

Item No. 7

APPLICATION NUMBER	CB/15/03850/FULL
LOCATION	Eversholt Beeches, Watling Street, Caddington, Dunstable, LU6 3QP
PROPOSAL	Permission is sought for change of use of land to a residential caravan site, for two Gypsy Traveller families. The site to contain two static caravans, two touring caravans and parking for four vehicles with associated hardstanding and water treatment plant.
PARISH	Caddington
WARD	Caddington
WARD COUNCILLORS	Cllrs Collins & Stay
CASE OFFICER	Robin Forrester
DATE REGISTERED	12 October 2015
EXPIRY DATE	07 December 2015
APPLICANT	Mr J Price
AGENT	BFSGC
REASON FOR COMMITTEE TO DETERMINE	The application has been called to Committee by the Ward Member Cllr Stay, on the basis that:- <ul style="list-style-type: none">Existing development is regarded as over-development within the Green Belt. there are already a large number of G & T pitches along this stretch of the A5.The visual impact is very extensive, and located within the Green Belt, this development would add to the already negative impact on Green Belt and adjacent A.O.N.B.
RECOMMENDED DECISION	Full Application - Recommended for Approval

Summary of Recommendation

The proposed development is an extension to an existing site within the Green Belt, A.O.N.B. and A.G.L.V. and the countryside, contrary to Policy H15 of the Local Plan.

There would be some harm to the landscape of the A.O.N.B although this could be mitigated by significant landscaping.

The development constitutes inappropriate development in the Green Belt, although the shortfall in sites and the applicant's personal circumstances are considered to amount to the very special circumstances needed to warrant the granting of permission for inappropriate development in the Green Belt.

The development would provide 2 permanent pitches to meet an identified need in accordance with the National Planning Policy Framework and Planning Policy for Traveller Sites, at a time when the Council cannot demonstrate a 5 year land supply.

The proposal would not result in any appreciable adverse impact on the residential amenity of nearby properties and improvement works to the existing access would be beneficial in terms of highway safety, and there are no technical waste/drainage or flooding issues.

On balance, the proposal is considered to be acceptable, and in conformity with The National Planning Policy Framework; and Planning Policy for Traveller Sites.

Site Location:

Eversholt Beeches is an established Gypsy and Traveller site, situated on the north-East side of the A5 (T) between Dunstable and Junction 9 of the M1. It is some 2km to the south of Dunstable within Caddington Ward.

The site lies within the Green Belt, the Chilterns Area of Outstanding Natural Beauty and an Area of Great Landscape Value.

The application site lies immediately to the north of the Eversholt Beeches site, and consists of the central area within a grass paddock area, very long and narrow in form, which runs from the mature hedge alongside the A5 in an easterly direction, with a slight slope upwards as it moves away from the A5.

The paddock is dominated by a substantial electricity pylon and lines which bisects the site, and the application site itself consists of a rectangular area within the paddock, and a short access to the Eversholt Beeches site.

The Application:

The proposal is to create an extension to the Eversholt Beeches site, to house the applicants family (Jim Price and his sister Ashley Price), as the existing site is over-crowded, and is currently occupied by 4 generations of the Price family, consisting of Mrs Lee (Senior), Oram and Lucy Price, Jim and his 3 brothers and 2 sisters, and Jim has 4 children.

The extension to the site would consist of the siting of 2 static caravans, and 2 touring vans and an area for parking 4 cars within a hard-standing area. An associated waste-water treatment plant is proposed for the applicants land to the south of the caravan site, and a waste storage area is indicated.

Access to the new site would be from the existing Eversholt Beeches site, and the agricultural gated access on to the A5 would not be utilised.

The plans indicate that boundary screening would be provided particularly to the A5 (west) and northern boundaries, which currently have well-established hedges, which would be supplemented.

The applicant states that whilst it is a Traveller tradition to look after all family members, the relationship between Jim Price and his Grand-mother have broken down as a result of the over-crowding, and that the new area would restore harmony to the family, and would be beneficial for the health and educational needs of the applicant's children. (Confidential Reports have been prepared).

The applicant states that the accommodation is necessary to allow their Romany

Gypsy traditional way of life to continue and for the well-being of the applicant's children, as required by the Human Rights Act, Article 8.

The applicant states that fire regulations would not allow expansion at the present site and that the Price family are an established Romany Gypsy family, and the applicant regularly travels for trading purposes, to visit family and to attend markets, shows and other cultural events.

The applicant states that this would be a sustainable site, well screened (extra planting is proposed) and with good access to bus services giving ready connection to Dunstable's range of facilities including schools, doctors and shops.

The applicant states that if a permanent consent is not considered appropriate, then a temporary consent should be given, and that the lack of sites and the children's health and educational needs amount to the very special circumstances needed to justify the granting of permission within the Green Belt.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

The presumption in favour of sustainable development is a 'golden thread' running through the N.P.P.F.

Paragraph 17 establishes core principles, one of which is protecting the Green Belt, and recognising the intrinsic character and beauty of the countryside, and paragraph 55 indicates that isolated development in the countryside requires special justification. Paragraph 115 states that "Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty".

Section 9 of the Framework re-affirms the Government's commitment to the Green Belt, and that inappropriate development requires very special circumstances to warrant the granting of permission.

D.C.L.G - Planning Policy for Traveller Sites - August 2015

This document establishes the government's policy in relation to the provision of Gypsy and Traveller sites, establishing a requirement for a 5-year supply of sites.

Paragraph 14 indicates that when assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.

In relation to Gypsy sites within the Green Belt, it states:-

Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances, and the Green Belt boundaries should be altered only in exceptional circumstances. If a local planning authority wishes to make an exceptional, limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) to meet a specific, identified need for a Traveller site, it should do so only through the planmaking process and not in response to a planning application. If land is removed from the Green Belt in this way, it should be specifically allocated in the development plan as a Traveller site only.

South Bedfordshire Local Plan Review Policies

Policies:

SD1 (Sustainable Keynote Policy),

BE8 (Design and Environmental Considerations)

NE3 (Development in Area's of Great Landscape Value)

H15 (Siting of Mobile Homes in the Green Belt).

[The above policies remain consistent with the N.P.P.F, and as a result, can be afforded significant weight].

Draft Gypsy and Traveller Local Plan

The Central Bedfordshire-wide Gypsy and Traveller Local Plan (GLTP) was prepared to deliver the assessed pitch and plot requirement for the period 2014 to 2031 and was subject to pre-submission public consultation following approval at full Council in February 2014. The Plan was submitted to the Secretary of State in June 2014, however the subsequent Examination was not held and the Plan withdrawn in September 2014. It therefore carries no weight.

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.

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

No relevant history on application site, history on adjacent site is as follows:-

Case Reference	CB/10/01497/VOC
Location	Eversholt Beeches, Watling Street, Caddington, Dunstable, LU6 3QP
Proposal	Variation of condition 4 of planning permission SB/TP/09/0078 to allow a maximum of five caravans, as existing, but including no more than three mobile homes, in lieu of the single mobile home currently permitted.
Decision	Variation of Condition - Granted
Decision Date	24/06/2010

Case Reference	SB/09/00078
Location	Eversholt Beeches, Watling Street, Caddington, Dunstable, LU6 3QP
Proposal	Retention of Gypsy site to provide a maximum of five pitches.
Decision	Full Application - Granted
Decision Date	13/03/2009

Case Reference	SB/99/00290
Location	EVERSHOLT BEECHES, WATLING STREET, CADDINGTON.
Proposal	CHANGE OF USE TO RESIDENTIAL GYPSY CARAVAN SITE

Decision	Full Application - Refused
Decision Date	24/08/1999

Consultees:

Caddington Parish Council	Objection on the grounds that this development is within the Green Belt, is a new site and that the Council has been understanding of the needs of the Traveller community, supporting extra pitches to work within the G&P Traveller Plan.
Kensworth P.C	OBJECT on grounds of over development, impact on the Green Belt and AONB, contributing to ribbon development extending along the Eastern side of the A5, visual impact from Public Footpaths, destruction of ancient grassland, flora and fauna, new close board fencing already erected which does not allow ancient hedgerow to flourish, site already overcrowded and will contribute to existing site management problems, close proximity to existing sites at Jockey Farm and Greenvale Nurseries (which also has an application submitted for additional plots CB/15/04411), and highways safety concerns with additional traffic turning on and off the A5, especially following serious accident on 29th February 2016.
Highways England	Awaited.
CBC Highway Authority	<p>The site is shown to be served via Eversholt Beeches by an existing access off the A5 Trunk Road - Refer to Highways England as the relevant highway authority for the Trunk Road.</p> <p>The application form indicates that no new vehicular access will be created. However the existing access is only 3.6m in width and therefore is only capable of accommodating one way traffic.</p> <p>No additional information has been submitted in relation to the number of units or pitches the access is already serving and therefore it is not possible to determine whether or not the access is capable of accommodating the additional traffic the proposal may generate.</p> <p>Nevertheless, it is very likely that the access needs to be widened to 5.5m for a length of 10.0m into site, measured from the highway boundary and be provided with kerb radii of 6.0m. This will allow two vehicles to pass at the point of access and also allow a vehicle entering the site to stand clear of the main carriageway in the event that another vehicle is exiting. However, the land required for the widening of the access is not shown to be under the applicant's control.</p>

It is worth noting that despite being stated in the application form that a new access is not to be created, a crossover has been created in front of the site directly off the A5, a drive of hardcore has been constructed and a gate installed at the access. All these indicate the intention to access the site through this created access which may be unauthorised.

These are matters that should be addressed by Highways England as the relevant Highway Authority.

However insofar as this Council is concerned as local highway authority I would recommend that the planning permission be refused for the following reasons:-

Insufficient information has been submitted to properly and accurately assess the proposal and any effect that it may have on highway safety.

Pollution Team

No objections - this site is directly adjacent to an existing residential caravan site and in essence comprises an extension to it further away from the existing commercial uses to the south.

The site, outlined in red in the application documents, is sited some distance from the road and from the pylon, mobile phone mast and ancillary equipment.

Environment Agency

No objection - advises informatives.

Waste Services

The properties will be allocated 1 x 240 litre recycling bin, 1 x 55 litre glass box, and 1 x 240 litre residual bin (and 1 x 240 litre garden waste bin if required)
Bins need to be presented at the curtilage of the property, by the highway on collection day. The collection vehicle will not access the property driveway.

Trees and Landscape

I can confirm that the site is surrounded by hedgerow, offering a good foundation baseline on which to add further screen planting around the proposed new caravan pitches.

Advise that a standard landscape planting condition should be imposed in order to secure additional, native, hedgerow planting, as set out in the Design and Access Statement, in order to maximise the effectiveness of the surrounding hedgerow screening belt.

Local Plans Team

Background

This application seeks permanent planning permission for 2 additional Gypsy and Traveller pitches to the existing 5 authorised pitches, and is one of a cluster of Traveller

sites interspersed with commercial use south of Dunstable. The application is for a greenfield site located in the Green Belt beyond the settlement boundaries of both Dunstable (2.0m) and both Caddington and Kensworth (1.7m) in open but far from remote countryside adjacent to the CBC boundary with Dacorum to the south.

The Eversholt Beeches site comprises an extended family occupying an authorised 5 pitches in a combination of static and touring caravans, with some additional temporary structures. At the frontage of the site is a bricks and mortar bungalow originating from early in the last century which is apparently occupied by the applicant Mr. Price's grandmother, who is referred to in the application's D&A statement. The applicant and his neighbours have suggested that these are due to be buried underground by the power company. The land the subject of this application immediately to the north has been fenced off and has an existing separate farm-style access to the A5, with a somewhat weak boundary hedge to the open countryside beyond.

There is no proposed provision for travelling showpeople at this site and therefore this response excludes all reference to the needs of this part of the travelling community.

National "Planning Policy for Traveller Sites" (PPTS, August 2015)

This statutory guidance sets out the Government's policy for planning and managing the development of accommodation for Gypsies & Travellers. It provides specific guidance on determining planning applications for Traveller sites which seeks to facilitate the traditional, nomadic life of Travellers whilst respecting the interests of the settled community.

The PPTS requires that LPAs carry out a full assessment of the accommodation needs of Gypsies and Travellers in their area together with neighbouring authorities; determine the local need for sites and set pitch targets (as defined). In particular 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" (para.10a). PPTS further states (para.27) 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".

Of particular relevance to this application is para. 14 which requires LPAs to ensure that the scale of sites located in the countryside do not “dominate the nearest settled community” and para. 25 which advises that LPAs “should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. More specifically the August 2015 PPTS strengthens the presumption against Traveller sites in the Green Belt in Policy E, para. 16, which states that Traveller sites would need to demonstrate “very special circumstances” to outweigh harm. Para 17 indicates that defined Green Belt boundaries should only be altered through the Plan making process and not in response to a planning application.

Local Planning for Gypsy and Travellers

The Central Bedfordshire-wide Gypsy and Traveller Local Plan (GLTP) was prepared to deliver the assessed pitch and plot requirement for the period 2014 to 2031 and was subject to pre-submission public consultation following approval at full Council in February 2014. The Plan was submitted to the Secretary of State in June 2014, however the subsequent Examination was not held and the Plan withdrawn in September 2014. Whilst the withdrawn GTLP document therefore carries no weight in law when determining current planning applications, the policies contained within the document remain useful practical guidelines for the assessment of the suitability and acceptability of proposed Gypsy & Traveller sites in Central Bedfordshire.

The withdrawn Plan assessed the current and future need for Traveller sites (see below); identified criteria for assessing planning applications and sought to allocate 66 Gypsy & Traveller pitches (Policy GT1) considered deliverable in the first 5 years of the Plan period (ie 2014-19) and therefore capable of meeting current need. These pitches were to be accommodated on 6 separate sites which included the expansion of the nearby Greenvale site by 8 pitches to the current authorised 14 under Policy GT12 Site 92, notwithstanding the AONB and Green Belt designations (see below).

The withdrawal of this Plan however, means that there are currently no “allocated” Gypsy and Traveller sites to satisfy unmet current need. The Council has commenced work on a new Central Bedfordshire Local Plan which will include provision for Gypsies and Travellers. A Call for Sites has recently closed which sought proposed sites to accommodate the Travelling community. This New Plan which will include a review of Green Belt boundaries in allocating sites to meet re-assessed needs, is currently

scheduled for submission in December 2017 with examination the following summer. It will therefore be more than two years before any allocated sites are confirmed.

The additional pitches nonetheless required before this time will therefore need to be achieved through either a more intensive use of, or extensions to, existing authorised sites or on new unallocated “windfall” sites, each of which make an important contribution to the delivery of the 5 year supply of Gypsy and Traveller pitches required by the PPTS. There is no substantive need for a site to be formally allocated to be found suitable for Gypsy and Traveller use. It is open to site owners and / or promoters, including members of the Travelling community and the Council themselves, to bring forward sites as they become available and for the LPA to consider each proposal against established need following full and proper consultation.

Gypsy & Traveller Accommodation Need

In preparing the 2014 GTLP the Council commissioned a Gypsy, Traveller and Showpersons Accommodation Assessment from specialist consultants (GTAA, ORS January 2014) using a baseline survey date of November 2013. This Assessment considered the number of unauthorised pitches, temporary consents, concealed households and overcrowded sites, together with the number of Travellers on waiting lists for Council sites, in order to identify the current unmet need (or backlog of provision) within the authority area at that time. Future need was then estimated for 5, 10 and 15 year periods taking into account migration patterns and rates of new household formation, set against allocated and vacant sites and unimplemented permissions. This GTAA identified a backlog of 35 pitches. Assuming a 2.5% growth rate, it estimated a total requirement of 63 pitches for 2014-2019 and a total of 165 pitches for 2014-31.

The Submission Version of the Gypsy and Traveller Local Plan (June 2014) was accompanied by a trajectory which sought to demonstrate that the additional sites to be allocated would deliver a 5 year pitch supply if the GTAA results utilised a Council preferred 2.0% growth rate. This acknowledged the backlog of 35 pitches but estimated a reduced need to 2019 of 54 and to 2031 of 131 pitches. The Plan’s proposed allocation of 66 new pitches therefore met the 5 year supply and relied on continuing windfalls to meet the additional requirement beyond 2019 to 2031.

Following the withdrawal of the GTLP, the GTAA was further updated by ORS in December 2014 with the

commencement of the preparation of the Council's new Local Plan. This assessment moved the baseline forward to January 2014 and took into account the difficulties that the Inspector, together with some consultees, identified with the figures in the submitted GTLP. The update re-affirmed the current backlog of 35 pitches and identified an unmet need in December 2014 of 56 pitches to 2019 and an overall net need 2014-31 of 136 pitches, utilising the lower 2.0% growth rate.

Recent planning permissions and appeal decisions over the last year have granted consent for a number of additional pitches, including making permanent some temporary pitches. Current site provision in Central Bedfordshire is continually being reviewed through monitoring and site visits including the bi-annual caravan count. The Council has therefore commissioned a further GTAA from ORS, which will have a baseline updated to 2016 and a new 5 year supply period to 2021. It will necessarily reflect the provisions of the revised PPTS, including the new "planning" definition of Gypsies and Travellers which requires consideration of the extent to which their "nomadic habit of life" is continuing (Annex 1 para.2). This work is underway and was due to report, for consideration by Members, in May 2016.

In the meanwhile, the Council accepts that whilst the immediate backlog may well now have been resolved, there remains an unmet need going forward resulting in the lack of a 5 year supply of suitable accommodation to 2019. This will be extended to 2020/21 under the New Plan. In recent appeals including APP/P02740/W/15/3004755 (Twin Acres, Arlesey) Inspectors have noted that if there is such a significant unmet immediate need for Gypsy and Traveller pitches due to the absence of an up to date 5 years supply of deliverable sites (a "policy failure"), this is a significant material consideration. The LPA can therefore expect to lose further appeals until this need is demonstrably met. This application for two permanent additional Gypsy and Traveller pitches, to meet a growing family need and resolve personal issues between members of the family, would make a windfall contribution towards meeting the outstanding shortfall in supply.

The Eversholt Beeches Site

Eversholt Beeches is one of a cluster of 3 physically separate but apparently related Gypsy and Traveller sites in this locality. The extension of Greenvale to the south was one of the six proposed allocations in the GTLP 2014 having been selected through a long and detailed 3 stage process in 2013/2014, which included extensive consultation. It was considered that exceptional

circumstances justified development in the AONB and the extension would have a limited impact on the landscape and on biodiversity. This site was considered to be at a reasonably accessible distance from Dunstable which provides a full range of services; vehicular access was satisfactory and it was capable of being effectively screened within the open countryside. As an existing site seeking to expand, it was deliverable in the required timescale to meet accepted need. These factors all apply in principle to the Eversholt Beeches site, however the proposed extension to the north would constitute a further incursion into the Green Belt, under stricter PPTS policy guidance.

Another particular issue is whether this site can be considered sustainable within the terms of the NPPF and PPTS. The CBC Planning policy approach in the now withdrawn GTLP – Part 5 Consideration of New Sites stressed that a sustainability approach required access to a variety of community services including health; schools; local shops and employment opportunity:

Para. 5.3 acknowledged that whilst proximity to existing settlements is the Council's first preference, it is often the expressed preference of the Gypsy and Traveller community to live in the countryside and indeed that of the nearest settled community that there should be more separation between the two forms of housing.

Policy GT5 proposed a criteria-based approach to assessing planning applications, which included ensuring "satisfactory and safe vehicular access to and from the public highway".

Para. 5.9 confirmed this as "essential" and adds "Access to local services by foot, cycle or public transport should ideally be available, to reduce the reliance on private vehicles."

This issue has been addressed by inspectors on appeal on a number of occasions both locally and nationally. Increasingly the view is emerging that sustainability does not necessarily equate solely to being in walking distance of facilities, particularly if to do so would raise safety issues, and that a wider interpretation should be employed. Examples of this approach locally include Twin Acres, Arlesey (Appeal Ref: APP/P0240/W/15/3004755), where the Inspector concluded:

"However, there is no requirement in national policy to provide pedestrian links to gypsy and traveller sites. Government policy envisages such sites in rural areas, where providing footpath links will often be impractical or

inappropriate. Paragraph 29 of the Framework acknowledges that “different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas”.

This view is not new however and was reached earlier in the Woodside appeal, Hatch, SG19 1PT. The decision letter came in the same month as the revised PPTS, August 2015, APP/P0240/A/11/2156395/NWF.

Conclusion

The Council previously approved the adjoining site for this use, the proposals have been designed in a sympathetic manner to reduce impact on the surroundings and to incorporate safe vehicular ingress and egress. The site is within a reasonable distance of a major settlement providing all required facilities, bus access is available and the use would meet an established, genuine and urgent need for a genuine growing Traveller family grouping. The location ensures that the development will not dominate any adjoining settlement.

Previous Pre-App. advice has suggested that the use of the existing site could be improved to accommodate more caravans, perhaps by utilising the adjoining land for grazing and less intrusive uses. The future of the overhead cables is a relevant consideration in this. It may be appropriate to pursue this approach until the results of the Green Belt review are known which could consider this area and an appropriate policy response to it. It is understood that there are local community concerns regarding the number of caravans in this area and similarly concerns have been expressed regarding the speed of traffic and potential road obstruction beyond the boundary of the 50 mph limit some distance to the north. It is also the case that the land under the applicant's control could potentially accommodate more than the two pitches currently applied for.

Other Representations:

One letter of objection
has been received
which states:-
Bury Farm Cottage,
Church End

My key concern is that extending this residential site will have considerable impact on traffic and child safety on the A5 trunk road. Slow moving vehicles exiting this development are already a hazard and are likely to increase if the site is further developed. There are also vehicles frequently parked on the verges and children walking from the site on the verges to the petrol station on

the A5. It is clear this is not a site that is suitable for residential development. Separately, given that the development is in the Green Belt and an Area of Outstanding Natural Beauty, further ribbon development along the A5 further should not be allowed.

24 Standard Letters of Support state:-

Jockey Meadow Ind Units, Watling St, Dunstable

Support the Jim Price application as there is a shortage of Gypsy Traveller sites in Central Bedfordshire, and this type of private provision is a good way forward and much needed. Request that CBC look favourably on this application.

Jockey Meadow Farm, Watling St, Dunstable

Ditto

147 Tennyson Road

Ditto

Jockey Meadow Farm, Watling St, Dunstable
21 Parklands, Dunstable

Ditto

Ditto

48 Ashcroft, Dunstable
184 Spoodell, Dunstable

Ditto

Ditto

Unit 20 Tavistock Place, Dunstable

Ditto

35 Jardine Way, Dunstable

Ditto

The Spinney, Coventry

Ditto

The Spinney, Coventry

Ditto

16 Suncote Avenue, Dunstable

Ditto

16 Suncote Avenue, Dunstable

Ditto

6 Finsbury Place, Dunstable

Ditto

Rador Road, Luton

Ditto

Jockey Farm, Watling St, Dunstable

Ditto

Jockey Meadow Farm, Watling St, Dunstable

Ditto

Jockey Meadow farm, Watling St, Dunstable

Ditto

Jockey Meadow Farm, Watling St, Dunstable

Ditto

Jockey Meadow Farm, Watling St, Dunstable

Ditto

24 Leyburn Road, Luton

Ditto

Jockey Meadow Farm, Watling St, Dunstable

Ditto

Jockey Meadow Farm, Ditto
Watling St, Dunstable
Jockey Meadow Farm, Ditto
Watling St, Dunstable
Jockey Meadow Farm, Ditto
Watling St, Dunstable

Determining Issues:

The main considerations of the application are;

1. Principle of Development in the Green Belt
2. Affect on the Character and Appearance of the Countryside
3. Neighbouring Amenity
4. Highway Considerations
5. Drainage and Waste
6. The planning balance
7. Other Considerations

Considerations

1. Principle of Development in the Green Belt

- 1.1 The provision of Gypsy sites is governed by similar restrictions as conventional housing - there is a requirement for the Local planning Authority to identify a 5-year supply of site to meet an objectively assessed need - and such sites should be in sustainable locations, with good access to facilities - especially educational and medical needs - with a general requirement to avoid isolated sites within the countryside.
- 1.2 Policy H15 of the Local Plan, indicates that applications for the siting of mobile homes or residential caravans in the Green Belt will be treated in the same way as applications for permanent dwellings and judged against the provisions of Green Belt policy.
- 1.3 The site falls within the statutory Green Belt, and the development constitutes 'inappropriate development' which is by definition, harmful. The N.P.P;F indicates that inappropriate development should be refused, and requires very special circumstances to be demonstrated - that outweighs the harm arising from the inappropriateness, the harm to the open-ness of the Green Belt and all other harm - to warrant the granting of planning permission for inappropriate development.
- 1.4 The National Planning Policy for Gypsy and Traveller sites indicates that:-
"Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances, and the Green Belt boundaries should be altered only in exceptional circumstances. (This application does not seek to amend the Green Belt boundary).
- 1.5 The above National Guidance suggests that the shortage of sites and the applicant's personal circumstances would not individually amount to the 'very special circumstances' necessary to justify the granting of permission.
- 1.6 The comments from the Council's Local Plans Team however indicates that the shortfall in the provision of Gypsy and Traveller sites is such, that it could, cumulatively, amount to the very special circumstances as demonstrated by

recent appeal decisions.

- 1.7 In addition, the applicant has advanced personal circumstances - the educational and health issues of his children - to justify needing to remain at the current site, and a confidential educational and medical report has been provided.
- 1.8 The applicant indicates that his human rights (and those of his children) would be harmed if the site is not developed, and that the above, in total, constitutes the 'very special circumstances' needed to warrant the granting of permission.
- 1.9 It is apparent from the Local Plan team response, that despite the National Planning Policy for Gypsy and Traveller sites indicating that the lack of 5-year supply of sites, and the personal circumstances would rarely amount to the 'very special circumstances' needed to justify inappropriate development within the Green Belt, in this instance the short-fall in the availability of Gypsy sites is such, that the combination of the shortfall, and the applicant's personal circumstances would in this instance, amount to the 'very special circumstances' needed to warrant the granting of inappropriate development within the Green Belt.
- 1.10 It is apparent that the development constitutes inappropriate development, and that the 'very special circumstances' must outweigh the harm caused by virtue of the inappropriate development, the harm to the openness of the Green Belt, and any other harm.
- 1.11 The development would cause harm from being inappropriate, and it would also be an intrusion in to the open land to the north of the current site, and would therefore harm the openness of the Green Belt, by introducing development on to a site that is currently open and a greenfield site, with the only development being the electricity pylon.
- 1.12 The applicant suggests that the cable could be placed underground and the removal of the pylon would result in the land being more open in the future and therefore the intrusion of the caravan site in to the countryside would be more apparent.
- 1.13 The land is presently partially screened by virtue of boundary hedging, and whilst the site could be landscaped further, and partially screen the site, this would not lessen the harm to openness.
- 1.14 Other harm - to the character of the A.O.N.B and A.G.L.V.- is discussed in the following section.

2. Affect on the Character and Appearance of the Countryside

- 2.1 The character of the land is of open countryside, and rolling downs and falls within the Chiltern Hills Area of Outstanding Natural Beauty, (which the N.P.P.F indicates should be afforded the highest level of protection) and the Local Plan designated Area of Great Landscape Value.
- 2.2 The site would be visible from vantage points in the surrounding area, including public footpaths, although less so from the A5 due to boundary treatment.
- 2.3 Whilst the site could be screened further by the introduction of additional planting, it would still be an encroachment in to the countryside of the A.O.N.B, and within such areas, the cumulative impact of the development considered with other developments, is an important consideration within the A.O.N.B.
- 2.4 The area already has electricity pylons and several commercial and Gypsy and Travellers sites that are developed and intrude into the countryside of the A.O.N.B. and A.G.L.V. in this locality on the eastern side of the A5, and although the proposed development would intrude further, and is a greenfield site, the additional harm to the locality is lessened by this context.

- 2.5 It is considered that there would be moderate harm caused to the landscape in the short-term, that could be mitigated for by means of additional planting, and in the medium-to-long term, the impact would be lessened as the landscaping matured, to the extent that it would only be distant views that would be affected, although due to the elevated view-points, it could not be said that the development would cause no harm.
- 2.6 It is considered that a high standard of landscaping to the boundaries of the site would be necessary in order to minimise the impact on the A.O.N.B. and A.G.L.V. but this could be conditioned accordingly.

3. Neighbouring Amenity

- 3.1 There are no immediate neighbours in close proximity to the site, and the development falls centrally within the larger paddock area to the north of the existing Eversholt Beeches site.
- 3.2 The use of the site would not therefore have any appreciable impact on the amenities enjoyed by the occupants of any nearby residential properties.
- 3.3 The access to the site extension is taken from the existing access to Eversholt Beeches, and the modest increase in traffic that is likely to be generated would not impact on the level of amenities enjoyed by neighbouring property.

4. Highway Considerations

- 4.1 The proposed access to the site is via the existing access to Eversholt Beeches, which is seen as preferable to introducing another new access on to the Trunk Road.
- 4.2 The Highway Authority has recommended refusal of the proposal as submitted as the existing access does not allow for 2-way traffic to pass in the mouth of the access, which could result in vehicles turning in to the site having to stop on the A5 (T), should another vehicle be emerging from the site.
- 4.3 It is considered that it would be a relatively simple matter to widen the existing access - which would allow vehicles to pass within the entrance (thereby avoiding the need for vehicles needing to wait on the trunk road, and a revised plan to meet the requirements of the Highway Authority is awaited.
- 4.4 The comments of Highways England (the former Highways Agency) are awaited and will be reported to Committee, although in view of the modest additional development utilising an existing access - that could be improved to achieve an overall highway improvement - no objection is anticipated.
- 4.5 It is considered that providing the existing access is improved before the development is occupied, then no highway safety issues would arise.

5 Drainage and Waste

- 5.1 In the absence of any public sewers in the area, under the sequential test for non-mains drainage, a package treatment plant as proposed, is the most sustainable method of foul drainage, and no objection has been raised by the Environment Agency, and the discharge from the unit would be dealt with under their 'permit' regime.
- 5.2 It is considered that the proposed method of foul sewage disposal is acceptable and the siting of the unit itself is appropriate.
- 5.3 The caravans themselves would discharge the run-off to soakaway, and the size of the site would ensure that there would be no likelihood of the run-off flooding adjacent or surrounding land.
- 5.4 The site would have an assigned area for the positioning of wheelie-bins, which would be placed at the access drive junction with the public highway for collection on the assigned day.

5.5 There is no objection to the proposal on technical drainage/waste grounds.

6. The Planning Balance

- 6.1 The site falls with the A.O.N.B and A.G.L.V. and would have a moderate impact on the landscape in the short-term, which would become a minor impact over time when any additional landscape matures.
- 6.2 The development will be well screened from localised views along the A5 by existing planting, although longer views from elevated positions and public footpaths would be affected.
- 6.3 The N.P.P.F indicates that the protection of such sensitive areas should be afforded the highest level of protection, and therefore a substantial planting scheme would be required in mitigation.
- 6.4 The site constitutes inappropriate development within the Green Belt and would be contrary to saved policy H15 of the adopted South Bedfordshire Local Plan Review 2004, which requires residential caravan sites to be dealt with in the same manner as conventional dwellings.
- 6.5 The N.P.P.F indicates that inappropriate Development is by definition harmful to the open-ness of the Green Belt and that very special circumstances - that outweigh the harm from inappropriateness, the openness of the Green Belt and any other harm - needs to be demonstrated in order to warrant the granting of permission for inappropriate development.
- 6.6 The national planning policy for Gypsies and Travellers indicates that the lack of a 5-year supply of Gypsy and Traveller sites, and any personal circumstances advanced by the applicant would in themselves rarely amount to the very special circumstances needed to off-set the harm.
- 6.7 In this instance, on balance, it is considered that the lack of a deliverable 5 year supply of pitches and shortage of sites, compounded by the applicants personal circumstances (the special educational and medical needs of his children) do in this instance amount to the very special circumstances needed to warrant the granting of permission for inappropriate development.
- 6.8 The development would result in improvements to the existing access that would have a modest highway safety improvement.
- 6.9 The overall planning balance in view of the above points is that planning permission should be granted for the development as proposed.

7. Other Considerations

- 7.1 Human Rights issues: in this instance, the applicant indicates that the refusal of permission would be contrary to the human rights of his children in relation to their educational and medical/health needs, and the lack of a 5-year supply and lack of available sites would contravene his human rights to home and property.
- 7.2 **Equality Act 2010:** the applicant is a member of the Gypsy and Traveller community, and as such, issues of equality were considered in the formulation of the above report, although no breach of the Act was considered to have occurred.

Recommendation:

That Planning Permission be GRANTED subject to receipt of an amended access plan (and any conditions arising from receipt of such a plan), and to the following Conditions:

RECOMMENDED CONDITIONS

- 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 shall be occupied until a landscaping scheme to include all hard and soft landscaping and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.

Reason: To ensure an acceptable standard of landscaping and to provide screening for the site in view of its location within the A.O.N.B. and AGLV. (Policies BE8 & NE3, SBLPR and Sections 7 & 11, NPPF)

- 3 The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Traveller Sites, August 2015, or any subsequent guidance which amends or supersedes the above.

Reason: Reason: To limit the use of the site to gypsies and travellers as the proposal is justified on addressing a need for such accommodation in accordance with the Planning Policy for Traveller Sites 2015. (Section 9, NPPF)

- 4 No caravan located on the site shall be occupied for residential purposes by any person other than the following or their dependants: Mr Jim Price, and Ashley Price, and the caravans and associated structures, shall be removed from the site within 2 months of the named occupants or their dependants ceasing to occupy the site.

Reason: In recognition of the location of the site in the Green Belt and the "very special circumstances" case accepted in accordance with the National Planning Policy Framework and Planning Policy for Traveller Sites. (Section 9, NPPF)

- 5 No more than four caravans shall be located on the site and occupied for residential purposes, and no more than 2 caravans shall be static caravans, and the said caravans shall be sited within the pitches indicated on the submitted plan reference BP-LS-10. Notwithstanding the details of the said plan no approval is hereby given to any details that remain the subject of other conditions attached to the original grant of planning consent.

Reason: In recognition of the location of the site in the Green Belt, an Area of Outstanding Natural Beauty and AGLV and having regard to the provisions of the National Planning Policy Framework and Planning Policy for Traveller Sites.

(Policy NE3, SBLPR and Sections 9 & 11, NPPF)

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

Reason: In order to ensure appropriate development in the open countryside and the A.O.N.B and AGLV, and In order to protect the openness of the Green Belt.

(Policy NE3, SBLPR and Sections 9 & 11 NPPF)

- 7 The development hereby permitted shall not be occupied or brought into use until the details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details.

Reason: To protect the visual amenity of the site and the open countryside of the A.O.N.B & AGLV and its surrounding area.

(Sections 7 & 11, NPPF)

- 8 Details of a refuse collection point located at the site frontage and outside of the public highway and any visibility splays shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any pitch. The scheme shall be fully implemented prior to occupation and shall be retained thereafter.

Reason: In the interest of amenity and in order to minimise danger, obstruction and inconvenience to users of the highway .

(Section 4, NPPF)

- 9 The residential caravans hereby approved shall not be brought on to site until details of a development scheme have been submitted to and approved in writing by the Local Planning Authority, and the approved development scheme shall implemented in full prior to occupation of any caravan, and thereafter retained in the agreed form.

(i) The proposed means of foul and surface water drainage of all parts of the site;

(ii) Walls, fencing, gates or other means of enclosure on the boundary of and within all parts of the site, together with any additional such walls, fencing, or other enclosures on all parts of the site;

(iii) The waste storage facilities to serve the various parts of the site; and

(iv) The treatment of the hard-surfaced areas of the site.

Reason: To provide a satisfactory appearance in recognition of the location

of the site in the Green Belt and an Area of Outstanding Natural Beauty and AGLV.
(Policies BE8 & NE3, SBLPR and Sections 7, 9 & 11 NPPF)

- 10 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:-

CBC/001	1/1250 Scale - Location Plan
BP-LS-10	1/500 Scale - Block plan/proposed site layout

Reason: To identify the approved plans, to define the terms of the permission and 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 South Bedfordshire Local Plan Review (SBLPR) and the National Planning Policy Framework (NPPF).
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.
3. **Informative from Environment Agency**
In addition to planning permission the applicant may also require an Environmental Permit from the Environment Agency.

Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.

PPG4: Sewage treatment and disposal where there is no foul sewer

Septic tanks and treatment plants: permits and general binding rules

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

The Council acted pro-actively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. 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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