

Planning Application CB/13/00985/FULL
Plots 1 &2, The Causeway, Clophill

1. Introduction

1a. This paper is the formal response of Clophill Parish Council to Planning Application CB/13/00985/FULL for the change of use for the stationing of one residential static caravan and two touring caravans, and parking for two associated vehicles and portaloos at Plot 1, Paradise Farm, The Causeway, Clophill. Although addressed only as Plot 1, the accompanying plans show the full involvement of Plot 2 in the intentions of the applicants, so this response refers also to Plot 2. Clophill Parish Council objects, strongly, to this application for the reasons given in the following paragraphs.

2. Public Inquiry, Previous Decisions

2a. In appeals APP/P0240/C/11/2160387 and APP/02040/C/11/2160387 on 13th March, 2012 a public inquiry was held by the Planning Inspectorate on an almost exactly similar application, refused by Central Bedfordshire Council, and the associated Enforcement Notice for the immediately adjacent Plot 2, The Causeway. After hearing all the evidence, both the appeals were dismissed by the Inspector. The reasons are catalogued in the Inspectorate document of 29th May, 2012. This paper is held by Central Bedfordshire Council and will not be repeated here in detail.

2b. Plot 1 is a continuation of Plot 2 to the west until it reaches The Causeway. It is exactly similar to Plot 2, only even more obtrusive and upsetting. Thus, all the reasons for the earlier dismissals, plus some additional objections apply to this site. Central Bedfordshire Council is requested to read and to consider the Inspector's report in full and apply it when considering this new application. On their own, the Inspector's decisions are sufficient to require a firm, immediate refusal of this new application which merely serves to continue the saga. However, there are also additional strong reasons for refusal.

3. Change of Use of Land from Agricultural

3a. Plots 1 and 2 of Paradise Farm have always been classed as "agricultural". I attach two aerial photographs from the 1980s and 1990s which prove this. (Annexes 1 and 2). From the 1990s onwards the owner of Paradise Farm started, illegally, to receive waste soil, rubble and other materials which were dumped on both plots. I attach further later photographs of this dumping on Plot 1 (Annexes 4 and 5) and also a Google street photograph of 2010 which clearly demonstrates the rural/agricultural nature of the whole site before the arrival of the gypsies (Annex 3). This dumping was used, illegally, to raise the land sufficient to foil the Environment Agency aerial flood zone mapping. Its content may be contaminated. Residents, who watched this dumping with dismay state that they did not witness any removal, only spreading. Proof of the original height of the site may be seen at Annexes 1 and 6. Annex 6, an earlier photograph taken from No 17 also shows flooding. The photographs at Annexes 1 and 5, both bottom right, show the sewerage pipe crossing the stream onto Plot 1

and which is referred to later in this paper. These two sites have always been agricultural and this categorization must not now be changed.

3b. It is emphasised that the application site is outside the village settlement envelope, and should be dismissed on these grounds alone. Any reference in the application to dwellings permitted within Clophill is irrelevant as all dwellings so approved have been within the settlement envelope.

4. Sewerage and Mains Water Pipes

4a. The sewerage farm for the village of Clophill lies several hundred metres to the south-east of the site adjacent to the A507. The main pipe from the village runs along The Causeway under the front gardens of the dwellings on the east side before crossing the River Flit onto Plot 1 (as shown at bottom right on Annex 1 and the same at Annex 5). Once the river has been crossed the piping immediately traverses through some 45 degrees across Plot 1 and continues in the direction of the sewerage farm. Plot 1 is where the pipe is at its lowest before it rises to the sewerage farm. Toilets in dwellings along The Causeway periodically suffer from blockages to the distress of residents. Therefore constant access for Anglian Water is essential. The Parish Council understands that by-laws preclude the erection of buildings etc within seven metres of such pipes. Because of the direction change of the pipes under Plot 1, sufficient distance cannot be obtained for a residential static caravan (mobile home). Despite the nomenclature, such facilities are not readily mobile, having to be craned into or out of position. Thus Plot 1 is unsuitable for a large static caravan (the applicant's family total eight).

4b. The Parish Council understands that Plots 1 and 2 are supplied by mains water which also uses piping adjacent to the sewerage pipes. The applicant states that he has connected to mains water (indeed, water appears currently to be leaking into the approach track to Paradise Farm). The same conditions must apply to this supply.

5. Approach to Conservation Village

5a. Clophill is an important Conservation village. It has four entry points. However, the Sat-Nav approach from both east and west directs traffic along the A507 and into the village via The Causeway. Thus the first site of the village on this approach is of the gipsy encampment, presently on Plot 2 and its surrounds. The Planning Inspector, in her appeal judgement on Plot 2, writes four paragraphs regarding "the effect on the character and appearance of the area", She found that "the development would be materially harmful to the character and appearance of the area" and was one of her several reasons for refusing the appeals. The current application, for Plot 1 is even more harmful.

5b. The applicant and his family consists of eight people of both sexes. The Parish Council questions whether the applicant's plans showing the mobile home is actually to scale and, in any event, believes that it will transgress the required seven metre boundary both from the river and the sewerage and mains water pipes.

5c. The mobile home (which is even more obvious because it has to be raised), caravans, trucks and domestic cars present a most unsuitable appearance and this reason alone is

sufficient for the application to be refused. Although many are parked immediately outside the sites in the approach track to Paradise Farm they are an integral and inseparable element of the gipsy presence, the vehicles far exceed in number those applied for and include commercial vehicles for the businesses operated from this site. Please see Annex 7 and compare it with Annex 3 – the environmental damage since the arrival of the gipsy family can clearly be seen. Annex 7 is dated 2011 (no up-to-date photograph is held). Since 2011 some of the commercial vehicles have been exchanged for newer trucks but the scene is essentially the same – except when announced inspections are known, such as when the Planning Inspector visited, when the number of vehicles is severely reduced. However, the photograph essentially is the norm.

6. Flood Risk

6a. The site is in a high flood risk area but, as explained above, because of the illegal dumping over the years has been raised which the Environment Agency aerial scans are unable to show and explain. The Parish Council has concerns that the illegally-dumped, scattered and covered material may be contaminated. Annexes 1, 2 and 6 clearly show the proper, agricultural level of the site. Annex 6 shows earlier flooding and clearly demonstrates the original and proper level of Sites 1 and 2. The IDB has recently cleared the stream which has reduced the flood risk, but only for the time being. However, such clearances are not a new phenomenon and only prevent river blockages and levels temporarily. Flooding will return.

7. Human Rights and the Settled Community

7a. Government guidance on traveller sites emphasise the need also to consider the rights of the settled community. This application completely ignores those rights. By moving their impedimenta, and especially the static caravan (actually a very large static home), onto Plot 1 this application will severely and adversely impact the neighbouring settled community. This is particularly so and damaging given the juxtaposition with No 17. Because of the illegal land-raising and the additional need to lift the mobile home off the ground to obviate flooding, that already large and obtrusive building will look-in to the south facing windows of No 17 immediately across the stream.

8. Application Numbers Versus Family Size

8a. The applicant and his family total eight persons. Some are already young adults with the other children growing older. The vehicles in the application effectively class all the occupants as residing together. However, the applicant has told residents that when his sons marry they will expect to live on the site. Gipsy/Traveller Planning Guidance for formally/legally nominated gipsy sites allocates “pitches” to each family. There is conflict here with the application which is for a specific number of accommodations versus “gipsy/traveller pitches”. Given the way in which this family has historically ignored planning rules and enforcement notices, the Parish Council is most concerned over future growth of this site into a mini “Dale Farm” unless action is taken now to refuse this application and require removal from the site. This site, and Paradise Farm as a whole have

not been identified by Central Bedfordshire Council and included in their plans. This site, and Paradise Farm, must not be allowed to be permitted as a gipsy site. This application must be refused and the Enforcement Notice issued following the Planning Inspectorate's earlier dismissal must be enforced.

9. Family Need to Reside in Clophill

9a. The application stresses the need for the gipsy family to be resident in Clophill – especially for the education of the children. There is only one school in Clophill, a junior school which has obtained high OFSTED reports and with spaces for new pupils. The applicants chose not to use this school and drove their one eligible child several miles to another village school. All the other children of school age have attended schools some miles away from Clophill. Similarly, there are no medical or dental practices in Clophill; the nearest being several miles away. Thus the argument that Clophill is essential for education, health etc is nonsensical. A suitable, legal site elsewhere in Central Bedfordshire would allow attendance at the same schools as are currently being attended, and receive the same medical and dental attention. There is no reason why this Clophill site is necessary. This argument should be dismissed.

10. Conclusion

10a. Given that the Planning Inspectorate has previously dismissed an appeal for change of use of land and the establishment of a gipsy site on the immediately adjacent plot and for the additional reasons detailed in this paper, Clophill Parish Council OBJECTS most strongly to this application. Central Bedfordshire Council is requested to REFUSE it.

Clophill Parish Council

16th April, 2013

Annexes

1. Aerial view of site in 1980s, showing agricultural state.
2. Aerial view from higher altitude in 1990s, demonstrating wider agricultural state.
3. Google street-level view of site from south in 2008 showing rural state.
4. Two photographs from 1996 and 2003/4 showing illegal dumping/land raising.
5. Two later photographs showing illegal rubbish (contaminated ?) dumping, and sewer pipe.
6. Early photograph showing site flooding and original land level of Plots 1 and 2.
7. 2011 photograph of site for comparison with Annex 3 showing gipsy impact.

Annexes

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Annex 1

Aerial view of site in 1980s



Annex 2

Aerial view of site in 1990s

