryside and having regard to the provisions of the National Planning Policy Framework and Policy DM3 of the Core Strategy and Development Management Policies (2009)

- 4 No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site

Reason: In order to protect the amenities of local residents

- 5 No commercial activities shall take place on the land, including the storage of materials.

- 6 All on-site parking and turning areas shown on drawing CBC01 shall be retained for such purposes.

- 7 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers CBC01, CBC02.

Reason: To identify the approved plan/s and to avoid doubt.

## **INFORMATIVE NOTES TO APPLICANT**

1. The tourer units should be at least 3m from any adjacent tourer and ideally 6m from a static.
2. The applicant is advised that any future need for a day room would need to be the subject of a formal planning application.

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35**

Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**DECISION**

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