

## Item No. 7

<b>APPLICATION NUMBER</b>	<b>CB/15/02482/FULL</b>
<b>LOCATION</b>	<b>Paradise Farm, The Causeway, Clophill, Bedford, MK45 4BA</b>
<b>PROPOSAL</b>	<b>Change of use of land to provide three additional residential pitches adjacent to the existing Gypsy caravan site, for members of the Gypsy community. The site to contain three static caravans, three touring caravans and parking for six vehicles with associated hardstanding.Retention of replacement stables. This is a part retrospective application.</b>
<b>PARISH</b>	<b>Clophill</b>
<b>WARD</b>	<b>Amphill</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Duckett, Blair &amp; Downing</b>
<b>CASE OFFICER</b>	<b>Lisa Newlands</b>
<b>DATE REGISTERED</b>	<b>03 July 2015</b>
<b>EXPIRY DATE</b>	<b>28 August 2015</b>
<b>APPLICANT</b>	<b>Mr N Gumble</b>
<b>AGENT</b>	<b>BFSGC</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called in by Councillor Duckett on the following grounds:</b> <ul style="list-style-type: none"><li>• outside the settlement envelope</li><li>• flood plain</li></ul>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Approval</b>

### Summary of Representation

The proposal would contribute towards the Council's 5 year supply of sites in accordance with the National Planning Policy Framework and the Planning Policy for Traveller Sites. The proposed development would be in a sustainable location and would 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 therefore by reason of its size, design and location, is 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:

The application site is accessed off a shared driveway with the existing Gypsy and Traveller from The Causeway. The site is known as Paradise Farm and was formerly an animal sanctuary.

There are a number of derelict buildings on the site and the applicant has cleared and tidied up a substantial amount of the land over the past few months.

## **The Application:**

Planning permission is sought for the change of use of land to provide three additional residential pitches adjacent to the existing Gypsy caravan site, for members of the Gypsy community. The site to contain three static caravans, three touring caravans and parking for six vehicles with associated hardstanding. Retention of replacement stables. This is a part retrospective application.

## **RELEVANT POLICIES:**

### **National Planning Policy**

National Planning Policy Framework

Planning Policy for Traveller Sites

### **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 for Central Bedfordshire 2014**

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 this year, 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 19<sup>th</sup> August and subsequently at Council on 11<sup>th</sup> 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:**

<b>Application:</b>	Planning	<b>Number:</b>	CB/14/00465/FULL
<b>Validated:</b>	21/02/2014	<b>Type:</b>	Full Application
<b>Status:</b>	Decided	<b>Date:</b>	29/04/2014
<b>Summary:</b>		<b>Decision:</b>	Full Application - Granted
<b>Description:</b>	Erection of 2 stables.		

<b>Application:</b>	Planning	<b>Number:</b>	CB/13/00985/FULL
<b>Validated:</b>	19/03/2013	<b>Type:</b>	Full Application
<b>Status:</b>	Decided	<b>Date:</b>	20/06/2013
<b>Summary:</b>		<b>Decision:</b>	Full Application - Granted
<b>Description:</b>	Change of use for the stationing of one residential static caravan and two touring caravans and parking for two associated vehicles.		

<b>Application:</b>	Planning	<b>Number:</b>	CB/12/03645/LDCE
<b>Validated:</b>	12/10/2012	<b>Type:</b>	Lawful Development Cert - Existing
<b>Status:</b>	Withdrawn	<b>Date:</b>	05/07/2013
<b>Summary:</b>		<b>Decision:</b>	Application Withdrawn
<b>Description:</b>	A Lawful Development Certificate for an Existing Use is required for the dwelling on Paradise Farm, together with two static Caravans and three touring caravans.		

### **Consultees:**

Clophill Parish Council

28/08/15

The Parish Council have received written notification from CBC that this amends the previous application to include the retention of the newly built stables. The Parish Council takes note of this change and wishes, in these circumstances, for the previously submitted comments to be taken into account when considering this application. The Parish Council would also like to add that the application for erecting new stables demonstrates a clear intention by Mr Gumble to use the land for animal

purposes. He already rents land from Gallagher's that adjoins this plot, for grazing a large number of horses. Mr Gumble also uses his current plot for the storage of his vehicle for business use. It is clear that these factors clearly demonstrate that Mr. Gumble has now become part of the settled community and should be treated no differently to other members of the established village of Clophill.

The previous objections that were submitted remain.

14/07/15

The parish council objects to this proposal on the following grounds:

1. The site is in a flood zone.

The parish council has studied this factor previously and is aware that the planning authority has surveys that are current. The council is grateful for the Flood Risk Assessment written by Mr Fryer, from Esher, Surrey. Rather than comment on the whole of the report I would draw the readers attention to the conclusions within this document:

'Some regrading of the site will be necessary', this has occurred before where lorry loads of spoil and rubble were imported to the site as witnessed and documented by local residents and previously submitted to the planning authority. During the past few week residents have again reported seeing lorries entering the site and tipping their contents.

After studying details of this site publicly available on the internet on the Environmental Agency Mapping System, the parish council believes that factually this site is all in **Flood Zone 3**. The NPPF guidance table of flood risk vulnerability and flood zone compatibility indicate that development should not be permitted for highly vulnerable developments in flood zone 3. In para 8.6 of this experts opinion it states, ' Caravans, mobile homes', (etc) are considered to be a highly vulnerable development, which is only appropriate in zone 2 if the Exception Test is passed. The wider benefit of the development as a gypsy site have already been considered, and accepted, for the application made for the existing gypsy caravan site on the access track to Paradise Farm'. This statement does not reflect the true nature of the situation. The current site is within only a few metres of the public roadway, (The Causeway) and is

in fact higher than the site that is proposed for this application, the applicant's siting for the new proposal cannot be compared like for like.

2. This site is outside the village settlement area.

3. The proposed site is designated a County Wildlife Site.

If this application is approved, it brings into question why the site was so designated. I quote from your policy from the Central Bedfordshire (N) Adopted Core Strategy.

Policy CS18: Biodiversity & Geological Conservation:

' The Council will:

Support the designation, management, and protection of biodiversity and geology including national designations (SSSI's), local important County Wildlife Sites (CWS's) and Regionally important Geological and Geomorphological Sites (RIGGS); as well as those priority habitats and species identified in the Local Biodiversity Action Plan.

Support the maintenance and enhancement of habitats, identify opportunities to create buffer zones and restore and repair fragmented and isolated habitats to form biodiversity networks.

Development that would prejudice the biodiversity network will not be permitted.

4. In this submission I would like to also refer to the Department for Communities and Local Government consultation paper dated September 2014 concerning Planning and Travellers. Whilst this paper acknowledges the need and commitment for the supply of such sites it specifically states within the 'scope' the following...'the government also believes that further measures are needed to ensure that planning rules apply fairly to both the traveller and the settled community. The Government's view is that where travellers have ceased to travel then they should be treated no differently to members of the settled community'. (Mr Gumble has also erected a range of new buildings and stables on this site for use in the interests of business. Although the Planning Enforcement team of Central Bedfordshire Council state that planning permission is required for this building work, in their opinion, it is noted by this Parish Council that the application makes no mention of this). It is interesting that this is an already held view by the

government that is quoted within this document and in the spirit of this statement should be complied with.

In the penultimate paragraph of this particular statement there is guidance to councils regarding travellers that ignore planning rules and occupy sites prior to applying for authority, as is the case in this application, (part retrospective).

For these reason the Parish Council of Clophill strongly objects to this planning application.

Should the authority decide against these objections, then the Parish Council would strongly advise that conditions be attached to the type of authority given as follows:

A. All of the additional caravans and associated paraphernalia should be sited towards the western end of the site so that it actually adjoins the existing authorised site. This would enable the planning authority (C.B.C.) to mark on a plan the limited area within which the development is allowed to be sited. It would in the future allow monitoring of the site to ensure adherence rather than using enforcement measures and retrospective applications which causes disharmony to the local settled community and would add openness and transparency to the approval.

B. If the family have ceased to travel then authority may be considered for a static home at the site but not as a gypsy site.

CBC Highways  
CBC Ecology  
IDB  
EA  
CBC LDF Team

No objection

No objection subject to management plan condition

No objection - flood compensation scheme agreed

No objection

Overall in principle, considering that we don't currently have a 5 year supply of Gypsy and traveller sites or an adopted Local Plan and that the application is adjoining an existing facility, is adjacent to the built settlement form and near to local services; as long as flood risk and landscaping issues are resolved we have no planning policy objection to the application.

CBC Trees and  
Landscape  
CBC Public Protection  
CBC Minerals and  
Waste  
Greensand Trust  
Wildlife Trust

No objection

No comment to make

No objection

Object on impact on CWS

Object on impact on CWS

## Other Representations:

### Neighbours

Objections were received by 17 residents raising the following issues:

- how can the retention of replacement stables be added into the proposal
- exceed number of stables on the site previously approved;
- movement of caravans on the site and lack of enforcement action;
- outside of the established settlement envelopes;
- a quadrupling of pitches is beyond that of the original permission and out of character with the village;
- increased traffic is not acceptable;
- access works are not acceptable or carried out to a sufficient standard;
- the replacement stables are a misnomer, the previous structure was not stabling and has not been used as such - there were some ramshackled buildings but these were not stables;
- increase in horse excrement on the road;
- noise nuisance from horse buggy;
- flood risk potential;
- further development outside settlement envelope sets a precedent;
- concerns regarding traffic, speed and the narrowness of pavements;
- environmental impacts and harm to wildlife;
- change the nature of the neighbourhood;
- soil movement and levelling will change the site;
- housing 3 families will change the nature of the site and result in increased noise and movement;
- CWS -building and landscaping should not be taking place;
- potential of opening the whole large site for further development;
- increase in commercial traffic/ traffic using The Causeway;
- description misleading - not adjacent to the existing caravan site;
- the applicant has stopped travelling - wants a permanent base and is running a business from the site;
- impact of building on flood zone 2/3;
- any further planning will impact adversely on the environmental ability this location affords to Clophill and the surrounding area as flood defences;
- lorry loads of debris deposited on the site and the site artificially raised;

- lack of enforcement action on the site;
- impact on water voles and kingfisher in this section of the Millstream;

## Determining Issues

The main considerations of the application are;

1. Policy Background including Gypsy and Traveller Pitch Provision
2. Planning History of the Site
3. Flood Risk
4. Impact on the visual amenities of the area
5. Impact on the amenities of neighbours
6. Highways and parking
7. Assessment against Policy HO12
8. Assessment against Policy GT5
9. Other Matters
10. Conclusions

## Considerations

### 1. Policy Background including Gypsy and Traveller Pitch Provision

#### 1.1 Policy Background

The site lies outside of any built up area within the open countryside where there is a general presumption against the granting of planning permission for new development. The new 'Planning Policy for Traveller Sites' guidance sets out that Local Authorities should strictly limit new Traveller site development in the open countryside that is away from existing settlements.

- 1.2 'Planning Policy for Traveller Sites' is specifically designed to provide guidance on determining Gypsy applications and to ensure fair and equal treatment for Travellers, in a way that facilitates the traditional and nomadic way of life for Travellers while respecting the interests of the settled community. The document was amended on the 31st August 2015, this made amendments to the definition of Gypsy and Travellers which states: *'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily...* This is further expanded stating that in determining whether persons are 'gypsies and travellers' for the purposes of this planning policy, consideration should be given to the following issues: a) whether they previously led a nomadic habit of life; b) the reasons for ceasing their nomadic habit of life; c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.

- 1.3 National policy recognises that there is a need for most families to have a base to which they can return when not travelling in order to access essential services such as health care and education. The Courts have held that a nomadic habit of life is retained even where persons travel for no more than 2

months of the year and for the summer months.

- 1.4 The agent has confirmed that the applicants have never ceased permanent travelling. Travelling for work or cultural purposes has always been part of their lives and still is. The families involved in the application are well known members of the Romani Gypsy Community. An important part of Romani Gypsies lives is attending fairs, and the applicants regularly attend a number of fairs each year, as they are necessary for trading activities, networking, dealing of horses and tackle, or other similar activities that relate to Romani culture.
- 1.5 The family has several horses (traditional link between horses and the Gypsy community) which would benefit from the additional permanent residential presence on the site.
- 1.6 The family take part in cultural events that relate to their Romani Gypsy heritage and have always travelled for work. This includes travelling around Hertfordshire, Bedfordshire and Bucks and also travelling abroad to Holland, Belgium and Germany. From the above assessment and information, for the purpose of this application it is considered that the applicant and other members named in the application are considered to fulfill the definition set out in the guidance and are therefore considered to have Gypsy status.
- 1.7 The policy document requires that Local Planning Authorities carry out a full assessment of the need of Gypsies and Travellers in their area in liaison with neighbouring authorities to determine the need for sites. Sites should be specific deliverable site sufficient to provide 5 years worth of sites against the authorities locally set targets.
- 1.8 Paragraph 25 of the Planning Policy for Traveller Sites sets out 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 consent.
- 1.9 Gypsy and Traveller Pitch Provision

A Central Bedfordshire-wide Gypsy and Traveller Plan has been prepared to deliver the pitch requirement for Central Bedfordshire to 2031 and was subject to public consultation following approval at Full Council in February 2014, however, as noted earlier the Inspector raised a number of questions regarding the plan. The plan was withdrawn and therefore carries little weight in the determination of this application.

- 1.10 In preparation of the Gypsy and Traveller Local Plan the Councils had a new Gypsy, Traveller and Showperson Accommodation Assessment undertaken, dated January 2014 and further refresh in January 2015. This Assessment and the refresh are considered to be up to date and highlighted that there are a small number of unauthorised pitches, temporary consents, concealed households and people on waiting lists for the Council-run sites which are

considered to represent the backlog of need within the area.

- 1.11 The need for Gypsy and Traveller pitches to 2031 is set out in the GTAA update and Full Council agreed on 30th January 2014 that the GTAA be endorsed and that the specific sites identified are taken forward to deliver 66 Gypsy and Traveller pitches.
- 1.12 While the current version of the GTAA identifies that Council has allocated sufficient sites to provide the required number of pitches to deliver a 5 year land supply the plan has been withdrawn and therefore the 5 year supply cannot be demonstrated.
- 1.13 Nevertheless, pitches delivered through applications on existing sites or new unallocated sites would contribute to the number of windfall pitches provided.
- 1.14 Planning Policy for Travellers Sites (PPTS) policy H states that when determining planning applications for gypsy and travellers sites the existing level of local provision and need for sites is a material consideration. In a recent appeal decision at Twin Acres, also in Hitchin Road Arlesey (APP/P0240/W/15/3004755) the Inspector noted " Although the Council prepared the Central Bedfordshire Gypsy and Traveller Local Plan, that plan has been withdrawn and there are no allocated sites."
- 1.15 The Inspector went on to say "It is clear there is a significant unmet, immediate need for gypsy and traveller pitches" and again to say "As a matter of policy the absence of an up to date five year supply of deliverable sites is a significant material consideration in applications for temporary permission by virtue of paragraph 25 of the PPTS. However, this factor is capable of being a material consideration in any case and with another appeal ref APP/P0240/A/12/2179237, concerning a site within Central Bedfordshire, the Secretary of State concluded that the need for sites carried considerable weight and the failure of policy was also afforded significant weight. That must remain the case today."

#### 1.16 Gypsy and Traveller Pitch Trajectory

The draft Gypsy and Traveller Local Plan was accompanied by a trajectory which demonstrated that the Council had identified sites which together with windfall sites would deliver a 5 year land supply, however as the Gypsy and Traveller Local Plan has been questioned, at present the trajectory figures could be subject to change.

Nevertheless, the current version of the GTAA identifies that Council has allocated sufficient sites to provide the required number of pitches to deliver a 5 year land supply but pitches delivered through applications on existing sites or new unallocated sites would contribute to the number of windfall pitches provided. Applications such as this therefore potentially make a contribution to the delivery of the required number of Gypsy and Traveller pitches and help to maintain the required 5 year land supply trajectory providing they are acceptable in all other respects.

Since the withdrawal of the Gypsy and Traveller Local Plan there have been a number of applications for gypsy and traveller accommodation. However the

consented pitches still do not meet the backlog of pitches required.

Recent appeals have noted there is an immediate unmet need for accommodation in the district and Inspectors have given substantial weight to the need for pitches when determining applications.

#### 1.17 Sustainability

The PPTS accepts the principle of gypsy and travellers sites in rural and semi-rural areas. Paragraph 11 sets out the sustainability issues for gypsy and traveller sites and promotes access to health and education services. The site is in the rural area but is not an unacceptable distance from Clophill. Clophill is identified as a Large Village under Policy CS1 of the Core Strategy where there are some community facilities and links to public transport.

The location of the site has been assessed as being appropriate under the previous consent and therefore is considered to be in a sustainable location.

### **2. Planning History of the Site**

2.1 The application site was a former Animal Sanctuary and there have been a number of buildings on the site in relation to this previous use. One of which was lived in by the previous owner.

2.2 As the application states there has also been 3 static caravans (and tourers) on the site in some form/ position in excess of over 10 years. This application seeks to reposition the 3 caravans on to the pitches proposed.

2.3 The entrance to the site is shared with the existing Gypsy site to the north of the access road, which was granted planning permission in 2013.

2.4 The site is a County Wildlife Site; under the former ownership, the site was allowed to fall into a poor state of repair and there was a lot a debris/ cages and concrete on the site. These have been cleared by the applicant to improve the character and appearance of the site and they are willing to provide a management scheme for future biodiversity improvement on the site. The Council's Ecologist is satisfied with this approach and has suggested a condition should planning permission be granted.

### **3. Flood Risk**

3.1 The IDB and the Environment Agency have been consulted on the application and have not raised any objection. The application was accompanied by a flood risk assessment which acknowledges that the site is within flood zone 2 and some areas are within flood zone 3. The flood risk assessment includes a copy of the Environment Agency Flood Risk map.

3.2 The application has been delayed as the applicant and the IDB have been in discussion over a flood compensation scheme, this will result in the flood zone 3 areas being raised and a similar amount of land being lowered elsewhere to enable flood compensation to take place. This has now been agreed and therefore the flood risk is considered in this instance to be acceptable.

- 3.3 The caravans would be securely tethered and the underside would be above the flood level so that there would not be any risk of inundation or instability. In addition the flood risk map shows that the occupants of the site would be able to leave the site via the access to The Causeway during a flood event.

#### **4. Impact on the visual amenities of area**

- 4.1 The entrance to the site lies to the edge of the built up area of the village just beyond the edge of the ribbon of housing development on both sides of The Causeway to the immediate north of the site. The site is to the rear of the access road, the land has been cleared and generally tidied up there are a number of derelict buildings. The land is generally open and attractive and there may be partial views of the site through any breaks in boundary planting along The Causeway and A507.
- 4.2 The application does not contain any details of the external appearance of the caravans. On the two outer pitches the caravan would be parallel to the access road on the middle pitch the caravan would be in a position parallel to The Causeway.
- 4.3 The derelict buildings on the existing land would be removed and it is therefore considered that there would be an overall improvement in the visual appearance of the site.

#### **5. Impact on the amenities of neighbours**

- 5.1 Given the siting of the caravans to the rear of the site, it is considered that there would be considerable separation distance from the site to any neighbouring properties within The Causeway and the High Street. There is mature screening along the northern side of the site - on the opposite side of the access road. Whilst there may be partial views through the boundary screening it is not considered that this would be sufficient for the development to be unacceptable.

#### **6. Highways and Parking**

- 6.1 Access to the site is via the shared private driveway off The Causeway which serves the existing Gypsy and Traveller site and Paradise Farm.
- 6.2 The Highways Development Control Officer has raised no objection to the application although access to the site is achieved via the junction of The Causeway and High Street which is substandard in terms of the level of visibility available or via the junction of The Causeway with the A507 which is not subject to a speed restriction other than the National Limit; no highway objections have previously been raised to the creation of a gypsy site at this location.

#### **7. Assessment against Policy HO12**

- 7.1 Policy HO12 is a criteria-based policy for assessing planning applications and is

the relevant adopted policy for the determination of this application. Previous application adjacent to the site were 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;

The impact on the character and the appearance of the area has been considered in section 4 above.

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

The Highways Development Control Officer previously confirmed there is no technical or safety objection to the proposal subject to conditions.

(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;

During the previous planning application both the Environment Agency and the Internal Drainage Board confirmed that they have no objection to the proposal. The Environment Agency and IDB are the expert bodies whose advice the Council as Local Planning Authority relies on.

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

Whilst the site is in the open countryside and a designated CWS large parts of the application site and other land owned by the applicant would remain undeveloped and a condition would be imposed on any grant of planning permission for a management scheme for the land.

(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 is outside of the settlement envelope but as set out in the policy this is not deemed essential. The village of Clophill is considered to be a satisfactory distance where community facilities and public transport are accessible.

## **8. Assessment against Policy GT5**

- 8.1 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. The previous application was assessed against this criteria and found to be acceptable. For clarity each part of policy GT5 is addressed in turn below.

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

Development such as that proposed will help identify the need for sites to be met which is a material consideration given the recent appeal decision at Twin Acres.

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. It is considered that the point of the policy is to ensure that in rural and semi-rural areas that the traditional bricks and mortar settlement is not dominated in terms of the scale and visual impact of Gypsy and Traveller pitches. Due to the limited scale of the proposed site and the distance from Clophill, it is not considered that it reasonably be argued 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. A flood risk assessment will be required in areas of flood risk.

This has been addressed in Section 3 of the report and has been found to be acceptable.

### Satisfactory and safe vehicular access.

During the consideration of the previous application the Highways Development Control Officer reviewed the application and confirmed that there is no technical highway reason to raise an objection.

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 wider site contains high levels of boundary landscaping and there are opportunities to increase the levels of landscaping to further improve the screening of the site and the biodiversity opportunities the site could provide. Existing landscaping and hedgerows would be retained.

#### Sensitive boundary treatment.

Boundary treatment could be controlled by condition in the event that other matters were considered acceptable.

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

The impact on neighbouring properties is considered above.

#### Pollution from light and noise sources should be minimised.

Disturbance is described and assessed above. 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.

Facilities would be within reasonable driving distance of the site. The village of Clophill would be within easy walking distance of the site.

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

The site is already connected to the existing mains sewerage system. The site is already served by water and electricity. A refuse collection service is in operation at the site.

## **9. Other Matters**

- 9.1 This application also seeks part retrospective consent for the retention of stables. The stables are to the rear of the existing gypsy and traveller site which is located to the front of the site on the northern side of the access track. The stables are considered to be appropriate and would not have a detrimental impact on the character and appearance of the surrounding area, nor would they have a material impact on the amenities of any neighbouring residential properties.

## **10. Conclusions**

- 10.1 The application site is within flood zone 2 and 3, a flood compensation scheme has been submitted which will take the most vulnerable development outside of flood zone 3 and into flood zone 2. The development is considered to include measures that will ensure it is flood resilient and resistant and would pass the sequential test.
- 10.2 The site has been substantial cleared and tidied up during the application process and the derelict buildings will be removed upon planning permission being granted for this proposal. This would result in an enhancement to the character and appearance of the area.
- 10.3 It could be argued that any caravans in open countryside have an adverse impact on the character of the area, however, in light of the removal of the derelict buildings, tidying up of the site and the level of identified need it is considered that on balance the visual impact of the development would not be so adverse as to justify refusing planning permission.

## **Recommendation**

That the application be GRANTED subject to the following:

## **RECOMMENDED CONDITIONS / REASONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.
- Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 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.
- 3 No more than 3 caravans, and 3 tourers, shall be located on the Site and occupied for residential purposes.
- Reason: In recognition of the location of the site in the countryside and having regard to the provisions of the National Planning Policy Framework.
- 4 No commercial activity shall take place on the Site, including the storage of materials.

Reason: In order to ensure that the development has no unacceptable adverse effect upon general or residential amenity having regard to the National Planning Policy Framework and to the provisions of Policy DM3 of the Core Strategy and Development Management Policies (2009).

- 5 The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in (i) to (vi) below:
- i. within 3 months of the date of this decision a scheme for the storage and collection of waste from the site shall be submitted to and approved in writing by the Local Planning Authority, the approved scheme shall be implemented within 3 months of the date of approval;
  - ii. within 3 months of the date of this decision a scheme for external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority, the approved scheme shall be implemented within 3 months of the date of approval;
  - iii. within 3 months of the date of this decision The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.
  - iv. within 3 months of the date of this decision a plan showing the layout of the site including the position and size of the caravans and external appearance of the static caravans shall be submitted to and approved in writing by the Local Planning Authority, the approved scheme shall be implemented within 3 months of the date of approval.

Reason: To ensure an appropriate standard of development.  
(CS policy DM3 and DSCB policy 43).

- 6 No caravans shall be located on the site until the approved flood compensation works have been carried out. All caravans/ residential accommodation shall be secured in position.

Reason: To ensure that the protection of any future occupants in the event of flooding and to protect the site against future flooding.

- 7 No development shall take on the site until a habitat management plan has been submitted to and approved in writing by the Local Planning Authority. To ensure the site is managed appropriately.

Reason: To enhance the biodiversity of the site.

- 8 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers BP-01; SB-01; Site Location Plan; Flood compensation scheme

(Revision A and email dated 14th December 2015)

Reason: For the avoidance of doubt.

### **INFORMATIVE NOTES TO APPLICANT**

1. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the Core Strategy and Development Management Policies Document ( 2009)
2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

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