

**Item No. 9****SCHEDULE B**

<b>APPLICATION NUMBER</b>	<b>CB/11/01301/FULL</b>
<b>LOCATION</b>	<b>Plots 2, 2A, 3 Woodside Caravan Park, Hatch, Sandy, Beds SG19 1PT</b>
<b>PROPOSAL</b>	<b>Change of use of land to use as a small private gypsy site for 3 families comprising of 10 caravans and associated ancillary development</b>
<b>PARISH</b>	<b>Northill</b>
<b>WARD</b>	<b>Northill</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Mrs Turner</b>
<b>CASE OFFICER</b>	<b>Vicki Davies</b>
<b>DATE REGISTERED</b>	<b>05 April 2011</b>
<b>EXPIRY DATE</b>	<b>31 May 2011</b>
<b>APPLICANT</b>	<b>Mr J Smith</b>
<b>AGENT</b>	<b>Southwest Law Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>At the request of the Ward Councillor due to the considerable public interest in the site and its use</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Granted</b>

**Site Location:**

The site is located on the edge of the hamlet of Hatch, approximately 1.4 miles from Sandy, 1.3 miles from Northill and around 2 miles from Upper Caldecote and Thornecote Green. The site is located on the northern side of Thornecote Road. The site is outside of any settlement envelope and is therefore, for planning purposes, in the open countryside.

**The Application:**

The application seeks consent for the change of use of land to use as a small private gypsy site for 3 families comprising of 10 caravans and associated ancillary development. The site is already in use and accommodates 10 caravans for one extended family group. The site benefits from a temporary consent for use as a gypsy site for 10 caravans which expires in November 2011.

**RELEVANT POLICIES:****National Policies (PPM & PPS)**

PPS1: Delivering Sustainable Development  
PPS3: Housing  
PPS4: Planning for Sustainable Economic Growth  
PPS7: Sustainable Development in Rural Areas  
PPS25: Development and Flood Risk

Circular 01/2006 - Planning for Gypsy and Traveller Sites

Draft Planning Policy Statement - Planning for Traveller Sites (currently out for consultation)

**Regional Spatial Strategy  
East of England Plan (May 2008)**

SS1 Achieving Sustainable Development  
H3 Provision for Gypsies and Travellers  
ENV7 Quality in the Built Environment

**Bedford shire Structure Plan 2011**

No relevant policies

**Central Bedford shire Council (North Area) Core Strategy and Development Management Policies 2009**

CS1 Settlement Hierarchy  
CS14 High Quality Development  
DM3 High Quality Development  
DM4 Development Within and Beyond Settlement Envelopes.

**Mid Beds Local Plan First Review Adopted December 2005 - Saved Policies**

HO12 Gypsies

**Supplementary Planning Guidance**

Design in Central Bedford shire: A Guide for Development

Draft Submission Gypsy and Traveller DPD

**Planning History**

The application site and land to the north have a long and complex planning history which is set out below. Following are those previous planning applications which are directly relevant to the application site and its occupiers.

The most recent appeal decision is appended to this report.

MB/00/00163/FULL	Retention of gypsy caravan site (retrospective) - Temporary consent granted 6 November 2006 by the Secretary of State following refusal by the Council and a dismissed appeal by the Planning Inspector which was quashed by the Court of Appeal
MB/98/00562/FULL	Residential development of 4 dwellings, garages and access and change of use to paddock. Refused 14/7/98

**Representations:  
(Parish & Neighbours)**

Northill Parish Council      Object - as the site was only ever a temporary one and

Sandy Town Council  
Neighbours

under the DPD spaces may become available at the Magpie Farm site at Upper Caldecote. It was also felt that further pitches in this area would be out of proportion to the settled community

No comment

7 letters of objection have been received in response to the application. The objections raised as set out below:

- none of the circumstances have changed since the last appeal was determined
- development is excessive in relation to the size of the village of Hatch
- there are newly available pitches on other local sites and the application site is therefore surplus to requirements
- a lot of money has already been spend on appeals in relation to this site and the matter should be closed for good
- structures have been erected on the site to the north
- if planning permission is granted other gypsies will occupy the site
- the site is in an unsuitable location
- the application is a delaying tactic
- the site is not in the DPD as it is unsuitable and planning permission should be refused
- if planning permission is granted the site will become a mobile home park with many more residents than set out in the application
- the character of Hatch has been changed by the development
- the occupants have not made any efforts to look for an alternative site
- the development of the site has continued despite the occupiers knowing they only had temporary consent
- no planning permission has been sought for ancillary buildings or street lighting
- only one plot is occupied permanently by the owner and others are occupied by a number of other family members

### **Consultations/Publicity responses**

Highways Development  
Control

The highway issues to be considered are the site's access and on site parking and turning areas. These issues were previously considered under planning submission reference 2001/0382 when, in support of the application, a proposal indicating the access, re-grading of the ditch, on site parking and turning areas was submitted on Wormald Burrows Partnership drawing No E1425/1.

Consideration on the proposal was based on the details shown on this drawing and support give to the proposal subject to the provision of the said works.

The inspector's decision on appeal Ref

APP/J0215/A03/1113088 and noted no condition for the highway works was included. However, whilst in principle the proposal is considered acceptable, the officer has visited the site and noted the access is in need of resurfacing and therefore requests conditions to deal with this issue.

Public Protection	No comments
Community Safety	Ensure community safety issues are considered and that unauthorised pitches cannot develop alongside this site
Tree and Landscape Officer	Proposals are acceptable
Environment Agency	The site falls within Flood Risk Zone 3 but is within the operational area of the Internal Drainage Board. The IDB should therefore be consulted. The Environment Agency will seek to support the IDB in their response.
Internal Drainage Board	No objection as although the site is within Flood Risk Zone 3 the land has previously been raised to take it out of Flood Risk Zone 3 and flood compensation measures put in place.
Police Architectural Liaison Officer	No response received

## Determining Issues

The main considerations of the application are;

1. Background
2. Principle of Development
3. Impact on the character and appearance of the area
4. Impact on the amenities of nearby residents
5. Highways and Flood Risk
6. Personal Circumstances and Need
7. Conclusion

## Considerations

### 1. Background

#### HISTORY OF THE APPLICATION SITE

The application site was once part of a much larger piece of land. In 1990 planning permission was granted for the change of use from agricultural land to a touring caravan park subject to a number of conditions. In 1995 the Council advised the owner that they considered that the development had been commenced and that there was no need to apply to renew the consent.

In 1997 some 40 gypsy caravans occupied the site but were removed through negotiation. In 1998 Counsel advised that the 1990 consent had not been lawfully implemented as a pre-commencement condition for landscaping had not been met. The Council could not however take any enforcement action due to the advice that they had already given that the development had commenced. In the same year the new landowner made a planning application for 4 dwellings, which was withdrawn before a decision was made. Gypsy caravans

were then brought onto the application site and the larger area of land to the north. Around 27 pitches were laid out despite the Council serving both Enforcement and Stop Notices. An appeal against the Enforcement Notices was dismissed.

A planning application was made in 2000 for 27 pitches which was refused and an appeal relating to 22 of the pitches was dismissed. In 2001 an application for the 3 pitches which are the subject of this application and a pitch on Plot 1 was submitted. Later in the year applications to retain 11 plots on the land to the north of the application site were refused. In 2002 appeals against the refusal of the applications for the 11 pitches were refused. An Injunction was granted at the High Court in 2002 to remove all occupants of both the application site and land to the north.

A stay was granted in relation to the application site which was pending the outcome of a planning application. The application was refused in 2003 and an enquiry was held and the appeal dismissed. The decision was later quashed by order of the Court of Appeal. A further appeal was held and consent granted for 10 caravans on 3 plots for a temporary period of 5 years pending the preparation of a Gypsy and Traveller Site Allocations document.

The appeal was allowed on the basis that the Secretary of State considered there was a general need for gypsy sites and the occupiers clearly needed a site. The Secretary of State did give consideration to whether a personal permission relating only to those occupants who were in the greatest need should be granted but determined that the degree of inter-dependence was such that it would be untenable. The Secretary of State determined that until a site allocations document for gypsy and traveller sites had been prepared it was not possible to identify a suitable alternative site for the occupants.

The current planning permission for the site expires on 6th November 2011 and the occupiers of the site will therefore be required to leave.

#### GYPSY & TRAVELLER SITE ALLOCATIONS DPD

A Development Plan Document (DPD) setting out the location of new pitches for Gypsies and Travellers in the north area (old Mid Beds District) has been in preparation for some years. The DPD has now been submitted to the Secretary of State and will be the subject of an examination in public to be held later this year (depending on the Planning Inspectorates timetable). The DPD includes 23 additional pitches, some by the expansion of existing sites and some by providing new sites.

The northern area of Central Bedfordshire needs to provide 20 pitches between 2006 and 2011, a further 10 pitches need to be provided 2011 to 2016 (using the 3% compound growth rate). A total of 30 pitches therefore needs to be provided by 2016. Three pitches have recently been granted consent, leaving 27 pitches to be provided.

The DPD only includes 23 pitches which leaves 4 pitches still to be provided in order for the target to be met. There is no suggestion in the DPD as to where the additional 4 pitches would be provided. The additional pitches will therefore need to be provided through planning applications such as this one.

The current temporary consent was granted in order that the Authority had time to prepare the DPD and identify where the existing residents of the application site could move to. The DPD identifies 2 sites which could provide 3 plots on the same site which is important to the family grouping of the applicants.

The DPD as submitted does not include the application site as an allocation however it was considered for inclusion and the process surrounding this matter is as follows.

December 2006 – Mid Bedford shire District Council invited landowners and Gypsies and Travellers to submit potential new Gypsy and Traveller sites for consideration. Those wishing to submit land had six weeks in which to complete a submission form. All three residents on each pitch on Woodside Caravan Park, Hatch (Plot numbers 2, 2a & 3) submitted their site for consideration. These three pitches were collated as one, and referred to as Plots 2, 2a and 3 Woodside Caravan Park, Hatch.

March 2007 – The Issues and Options document was published for consultation, providing the opportunity to comment on 20 sites. Plots 2, 2a and 3 Woodside Caravan Park, Hatch was included in this document.

October 2007 – The Second Issues and Options document was published for consultation. During the first round of Issues and Options a number of sites that had initially been submitted to the Council for consideration were withdrawn by the promoters. As a result a second Issues and Options consultation took place.

May 2008 - At LDF Task Force on 8 May 2008, Officers recommended in their report that Plots 2, 2a & 3 of Woodside Caravan Park, Hatch should be allocated. Reasons included the realistic likelihood that the site can be delivered, little or no resources will be needed to deliver, immediately contribute 3 pitches towards the total need, prevent the displacement and consequential social/educational upheaval of 3 existing families, shops in Northill 1.3 miles away. However Members did not support the Officer recommendation. The Members decision was minuted as:

Members Decision –

Site 7: Plot 2, 2a & 3, Woodside Caravan Park, Hatch: Whilst the Planning Services Portfolio Holder supported Officers' recommendation to allocate these pitches permanently, Members determined to not take these pitches forward considering them to be an unsustainable location for continued G & T use. Members considered officers' concerns regarding the displacement of existing families to a new location but did not feel that this should override their conclusion that the location was unsustainable. Members also considered that to accept officers' recommendation would go against the Council's consistent opposition to G & T use of this site and be contrary to previous decisions where a great deal of public money had been spent defending the Council's position.

November 2008 – Preferred Options consultation. Plots 2, 2a & 3, Woodside Caravan Park, Hatch was not shortlisted and therefore was not included in this consultation.

February 2009 – The DPD process was put on hold by Members to await the outcome of the East of England Single Issue Review EIP and for a further site search undertaken.

December 2009 – Members of Task Force and subsequent Overview and Scrutiny Committee shortlisted sites for the Preferred Sites consultation. The LDF Task Force debated Plots 2, 2a & 3, Woodside Caravan Park, Hatch.

The comments of the Task Force were mixed but they overall decided that Hatch should be allocated. Their comments were:

- Long history at Hatch, including enforcement action.
- Concerns raised about flood risk. Officers reported that the flood risk has been addressed to the satisfaction of the Environment Agency.
- Close proximity to two other large sites.
- Hatch is a very small Hamlet cannot support more pitches.
- Site is well run by present owner but concerns were raised about what would happen if he leaves.
- The Planning Inspector in his assessment of a planning application said site was not suitable.
- Concerns were about consistency of scoring system.
- Other Members stated they thought the scoring system superb and should be used countrywide
- Benefits in terms of delivery of authorising suitable existing sites rather than finding new sites.

January 2010 - At Overview and Scrutiny Members considered the sites shortlisted by Task Force and resolved to remove Hatch from the shortlist.

Following further comment by Members the Committee considered the possible elimination of any of the shortlisted sites having regard to additional information supplied by Members, officers and members of the public. Members were of the opinion that the proposed site at Woodside Caravan Park, Hatch, Sandy should be removed from the shortlist of recommended sites but, in the absence of further questions or comments from members of the Committee, the remainder should be recommended to the Portfolio Holder for Sustainable Development for adoption. RESOLVED that the following be deleted from the shortlist of possible sites for Gypsy and Traveller accommodation, as submitted by the Development Strategy Task Force, for the reasons given:

*a) Woodside Caravan Park, Hatch, Sandy*

*A number of planning applications for this site have been refused previously by the planning inspectorate, which has ruled on a number of occasions that permanent planning permission for a Gypsy and Traveller site in this location is not appropriate. Temporary planning permission was granted by the Secretary of State on the basis that it does not set a precedent and is based on the personal circumstances of the site owner. The Sustainable Communities Overview and Scrutiny Committee therefore, did not feel it was appropriate to recommend a site which, on these occasions, had quite clearly been identified by the planning inspectorate as inappropriate for a Gypsy and Traveller site.*

February 2010 - The Head of Development Planning and Housing Strategy drew the following Overview and Scrutiny Committee's attention to two letters received from South West Law (dated 20 January and 5 February 2010), copies of which had been circulated to all Members of the Committee. The Chairman referred to a request by the letters' author for the Committee to reconsider the allocation of Woodside Caravan Park, Hatch, Sandy. At the suggestion of the Head of Development Planning and Housing Strategy Members reconsidered their previous decision and, following discussion, resolved to reaffirm that the proposed permanent site at Woodside Caravan Park, Hatch, Sandy be rejected for the reasons given in the resolution below:

*Resolved that the Committee reaffirms its decision to reject the proposed permanent site at Woodside Caravan Park, Hatch, Sandy in light of former Planning Inspectors' previous decisions and the availability of more suitable sites elsewhere.*

December 2010 to February 2011 - Draft Submission consultation undertaken.

There is a significant difference between the matters considered by the LDF team when assessing potential sites for allocation and those considered when determining a planning application. When assessing sites for allocation officers and members need to ensure that the site accords with the relevant national and local policies only. When determining a planning application officers and members need to not only consider policy but other material considerations including those of need for sites and personal circumstances. The determination of a planning application is also informed by consultation responses.

## **2. Principle of Development**

The application site is within the open countryside where development should be restricted in order to protect the countryside for its own sake. Circular 01/2006 states that rural settings, where not subject to special planning constraints, are acceptable in principle. The draft Planning Policy Statement for Gypsies and Travellers, which is currently out for consultation, reiterates that some rural areas may be acceptable for some forms of traveller sites. The Secretary of State in determining the most recent appeal set out that she accepted that three previous Inspectors had considered that a small scale gypsy site would be acceptable in this location.

The officers report on the last planning application in 2001 stated "*it is a matter of fact however that two appeal Inspectors and more recently the Secretary of State have not accepted these arguments. These are significant material considerations and in giving them due weight it is felt the principle of a site cannot now be opposed.*"

The Inspector in determining the most recent appeal gave weight to the personal circumstances of the occupiers of the site which contributed to the decision to grant a temporary consent. The issue of personal circumstances is discussed further below.

Mid Beds Local Plan policy HO12 is a saved policy that remains in place until the Gypsy and Traveller DPD is adopted. Policy HO12 sets out criteria against



which new gypsy sites should be judged against.

Core Strategy policy DM3 sets out the criteria new development should meet which would also include gypsy sites.

As addressed above the Gypsy and Traveller DPD has a short fall of allocated sites and there is an outstanding need for sites which cannot be met through the DPD. The need for sites therefore reflects that in principle further provision is required.

The recent Court of Appeal judgment in the CALA Homes case the judge set out that whilst the Government's aim to abolish RSSs could be a consideration in determining planning applications, development plan documents should be in general compliance with the RSS. The Gypsy and Traveller DPD has a slightly lower level of pitch allocations than proposed by the RSS. However as it is recommended that this application is approved to provide additional pitches to meet an identified need it is not considered that the proposal conflicts with the RSS.

The principle of a gypsy site in this location is considered to be acceptable providing that it meets the required criteria of the relevant policies.

Circular 01/2006 sets out that issues of sustainability are important and should not only be considered in terms of transport mode and distance from services. Such consideration should include:

- a) the promotion of peaceful and integrated co-existence between the site and the local community
- b) wider benefits of easier access to GP and other health services
- c) children attending school on a regular basis
- d) provision of a settled base that reduces the need for long-distance travelling and damage caused by unauthorised encampment; and,
- e) not locating sites in areas at high risk of flooding.

The site is within easy access of facilities, the occupiers of the site are all registered with local GPs, the children are attending school regularly and provides a settled base. The history of the site means it has not promoted a peaceful co-existence between the site and local community however none of the letters of objection make any mention of any issue with the current occupiers of the site. The application documents include letters from local residents supporting the application and setting out how the occupiers of the site integrate into the local community. One of the occupiers is employed locally demonstrating the desire to be part of the local community. The issue of flood risk is dealt with below.

The application site has been in existence for some years now and is established within the landscape as well as the local community. Although there are objections to the application none of the concerns raised relate to the integration of the site or its occupants.

### **3. Impact on the character and appearance of the area**

Mid Beds Local Plan policy HO12 states that proposals for gypsy sites should not be 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.

Over the years different Inspectors have taken different views on whether the application site has an adverse visual impact. Three Inspectors have taken the view that the area is capable of accommodating a small scale gypsy site without any adverse impact on the character and appearance of the area. In dealing with the most recent appeal however the Inspector and Secretary of State both took the view that the proposal has an adverse visual impact. The Inspector set out that the previous use of the land contributed to the openness of the countryside and the retention of the caravans due their colour and materials would be conspicuous within the local landscape. This he considered would have an adverse impact on the character and appearance of the countryside, appearing as an isolated, incongruous, intrusive development in the open countryside. The Secretary of State concluded that whilst the landscaping proposals would go some way to mitigating against the visual impact of the development, it would not fully achieve this and the proposal would therefore be contrary to policy HO12 (i).

Core Strategy policy DM3 states that new development should be of a scale and design appropriate to its setting and contribute positively to creating a sense of place and local distinctiveness. It is considered that 3 plots accommodating 10 caravans is appropriate in scale to the size of the site. The site is spacious and has generous areas for access, amenity land and parking.

The Council's Tree and Landscape Officer in response to the planning application submitted in 2001 stated that the proposed 10m wide landscaping belt would take a minimum of 5 years to form an effective screen. Conditions relating to landscaping on the temporary consent granted for the site were discharged in June 2007 and it is understood that it was planted soon after this and has therefore been in place for around 4 years. It is considered that the landscaping belt due to the length of time it has been in place for forms an effective screen and reduces the visual impact of the site. In addition the applicant has advised that he is willing to undertake further landscaping to the boundaries of the whole site and of the individual plots within the site.

The tops of some of the caravans, particularly the mobile homes, are visible outside of the application site. Views of the caravans are limited to some viewpoints on Thornecote Road, in particular along the access track. There are not however any viewpoints from which large areas of the site are clearly visible. It is considered that although there is some visual impact its not adverse to justify refusing planning permission.

#### **4. Impact on the amenities of nearby residents**

Core Strategy policy DM3 requires that development respects the amenities of surrounding residents.

Due to the location and siting of the caravans in relation to neighbouring properties there is no adverse impact on surrounding residents or those of the occupiers of the application site by reason of overlooking or loss of privacy.

The site has its own access and is fenced on all sides and has large areas of landscaping. The caravans are single storey and although the site has been raised to address issues of flood risk there is no adverse impact on residential

amenity.

Nor is it considered that nearby residents would be adversely effected in terms of disturbance from a residential site. Previous applications and appeals have dealt with the question of fear of crime and its impact on the amenities of local residents. None of the response to consultation received in response to this application raise the issue of fear of crime. In determining the last appeal both the Inspector and Secretary of State determined that the proposal whilst having some impact on amenity did not have a significantly adverse impact to warrant a refusal on that basis. None of the circumstances have changed with regard to residential amenity.

Some objectors raise concern that if planning permission is granted other gypsies would move onto the site. The site is owned by the applicant who makes significant efforts to ensure that the land to the north of the site is not re-occupied by other gypsies. Whilst with the current occupiers the site is well-run and secured this cannot be guaranteed if other gypsies were to live on the site. This issue suggests that if any consent is granted it should be a personal consent.

Other objectors raise concern that the number of caravans and occupiers would increase if permission were to be granted. The number of caravans could be controlled by condition, as it is by the current temporary approval, as could those people permitted to occupy the site by reason of a personal permission.

Overall it is considered that the proposal accords with the relevant part of Core Strategy policy DM3.

## **5. Highways & Flood Risk**

The highway issues to be considered are the site's access and on site parking and turning areas. These issues were previously considered under planning submission reference MB/01/0382/FULL when in support of the application a proposal indicating the access, re-grading of the ditch, on site parking and turning areas was submitted on Wormald Burrows Partnership drawing No E1425/1.

Consideration on the proposal was based on the details shown on this drawing and support given to the proposal subject to the provision of the said works. The application was subsequently refused and the inspector's decision on appeal Ref APP/J0215/A03/1113088 did not include a condition for the highway works. Therefore whilst the proposal is considered acceptable, the highways officer has visited the site and noted the access is in need of resurfacing and therefore requests conditions to deal with this issue.

The application site falls within Flood Risk Zone 3. PPS25 sets out that highly vulnerable development, which gypsy sites are defined in PPS25 as being, should not be permitted in Flood Risk Zone 3. The last application dealt with this issue by raising the caravans and pitches so they were out of the flood risk zone and providing floodplain compensation. The Internal Drainage Board who are the responsible body for flooding in this location have stated that the required works have been undertaken and they have no objection to the proposal. Although the site technically sits within Flood Risk Zone 3 parts of the site have been raised in order that they are above the predicted flood level. The

IDB provide expert advice on flooding matters and the Authority relies on its expertise.

## **6. Personal Circumstances and Need**

The occupants of Plot 2a are Mr Smith and Mrs Smith and their 4 children. Three of Mr & Mrs Smiths 4 children are married and have children of their own who also live on Plot 2a.

Mr Smith has a number of health issues which he visits the doctor for regularly. He is also awaiting hospital appointments for some of his health conditions.

Mrs Smith has very serious health problems and regularly attends Bedford Hospital Chest Clinic and is registered with the local doctor. She is unable to breath on her own and needs to use a nebuliser. She takes regular medication and requires constant care. Mrs Smith frequently uses a wheelchair and is unable to undertake every tasks and is helped by her daughter and daughter in laws.

One of the children who lives on Plot 3 has cerebral palsy, his walking and balance are affected and he can only walk for short distances unaided. He requires regular medical care and as a result of his condition has educational needs.

Many of the other occupiers of the site also have medical conditions which require treatment. All the occupiers are registered with local doctors practices.

All of the school age children on the site are in education. Some of the children attend local schools, others are home tutored. Home tutoring has dramatically improved the educational attainment of the children. The family are committed to ensuring the children are well educated in order that they can find employment. When the families travel the children are provided with work to do whilst they are travelling.

If planning permission were refused and the occupiers were not settled on an alternative site the education of the children would be significantly adversely effected. The provision of a settled base in order to allow children to be properly educated is a material consideration. It is accepted that not all of the children on the site attend local schools and there are not children on all of the plots. Although not all the children attend local schools they are all in education with some supported by home tutoring in conjunction with the Local Education Authority. Home tutoring cannot continue if they do not have a settled base.

Planning permission could be granted to those families with children in education to remain due to their educational needs. It is however recognised that a previous Inspector set out that it was not possible to separate the families due to the high level of interdependence.

The health needs of Mrs Smith are very serious and she is provided with significant monitoring and support from her local GPs practice and hospital. There is a significant risk to Mrs Smith's health if she had no settled base and was unable to access regular health care.

Planning permission could be granted to allow Mr and Mrs Smith to remain on

Plot 2A purely on the basis of her serious health needs. It is however recognised that she received significant help from the other family members who live on the site and a previous Inspector set out that it was not possible to separate the family due to the high level of interdependence.

The principle of considering personal need when determining planning applications for gypsy and traveller sites was set down in a legal ruling in 2001 (Basildon V SSETR). Consideration to the personal health and educational needs of site occupiers is also included in the draft PPS.

## **7. Conclusion**

There is a long and complex history connected with the application site. Officers recommended that the site should be allocated within the DPD due to the realistic likelihood that the site can be delivered, that little or no resources will be needed to deliver, it would immediately contribute 3 pitches towards the total need and would prevent the displacement and consequential social/educational upheaval of 3 existing families. Members decided that due to the history of the site it should not be included in the DPD.

The DPD falls short of the required number of additional pitches by 4 and planning permission will need to be granted for sites which are not allocated within the DPD to address this shortfall. When assessing the site against the sustainability criteria set out in Circular 01/2006 the comments of the Members with regard to the suitability of the site are taken into account however it is the opinion of Officers that the site is sustainable and demonstrates compliance with the criteria.

The visual impact of the site has been mitigated by the landscaping belt that has been in place for around 4 years and has matured to screen the site. There remains the fact that there is some visual impact from the site as it is possible to gain some views of the caravans on the site. Nevertheless the impact is not considered to be sufficiently adverse as to warrant refusing planning permission. There is no significant adverse impact on the amenities of residential amenities. Nor are there any highways or flood risk issues which cannot be resolved by conditions.

The educational and health needs of the occupants of the site are a material consideration and both are likely to suffer significantly if planning permission is refused. It is not possible to only grant consent for those occupiers which have significant needs as other family members provide support in practical and emotional ways. It is impossible to separate the interdependence of the families and therefore consent must be granted for all the current occupiers to remain on the site due to the overriding educational and health needs.

In light of all of the material planning considerations set out above it is judged that a personal planning permission should be granted due to the sustainability of the site, compliance, at least in part, with relevant policies and the significant educational and health needs of the occupiers.

## **Recommendation**

That Planning Permission be granted subject to the following:

- 1 This permission does not authorise use of the land as a caravan site by any persons other than gypsies and travellers, as defined in paragraph 15 of ODPM Circular 01/2006.

Reason: To limit the use of the site to gypsies and travellers.

- 2 The occupation of the site hereby permitted shall be carried on only by the following and their resident dependants, namely: Abraham Howard (born 11/9/56), Pamela Howard (born 10/4/58), Donna Marie Howard (born 14/2/78), Leonard Smith (born 24/10/80), Marie Smith (born 12/08/85), Lennie Smith (born 1/7/47), Lydia Smith (born 16/7/44), Lucy Smith (born 5/3/86), Ellen Louise Smith (born 14/3/86), Joseph Smith (born 12/1/82), James Smith (born 26/2/76) and Corilina Smith (born 1/1/78), Billy Price (born 15/10/71) and Laura Price (born 14/12/74).

Reasons: Consent is granted on the basis of personal need and therefore the occupants of the site should be limited.

- 3 No more than 10 caravans (of which no more than 3 shall be static caravans) shall be stationed on the site at any one time. Of these no more than 4 caravans (of which no more than 1 shall be a static caravan) shall be stationed on Plot 2A, and no more than 3 caravans (of which no more than 1 shall be a static caravan) shall be stationed on each of Plots 2 and 3. No caravans or vehicles shall be stationed, parked or stored on Plot 1.

Reason: To control the level of development in the interests of visual and residential amenity.

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

Reason: In order to protect the amenities of local residents

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

Reason: In order to protect the amenities of local residents

- 6 No additional external lighting to be installed on the site unless and until a scheme has been submitted to and approved in writing by the Local Planning Authority, the scheme shall include the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, the lighting shall then be installed and operated in accordance with the approved scheme.

Reason: To protect the visual amenities of the site and its surrounding area.

- 7 Within three months of planning permission being granted, the vehicular access serving the proposal shall be constructed and surfaced in a durable material to be approved in writing by the Local Planning Authority for a distance of 8.0m into the site, measured from the near side edge of the carriageway boundary. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site into the highway so as to safeguard the interest of highway safety and reduce the risk of flooding.

- 8 All on site parking and turning areas shown on drawing E1425/1/E shall for the duration of the development be retained for such purposes.

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

- 9 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers E1425/1/E & WCP/002/05.

Reason: For the avoidance of doubt.

### **Reasons for Granting**

The proposed development would not have a significant detrimental impact upon the character and appearance of the area nor would there be any significant adverse impact on the amenities of neighbouring residents. The site occupiers have gypsy status and there is a identified need for additional pitches which cannot be met through the Gypsy and Traveller DPD. There are no highway or flood risk issues that cannot be dealt with by condition. The health and education needs of the occupiers are such that they require a settled base, this is a material consideration. The proposal therefore, by reason of its site, design, layout, location and other material considerations, is in conformity with Planning Policy Statement 1 (2005), Planning Policy Statement 3 (2006), Planning Policy Statement 4 (2009), Planning Policy Statement PPS7 (2004) and Planning Policy Statement PPS25 (2010), Mid Beds Local Plan First Review 2005 Saved Policy HO12 and Policies CS14, DM3 and DM4 of the Core Strategy and Development Management Policies, November 2009. It is further in conformity with Circular 01/2006, Planning for Gypsy and Traveller Sites.

### **Notes to Applicant**

1. The applicant is advised that no works associated with the re-surfacing of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedford shire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedford shire Council's, Technology House, 239 Ampthill Road, Bedford, MK42 9BD quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the re-surfacing of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be

required to bear the cost of such removal or alteration.

**DECISION**

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