

## **Item No. 21**

<b>APPLICATION NUMBER</b>	<b>CB/12/03622/FULL</b>
<b>LOCATION</b>	<b>Home Farm, Dunstable Road, Tilsworth, Leighton Buzzard, LU7 9PU</b>
<b>PROPOSAL</b>	<b>Permission is sort for change of use of land to a residential caravan site for one Romani Gypsy family. The pitch to contain one static caravan, one touring caravan and parking for two vehicles with associated hardstanding, one portaloo and one septic tank. (Retrospective).</b>
<b>PARISH</b>	<b>Tilsworth</b>
<b>WARD</b>	<b>Heath &amp; Reach</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Versallion</b>
<b>CASE OFFICER</b>	<b>Vicki Davies</b>
<b>DATE REGISTERED</b>	<b>03 October 2012</b>
<b>EXPIRY DATE</b>	<b>28 November 2012</b>
<b>APPLICANT</b>	<b>Mr &amp; Mrs John &amp; Debbie Price</b>
<b>AGENT</b>	<b>Bucks Floating Support</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>At the request of Cllr Versallion due to the Green Belt location, the planning history of the site and the current appeals on adjoining sites.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Granted</b>

### **Site Location:**

This application relates to a parcel of land, lying approximately 350 metres from the built up area of the village of Tilsworth, on the north western side of Dunstable Road which leads from the village to the A5 Trunk Road. The site is roughly rectangular in shape.

The site is bounded to the north east by the Evergreens Gypsy site, an authorised Travellers site for four pitches, beyond which is Kingswood Nursery a currently vacant site, previously unlawfully occupied by Travellers. To the south west the site is bounded by agricultural land. The land rises to the north west towards Tilsworth golf course beyond. To the south east, on the opposite side of Dunstable Road, lies unfenced arable land.

### **The Application:**

The application seeks consent for the change of use of land to a residential caravan site, for one Romani Gypsy family, named as Mr John and Mrs Debbie Price and their child. The application is retrospective in as much as the family are living on the site, however the current location of the caravans and layout of the site are not the same as that shown on the submitted plans. The pitch would contain one static caravan, one touring caravan and parking for two vehicles with associated hardstanding, one portaloo and one septic tank. The application site would be

immediately north of Dunstable Road and would measure approximately 45m by 45m. The applicants own a much larger area of land which extends back from Dunstable Road approximately 220m and measures around 80m wide. The application site already contains hard surfacing, fencing and a building which are accepted as lawful due to the length of time they have been on the site.

## **RELEVANT POLICIES**

### **National Planning Policy**

National Planning Policy Framework  
Section 9 - Protecting Green Belt Land

Planning Policy for Traveller Sites

### **South Bedfordshire Local Plan Review**

Policies:

SD1 (Sustainable Keynote Policy),  
BE8 (Design and Environmental Considerations),  
H5 (Providing Affordable Housing in Rural Areas), and  
H15 (Siting of Mobile Homes in the Green Belt).

*The NPPF advises of the weight to be attached to existing local plans for plans adopted prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the South Bedfordshire Local Plan Review. Due weight can be given to relevant policies in existing plans according to their degree of consistency with the framework. It is considered that the above policies are broadly consistent with the Framework and significant weight should be attached to them.*

### **Development Strategy for Central Bedfordshire: Pre Submission Version January 2012**

Policies:

1 - Presumption in Favour of Sustainable Development  
3 - Green Belt  
33 - Gypsy and Traveller and Travelling Showpeople Provision  
36 - Development in the Green Belt  
43 - High Quality Development

*Having regard to the National Planning Policy Framework, significant weight is given to the policies contained within the emerging Development Strategy for Central Bedfordshire, which is consistent with the NPPF. The draft Development Strategy is due to be submitted to the Secretary of State in May 2013.*

### **Draft Gypsy and Traveller Plan**

GT5 - Assessing planning applications for Gypsy and Traveller sites

## RELEVANT HISTORY:

### Home Farm, Dunstable Road, Tilsworth

An injunction was sought and gained from the High Court on the land in 2007 when the site was occupied by 6 caravans used for residential purposes.

- CB/12/01099/FULL      Permission is sought for change of use of land to a residential caravan site, for two Romani Gypsy families. Each pitch to contain one static caravan, one touring caravan and parking for two vehicles with associated hardstanding, one portaloo and one septic tank. This is a retrospective application. Refused 10/8/12.
- CB/10/00910/FULL      Change of use of land and existing building to gypsy and traveller site to include 6 pitches. Appeal against non-determination dismissed 18/5/11.
- SB/05/00788            Continued use of land for the siting of 5 static mobile homes with associated hardstanding and landscaping and the use of existing building for storage/utility purposes. Withdrawn 21/7/06.
- SB/05/00449            Continued use of land for the siting of 5 static mobile homes with associated hardstanding and landscaping and the use of existing building for storage/utility purposes. Withdrawn 10/6/05.
- SB/00/00957            Use of land for the siting of three mobile homes for residential use and three caravans. Refused 28/3/01. Appeal dismissed 26/7/02.
- SB/87/01462            Change of use of land to parking area. Refused 13/1/98.
- SB/85/00523            Stationing of caravan. Refused 7/8/85. Appeal dismissed 2/4/86.
- SB/83/00033            Formation of vehicular access. Granted 8/3/83.

### The Evergreens, Dunstable Road, Tilsworth

- CB/12/00154/FULL      Permission is sought for one additional pitch next to the existing Evergreens Gypsy Site, to contain one static caravan, one touring caravan and parking for two vehicles with associated hardstanding, one portaloo and one cesspit. This is a retrospective application. Refused 17/7/12.  
Appeal made against refusal of planning permission - awaiting outcome of appeal.
- SB/TP/09/00042      Variation of conditions 1 and 2 of planning consent SB/TP/06/0741 to make the temporary consent permanent and amend those persons permitted to live on the site. Approved 13/3/09.

SB/TP/06/0741 Retention of residential caravan site for the siting of eight Gypsy caravans for a temporary period. Approved 11/4/07

Kingswood Nursery, Dunstable Road, Tilsworth

CB/12/01271/FULL The use of land for the stationing of caravans for residential purposes for 1 no. gypsy pitch together with the formation of additional hard standing and retention utility/ dayroom ancillary to that use. Refused 26/7/12.

Appeal made against refusal of planning permission - awaiting outcome of appeal.

**Representations:  
(Parish & Neighbours)**

Tilsworth Parish Council Object on the grounds of inappropriate development in the Green Belt.

Neighbours 20 letters of objection have been received, the objections relate to the following issues:

- Tilsworth has more than its fair quota of sites
- Inappropriate development in the Green Belt
- The application is retrospective
- Impact on historical sites and ridge and furrow
- Untreated sewage is discharged into the ditch
- There are no very special circumstances in relation to the occupiers of the site
- Concern that the site will join with Evergreens
- There is an injunction on the land
- Anti social behaviour
- Devaluation of property
- Infrastructure of the village cannot cope
- Local school is too small to cope
- Access to the site is dangerous
- Dogs are allowed to run loose

**Consultations/Publicity responses**

Environmental Health No comments received.

Environment Agency No objection but draw attention to DETR Circular 03/99 which requires the applicant to demonstrate that a connection to the foul sewer is not possible before proposing non-mains drainage. Comment that the septic tank and soakaway should be used for domestic purposes only. Advise that non-mains drainage requires the consent of the Environment Agency under the Water Resources Act 1991.

Highways Development Control Highways arrangements are the same as the previous application and the previous comments apply:

There is an existing access which serves the site which is stated to have been in use for more than 10 years although this is sited some 55 – 60m east of a bend in Dunstable Road. The road is subject to the national speed limit (60mph) and therefore visibility is not to standard. However as part of the planning application and if permission is granted, the applicant is willing to relocate the access some 20m further east thus improving the level of visibility available at the access.

The officer also requests conditions to secure the provision of the new access to the site, visibility splays, the closure of the unused access and the location of gates.

#### Archaeology

The application site is located within an area that contains well preserved earthwork remains of ridge and furrow cultivation, part of the medieval open field system of Tilsworth (HER 5073) and under the terms of the *National Planning Policy Framework* (NPPF) this is a heritage asset with archaeological interest. However, in this particular location the earthworks are heavily degraded and do not survive well, therefore I have no objection to this application on archaeological grounds.

#### Community Safety Officer

No comments received.

#### Private Sector Housing

No comments received to this application however in response to the previous application on the site they stated that they had no objection in principle however the site layout would need to correspond to licensing requirements.

### **Determining Issues**

The main considerations of the application are;

1. Policy Background including Gypsy and Traveller Pitch Provision
2. History of the Site
3. Green Belt and Visual Impact
4. Other Issues
5. Conclusion

### **Considerations**

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

##### Policy Background

The site lies outside of the built up area of Tilsworth within the open countryside

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

"Planning Policy for Traveller Sites" is specifically designed to provide guidance on determining Gypsy applications and to ensure fair and equal treatment for Travellers, in a way that facilitates that traditional and nomadic way of life for Travellers while respecting the interests of the settled community. The document also defines Gypsies and Travellers, the definition remains the same as that in the replaced Circular 1/2006.

The new policy document requires that Local Planning Authorities carry out a full assessment of the need of Gypsies and Travellers in their area in liaison with neighbouring authorities to determine the need for sites. Sites should be specific deliverable sites sufficient to provide 5 years worth of sites against the authorities locally set targets.

Paragraph 25 of the Planning Policy for Traveller Sites sets out that if a local authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary consent. This paragraph is subject to paragraph 28 which sets out the implementation arrangements. Paragraph 28 states that the policy set out in paragraph 25 only applies to applications for temporary permission for Traveller sites made 12 months after the policy comes into force. The Planning Policy for Traveller Sites came into force on 23 March 2012 and paragraph 25 should be taken into account.

#### Gypsy and Traveller Pitch Provision

A Central Bedfordshire-wide Gypsy and Traveller Plan is being prepared to deliver the pitch requirement for the northern and southern parts of Central Bedfordshire to 2031. A final draft document will be produced in May-June 2013 for submission to the Secretary of State in October 2013. It is anticipated that the examination hearings will be in January 2014, with the Inspector's report being received in April 2014 and the adoption of the plan in June 2014.

In preparation of the Gypsy and Traveller Local Plan the Council had a Gypsy, Traveller and Showperson Accommodation Assessment Update undertaken. This Assessment highlights that there are a small number of unauthorised pitches, temporary consents and waiting lists for the Council-run sites which are considered to represent the backlog of need within the area. The Council site at Timberlands is being refurbished and will provide 6 pitches once reopened, these count as supply. The need between 2013 and 2018 is calculated as 38 Gypsy and Traveller pitches for the backlog of need plus 33 pitches as a result of family formation calculated at 2.5% minus the 6 pitches at Timberlands. The total need is therefore 65 Gypsy and Traveller pitches for the period 2013-2018. The need for Gypsy and Traveller pitches to 2031 is set out in the GTAA update as:

Number of pitches in Central Bedfordshire in 2006 - 118

Pitch need from 2013 to 2018 (to meet backlog) - 38

Minus pitches coming back into use at Timberlands - 6  
Growth between 2013-2018 (2.5%) - 33  
Growth between 2019-2023 (2.5%) - 31  
Growth between 2024-2028 (2.5%) - 36  
Growth between 2029-2031 (2.5%) - 25

Total need to 2031 - 157 pitches

The draft recommendations of the Sustainable Communities Overview and Scrutiny Committee to the Executive are:

1. That pitches be allocated in the Gypsy and Traveller Local Plan up to 2031 as follows:-

- (i) 157 pitches for Gypsies and Travellers; and
- (ii) 22 pitches for Travelling Showpersons.

2.1 That the following sites be allocated in order to meet the pitch requirement for Gypsies and Travellers to comply with PTTS Policy nine:-

- (i) Site 16 (Land West of A6, South of Faldo Road and West of Barton-le-Clay)
- (ii) Site 55 (Land South East of Park Corner Farm and South of Dunton Lane)
- (iii) Site 58 (Land East of Potton Road and South of Ram Farm)
- (iv) Site 76 (Land South of Fairfield and West of Stotfold Rd)
- (v) Site 78 (Land East of M1, Tingrith)
- (vi) Site 92 (Land East of Watling Street and South of Dunstable)
- (vii) Site 116 (1 Old Acres, Barton Road, Pulloxhill)

2.2 That site 82 (Kennel Farm Holding, East of Biggleswade) be allocated to meet some of the pitch for Travelling Showpeople to comply with PTTS Policy nine.

3. That the Gypsy and Traveller Local Plan be approved for publication.

The figures in the updated accommodation assessment were accepted by the Overview and Scrutiny Committee who have recommended that the Executive also accept the figures. With the Overview and Scrutiny Committee's recommendations regarding the updated need figures and the known backlog of 38 pitches (as set out above) it must also be accepted therefore that there is a general unmet need for sites.

## **2. History of Site**

Six planning applications have been made for the use of the land as a Gypsy site over the years and a High Court Injunction granted in 2007 to prevent the residential occupation of the site. All of the applications were either withdrawn or refused. Where appeals have been made the appeals have been dismissed. Planning application CB/10/00910/FULL was made on 1 April 2010 for change of use of the land and existing building to Gypsy and Traveller site to include 6 pitches. An appeal was lodged against the Council's failure to determine the application within the prescribed period. The appeal was heard by way of a hearing on 12th and 13th January 2011. The appeal was recovered by the Secretary of State whose decision letter was dated 18th May 2011. The main issues raised are set out below.

### Green Belt

The Secretary of State agreed with the Inspector that the proposal amounts to inappropriate development in the Green Belt and that the harm which would be caused is a factor to which substantial weight should be given. Nevertheless the decision continues, stating that the loss of openness and harm to the character and appearance of the Green Belt is a matter to which only limited weight should be attached.

### Highway Safety

The Secretary of State agreed with the conclusion that the proposed development would cause an unacceptable loss of highway safety to which significant weight should be attached.

### Sustainability and effect of local residents

The appeal site was deemed to represent a sustainable location for the proposed use which should carry a little weight. It was also concluded that the proposal would not cause any unacceptable harm to the living conditions of local residents.

### Need for sites

The Secretary of State agreed that significant weight should be attached to the immediate unmet need for Gypsy sites and that the lack of existing or emerging planning policy to ensure the allocation of sites adds further significant weight in support of the proposal.

### Availability of Alternative sites

It was concluded that significant weight should be attached to the fact that there are unlikely to be any suitable, available or affordable alternative pitches even for those of the intended occupiers who are statutorily homeless.

### Personal Circumstances

The Secretary of State agreed with the Inspector with regard to the significant weight which should be attached to the individual and collective personal circumstances of the intended occupiers of the site.

In conclusion the Secretary of State set out that the development is not in accordance with Green Belt policy and the material considerations do not, either alone or in combination, clearly outweigh the harm to the Green Belt and the other harm identified, including loss of highway safety, do not amount to Very Special Circumstances. The appeal was dismissed.

These issues will be considered in relation to the current application proposal elsewhere in the report.

## **3. Green Belt and Visual Impact**

The site is within the Green Belt and the proposal conflicts with the policy set out in section 9 of the NPPF and the reasons for including land within the Green Belt set out in paragraph 88.



"Planning Policy for Traveller Sites" clearly states in Policy E, which relates to plan making, that traveller sites (temporary or permanent) in the Green Belt are inappropriate. Policy E continues to state that if a local planning authority wishes to make an exceptional limited alteration to the defined Green Belt boundary to meet a specific, identified need for a traveller site, it should do so only through the plan-making process and not in response to a planning application.

The proposal would increase the level of development on the existing site which would harm the openness and character of the Green Belt. The Inspector in determining the appeal conceded that the site is lawfully hardsurfaced and divided into compounds and relates well to the neighbouring Evergreens site. Nevertheless it is considered that the proposal would cause some loss of openness and harm the character and appearance of the Green Belt which cannot be overcome by landscaping. Very Special Circumstances would need to be demonstrated to overcome the conflict with Green Belt policy. The Green Belt situation has not changed since the appeal decision and therefore consideration will need to be given as to whether the material considerations outweigh the harm to the Green Belt and/or whether there are any Very Special Circumstances to take into account.

The applicant was asked to complete the Local Authority's standard Human Rights questionnaire which requests details of existing living arrangements and medical and educational matters.

The content of the questionnaire and additional information supplied by the applicant sets out that one of the intended occupiers of the site has significant health issues which require monitoring of symptoms and medication. As the occupant has more than one health issue it is necessary for her to access co-ordinated medical care to ensure treatment for one condition does not exacerbate other problems. The occupant suffers from intracranial hypertension which is the increase of pressure around the brain, the main symptoms are headache, nausea, vomiting, tinnitus, double vision and other visual problems. If untreated it can lead to swelling of the optic disc in the eye which can lead to vision loss.

The site occupants have also recently had a baby, born in 2012. Research shows that infant mortality is significantly higher within the Gypsy community than in the settled community. The family would therefore benefit from a permanent base from which to access health and education facilities.

The applicants are related to some of the occupants of the neighbouring site at The Evergreens and would therefore benefit from support for health needs but also in raising their family. The Gypsy community tend to live in extended family groups to provide support and help to each other and this important cultural aspect of their ethnicity should be taken into account.

This application seeks consent for Mr John Price and Mrs Debbie Price to live on the site with their child. The previous application was for two Gypsy families named as Mr & Mrs Price and their daughter Debbie and her partner. In the previous application there was limited information regarding Debbie's medical situation, which did not enable the Council to assess her situation as fully as at present.

It is considered that significant weight should be given to the personal circumstances of the occupiers of the site who require access to health and education facilities and would be made homeless if evicted from this site. A recent appeal decision from February 2013 in Leicestershire highlights that providing children with access to schooling, a stable base to allow access to health services and enabling the family group to live together are factors which weighed heavily in favour of the appeal.

#### **4. Other Issues**

The adverse impact the proposal would have on highway safety carried significant weight in the determination of the appeal. This application proposes the access be relocated some 20m further east than the existing access which would improve the level of visibility available at the access and would be acceptable to the Highways Development Control Officer.

A number of objectors commented that Tilsworth has more than its fair share of Gypsy and Traveller pitches. PPTS states that sites in rural areas should respect the scale of, and not dominate the nearest settled community. There are currently four authorised pitches on the Evergreens site with a further unauthorised pitch which is the subject of an appeal. There is also an outstanding appeal on the adjoining Kingswood Nursery site for one pitch. This application seeks consent for a single pitch. If both appeals are allowed and this application was granted there would be a total of 7 pitches close to Tilsworth. Results of the 2011 census show that the parish of Tilsworth has a population of 330, with 140 households and 160 dwellings. It is not considered that 7 Gypsy and Traveller pitches within a parish with 160 dwellings would dominate the settled community.

Action has not been taken to remove the unauthorised occupiers from the land as would be possible due to the injunction on the land as this was considered unnecessary whilst the Council is considering a planning application.

Consideration should be given to whether a temporary consent would be appropriate. Planning Policy for Traveller Sites sets out that temporary consent should be considered where there is no five year supply of sites, which comes into effect on 23 March 2013. In addition however policy E of the document clearly states that traveller sites (temporary or permanent) in the Green Belt are inappropriate development. The Sustainable Communities Overview and Scrutiny Committee agreed to recommend to Executive that the total of 157 pitches be provided within the Plan period and that seven sites have been identified in order to meet the level of identified need. Further work on the Gypsy and Traveller Plan is being undertaken to produce plans to show the location of sites and number of pitches each site will be able to provide to address the existing backlog and future need identified. The Council is therefore making good progress towards being able to demonstrate a five year land supply for Gypsy and Traveller sites.

Notwithstanding the above if Member's are minded to refuse this application consideration should be given to a temporary consent. If a temporary consent were to be granted the harm to the Green Belt in terms of inappropriateness, harm to character and harm to openness would still exist although it would only be for a temporary period of time.

## 5. Conclusion

In conclusion it is considered that Green Belt policy weighs against the application however the general unmet need and the personal circumstances of the site occupants by reason of health, education and cultural factors weigh in favour of the application. In determining the previous appeal on this site the Inspector did not consider the general and personal need of the appellants outweighed the harm to the Green Belt and highway safety. It is considered in this case that the highway safety issues have been overcome and that the significant and multiple health needs of one of the applicants and the need for a settled base from which to access comprehensive health for both herself and the new baby, in addition to the important support they would receive from relatives on the adjacent site in line with their cultural traditions on balance outweighs any harm to the Green Belt.

## Recommendation

That Planning Permission be approved subject to the following:

- 1 The occupation of the caravans on the Site hereby permitted shall be limited to the following persons and their dependant relatives:

Mr John Price and Mrs Debbie Price.

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.

- 2 No caravan located on the Site shall be occupied for residential purposes by persons other than Gypsies and Travellers, as defined in annexe 1 of Planning Policy for Traveller Sites 2012.

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

- 3 No more than 2 caravans, of which no more than 1 of which shall be mobile homes, shall be located on the Site and occupied for residential purposes.

Reason: In recognition of the location of the site in the Green Belt and having regard to the provisions of the National Planning Policy Framework.

- 4 No commercial activity shall take place on the Site, including the storage of materials.

Reason: In order to ensure that the development has no unacceptable adverse effect upon general or residential amenity.  
(SBLPR Policy BE8 & DSCB policy 43).

- 5 The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in (i) to (v) below:

- (i) within 3 months of the date of this decision a scheme for the means of foul and surface water drainage of the site shall be submitted to and approved by the Local Planning Authority, the approved scheme shall be implemented with 3 months of the date of approval;
- (ii) within 3 months of the date of this decision a scheme for landscaping of the site, to include details of all tree, hedge and shrub planting, details of species, plant sizes and proposed numbers and densities, shall be submitted to and approved by the Local Planning Authority, the approved scheme shall be implemented within 3 month of the date of approval;
- (iii) within 3 months of the date of this decision the proposed vehicular access shall be constructed and surfaced in accordance with details to be approved in writing by the Local Planning Authority for a distance of 15m into the site, measured from the highway 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.
- (iv) within 3 months of the date of this decision a scheme for the storage and collection of waste from the site shall be submitted to and approved in writing by the Local Planning Authority, the approved scheme shall be implemented within 3 months of the date of approval;
- (v) within 3 months of the date of this decision a scheme for external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority, the approved scheme shall be implemented within 3 months of the date of approval;
- (vi) within three months of the new access being brought into use, any existing access within the frontage of the land to be developed, not incorporated in the access hereby approved shall be closed in accordance with a scheme submitted to and approved by the Local Planning Authority, the scheme shall include the details of the closure of the access, boundary treatment and landscaping.

Reason: To ensure an appropriate standard of development.  
(SBLPR policy BE8 and DSCB policy 43).

- 6 Visibility splays shall be provided at the junction of the vehicular access with the public highway. The splays shall extend to the limits of the site's highway frontage on each side of the access from a point on the centre line of the access measured 2.4m back from the road channel. The vision splays so described shall be maintained free of any obstruction to visibility.

Reason: To provide adequate visibility between the existing highway and the proposed access and to make the access safe and convenient for the traffic which is likely to use it.  
(DSCB policy 43).

- 7 Any gates provided shall open away from the highway and be set back a distance of at least 14.0 metres from the nearside edge of the carriageway of the adjoining highway.

Reason: To enable vehicles towing caravans or trailers to draw off the highway before the gates are opened.

- 8 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers BP-001D & L-0101A.

Reason: For the avoidance of doubt.

### **Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31**

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to additional supporting information being submitted. 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) (Amendment No. 2) Order 2012.

### **Reasons for Granting**

The proposal is contrary to Green Belt policy however on balance it is considered that the general unmet need and the personal circumstances of the site occupants by reason of health, education and cultural factors weigh in favour of the application. In addition the highway safety issues previously identified have been overcome. Overall it is considered that there are Very Special Circumstances which outweigh the harm to the Green Belt and that subject to conditions the proposal would be acceptable and is therefore in accordance with policy BE8 of the South Bedfordshire Local Plan Review, policies 36 and 43 of the emerging Development Strategy for Central Bedfordshire and national policy within the National Planning Policy Framework and Planning Policy for Traveller Sites.

### **Notes to Applicant**

1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the emerging Development Strategy for Central Bedfordshire (DSCB).
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. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, 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 construction 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.
4. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Technology House, 239 Ampthill Road, Bedford MK42 9BD.
5. The applicant is advised that the closure of existing access shall include the removal of the existing concrete apron and the reinstatement of the highway to include any verge, hedging and kerbing in a manner to be agreed in writing with Bedfordshire Highways, Central Bedfordshire Council's Highways Helpdesk, Technology House, 239 Ampthill Road, Bedford MK42 9BD. No work shall be carried out within the confines of the public highway without prior consent. The applicant will also be expected to bear all costs involved in closing the access.

**DECISION**

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