

Item No. 8

APPLICATION NUMBER	CB/13/01223/VOC
LOCATION	The Stables, Stanbridge Road, Great Billington, Leighton Buzzard, LU7 9JH
PROPOSAL	Variation of Conditions: 2 & 5 of planning permission CB/10/03217/FULL - Retention of Gypsy caravan site for 7 families with a total of two static caravans and six touring caravans including hardstanding and landscaping. Additional names to be added to Condition 2 and Condition 5 to say 'No more than twelve caravans shall be stationed on the Site at any time, of which ten caravans shall be residential static caravans'.
PARISH	Stanbridge
WARD	Heath & Reach
WARD COUNCILLORS	Cllr Versallion
CASE OFFICER	Vicki Davies
DATE REGISTERED	08 April 2013
EXPIRY DATE	03 June 2013
APPLICANT	Ms Brien
AGENT	Rosser Morris Ltd
REASON FOR COMMITTEE TO DETERMINE	Call-in by Cllr Versallion on the grounds of: 1. Doubling the number of caravans to the conditions that were previously agreed. 2. Appeal on Site B (which was to set a precedent) has still not been granted. 3. CBC ignoring an agreement made with Billington PC not to allow an increase of pitches in the Parish. 4. Green Belt. 5. Conservation Area.
RECOMMENDED DECISION	Variation of Condition - Approval

Recommended Reasons for Granting

The proposal is contrary to Green Belt policy however on balance it is considered that the general ongoing need and the personal circumstances of the site occupants, cultural factors and compliance with emerging policies GT5 and GT7 weigh in favour of the application. The proposed development would not detrimentally impact upon the character and appearance of the immediate area or wider streetscene to such an extent to justify refusing planning permission. There would not be any adverse impact on the amenities of neighbouring residents nor would the proposal result in any highway, parking or other issues. 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 policies GT5 and GT7 of the emerging Gypsy and Traveller Local Plan, policy BE8 of the South Bedfordshire Local Plan Review,

policies 33, 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.

Site Location:

This application relates to a site located in the Green Belt, approximately two kilometres south-east of Leighton Buzzard and approximately 500 metres east of Great Billington. The site is roughly rectangular in shape, measuring approximately 110 metres deep by approximately 35 metres wide, and extending to approximately 0.395 hectare (or 0.95 acre). It lies on the northern side of Stanbridge Road in the Parish of Stanbridge, near to its boundary with the Parish of Billington.

Due to the planning history of The Stables the application site is known as Site A, The Stables. Immediately to the west of the application site lies Site B, which has previously been occupied as an unauthorised Gypsy and Traveller site but is currently vacant land. Beyond that lies the larger Site C, which has recently been granted planning permission for 4 pitches. Together, the three sites comprise a parcel of land on the northern side of Stanbridge Road with a highway frontage and width of approximately 220 metres and a depth of approximately 110 metres, extending in total to approximately 2.42ha (6 acres).

To the east of the current site is Mead Open Farm, a paying visitor attraction, whilst to the north are parcels of land used for the grazing of horses understood to be in the same ownership. To the west of Site C lies Spinney Meadows, a calf rearing enterprise. To the south side of Slapton Road lies Freeman's Yard which accommodates various industrial and transport related businesses and which is understood to have been developed under World War II emergency powers.

Also to the southern side of Slapton Road and opposite Spinney Meadows lie two Gypsy sites, at Nos. 28 and 30 Stanbridge Road, that were granted planning consent on appeal in 1993 and, in respect of the former, to which a minor extension and increase in the number of caravans was approved in 2008. To the west of these lies Ash Tree Paddock which was approved on appeal for a temporary period of three years in 2008 and subsequently granted permanent planning permission in 2013.

The current application site lies behind a narrow highway verge, a drainage ditch and a mixed deciduous hedgerow. The site rises gently to the north, away from the highway. Within the highway frontage an access has been formed with brickwork splays and ornamental steel gates, from the same access, but to the left of these ornamental gates. The site layout previously approved shows the provision of two amenity blocks shared by all site occupiers.

The Application:

The application seeks a variation of conditions 2 and 5 of planning permission CB/10/03217/FULL. The planning permission granted in 2011 gave consent for the retention of a Gypsy caravan site for 7 families with a total of 2 static caravans and 6 touring caravans including hardstanding and landscaping.

Condition 2 of planning permission reference CB/10/02317/FULL lists the persons authorised to live on the site. Condition 2 currently includes 13 names and allows

for the resident dependants of the named persons to also live on the site. The variation of condition application seeks to add the names of one male and one female occupier who are the partners of existing authorised occupiers and three new names. The new occupiers would be the mother, brother and sister of one of the existing authorised occupiers.

In order to accommodate the additional people the application also seeks to vary condition 5. Condition 5 currently restricts the number of caravans permitted on the site to 2 static caravans and 6 touring caravans. The application seeks consent for a total of 12 caravans within no more than 10 being static caravans. The 10 static caravans and one of the touring caravans would be used as accommodation on the site, the other touring caravan would only be used for travelling.

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 2013

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 June 2013.

Draft Gypsy and Traveller Plan

GT5 - Assessing planning applications for Gypsy and Traveller sites

GT7 - Assessing planning applications for the expansion of existing Gypsy and Traveller and Travelling Showpeople sites

Planning History for The Stables, Sites A, B & C

SB/TP/92/0121 - (Site C) Six stables with tack room, hay store and parking area. (Planning permission 29 April 1992).

SB/TP/03/1419 – (Sites A, B & C) Use of land for siting of 19 Gypsy caravans with associated hardstanding and landscaping. Refused 29 October 2003.

Appeals against the above refusal of planning permission, and against Enforcement Notices in respect of changes of use and operational development at both Site A and Site C, were considered at a Public Inquiry held between November 2004 and February 2005. The Inspector recommended that the enforcement appeals be dismissed and that the Enforcement Notices upheld but that a temporary planning permission should be granted, possibly for a period of three years. The Secretary of State determined the appeals on 31 May 2005 and disagreed with the Inspector's recommendation for a temporary consent. The Secretary of State dismissed the appeals and upheld the Enforcement Notices although he extended the period for compliance to two years; i.e. to 31 May 2007.

SB/TP/07/0677 (Site A) Retention of Gypsy caravan site for 5 families with a total of two static caravans and 6 touring caravans, including hardstanding. (Temporary Permission for three years - 04 October 2007).

SB/TP/07/0885 (Site B) Retention of Gypsy caravan site for 4 families, each with a total of up to 3 caravans, including formation of hardstanding. (Refused 21 September 2007).

SB/TP/07/0678 (Site C) Retention of Gypsy caravan site for 12 families, each with up to 3 caravans, including formation of hardstanding. (Refused 19 September 2007).

SB/TP/07/1372 (Site C) retention of Gypsy caravan site for 9 families, each with up to 3 caravans, including hardstandings and landscaping. (Refused 12 March 2008). Appeal dismissed by the Secretary of State. (19 June 2009).

SB/TP/07/1331 (Site B / Plot 4 only) – Retention of Gypsy caravan site for 2 families with a total of 3 caravans including hardstanding and landscaping. (Refused 03 April 2008).

SB/TP/08/0023 – (Site B / Plot 5 only) - Travellers site for the siting of 1 mobile home & 1 tourer & associated hard core for parking & hardstanding. (Refused 03 April 2008).

SB/TP/07/1408 – (Site B / Plot 6 only) - Travellers site for the siting of 1 mobile home & tourer and associated hard core for parking & hardstanding. (Refused 03 April 2008).

SB/TP/07/1353 – (Site B / Plot 7 only) - Change of Use to station static & touring Traveller caravans. Number of caravans unspecified. (Refused 24 April 2008). Appeal dismissed by the Inspector (21 July 2009). Unsuccessful S.288 challenge to the High Court (21 June 2010). Appeal dismissed by the Court of Appeal (19 July 2011).

CB/09/05201/FULL - (Site B / Plot 4 only) - Retention of caravan site for one Gypsy family with 3 caravans, including hardstanding and landscaping. (Refused 23 February 2012, appeal pending).

CB/10/03217 – (Site A) - Retention of Gypsy caravan site for 7 families with a total of 2 static caravans and 6 touring caravans including hardstanding & landscaping. (Permanent Consent granted 29 December 2011).

CB/10/00952/FULL - (Site C - part only) Change of use of land for the stationing of 9 caravans (3 pitches). (Permanent Consent granted 18 April 2013).

CB/11/04074/FULL - (Site C, plot 11 only) Retention of existing static mobile home, caravan, day room and wash room. (Permanent Consent granted 18 April 2013).

**Representations:
(Parish & Neighbours)**

Stanbridge Parish Council	We object to this application on the grounds that it once again risks there being a disproportionate number of the travelling community to that of the settled community and places pressure on the stability of the local education structure. Furthermore, the amendments to the site do not fall within the scope of the proposed Gypsy & Traveller Plan and should therefore not be considered.
Billington Parish Council	Requested the Ward Member to call-in the application for determination by the Development Management Committee.
Neighbours	One letter of objection has been received, the reasons for the objection are: <ul style="list-style-type: none">- concern about further development on the site which is already very large and out of proportion to the settled community in the immediate area- there is a problem with the road flooding- the visibility splays offer poor visibility along this fast road- there is raw sewerage in the ditch- flytipping is a regular occurrence- a new entrance has been put into the site which causes further risk of flooding due to insufficient culvert size- Mead Open Farm is a tourist attraction next to the site which has experienced noise and bonfires from the application site- there have been several cases of sheep worrying from dogs from the site, over the winter of 2011/12 we had to

have 10 sheep destroyed because of dog attacks
- any further development on the site should be refused
and the land returned to its original use of paddocks for
horse grazing

Consultations/Publicity responses

Tree and Landscape Officer	In the absence of any accompanying plans the officer is unable to ascertain if the extra pitches would use areas previously set aside for landscaping.
Highways Development Control Officer	<p>The application is for the increase in occupation of the existing site. This will ultimately increase the parking demand for the site and use of the access. While I have not got an objection to the proposal it should be ensured that highway safety is maintained.</p> <p>In a highway context I recommend that the conditions to deal with details of the junction with the highway and appropriate visibility splays, surfacing of on-site vehicular areas, refuse storage and collection point and parking provision within the site.</p>
Environment Agency	Comment that the cess pit is not ideal but that the increase is not substantial and providing the applicant has a contractor in place to remove the waste they have no objection.
Public Protection Private Sector Housing	<p>No comment.</p> <p>No response received at the time of writing. Comments will be reported on the Late Sheet.</p>

Determining Issues

1. Policy Background including Gypsy and Traveller Pitch Provision
2. History of the Site
3. Green Belt and Personal Circumstances
4. Harm to openness and character of the Green Belt
5. Assessment against emerging policy GT7
6. Assessment against emerging policy GT5
7. Highway Issues
8. Other Issues
9. Human Rights
10. Conclusion

Considerations

1. Policy Background including Gypsy and Traveller Pitch Provision

Policy Background

The site lies outside of any built up area within the open countryside where there

is a general presumption against the granting of planning permission for new development. The new "Planning Policy for Traveller Sites" guidance sets out that Local Authorities should strictly limit new Traveller site development in 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.

Gypsy and Traveller Pitch Provision

A Central Bedfordshire-wide Gypsy and Traveller Plan has been prepared to deliver the pitch requirement for Central Bedfordshire to 2031 and is currently out to public consultation following approval at full Council on 18th April 2013. A final draft document will be produced after the consultation ends on 1st July 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 people on 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 was calculated at January 2013 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 was 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, January 2013, 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 Plan also allocates the following sites:

(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)

Gypsy and Traveller Pitch Trajectory

The draft Gypsy and Traveller Local Plan is accompanied by a trajectory which demonstrates that the Council has identified sites which together with windfall sites will deliver a 5 year land supply.

The trajectory was prepared in May 2013 and takes into account that since mid-March 2013 permanent planning permission has been granted for 12 pitches and that a further 6 pitches would be put back into the supply following the refurbishment of Timberlands.

The backlog of pitches is incorporated into the total number of pitches to be delivered over the next 5 year trajectory. The level of windfall applications expected has been calculated based on previous levels of permissions.

The trajectory sets out that in the period 2013 to 2018 (inclusive) 55 pitches can be delivered. This figure includes granting permanent planning permission for 12 existing temporary pitches and 9 pitches within an extension to an existing site, 15 pitches delivered on new sites allocated through the Plan all of which are named in the trajectory and 19 further pitches delivered through windfall applications.

The 5 year land supply is a continuous rolling requirement and therefore even if planning permission was granted for the 19 windfall pitches, until the pitches identified on the allocated sites are also granted planning permission and delivered the ongoing need for pitches continues to exist.

Pitches delivered through applications on existing sites or new unallocated sites would contribute to the number of windfall pitches required. Applications such as this therefore potentially make a necessary and significant contribution to the delivery of the required number of Gypsy and Traveller pitches and maintaining the required 5 year land supply trajectory. If this planning application were to be granted the windfall requirement set out in the trajectory would reduce to 15 pitches.

2. History of Site

The site has a long and protracted history, with an appeal held to consider the refusal of planning permission and associated enforcement notices held in

2004/2005 (APP/N0220/A/03/1134087). The appeal was dismissed on 31 May 2005 as despite giving weight to the unmet need for sites and personal circumstances of the occupants the Secretary of State considered that these did not outweigh the harm to the Green Belt and on the character and appearance of the countryside. The enforcement notices were upheld but the compliance period extended to two years.

In June 2007 prior to end of the compliance period a further planning application was made for the retention of a Gypsy site for 5 families with a total of 2 static caravans and 6 touring caravans including hard standing and landscaping. This application was granted temporary planning permission for a period of 3 years in October 2007.

Following the grant of temporary consent in October 2007, there was a delay in the submission of some of the detailed information required by a condition attached. A Breach of Condition Notice was therefore served. The required details, including the detailed layout of the site, the foul and surface water drainage, the means of enclosure including improvements to the fencing along the boundary with Mead Open Farm and landscape planting, were subsequently submitted and approved and have since been substantially completed.

Prior to the expiry of the temporary permission a further application was submitted for the retention of the site for 7 families with a total of 2 static caravans and 6 touring caravans. The increase in the number of families was due to some of the older children on the site forming their own families. This application was granted permanent consent with consideration given to the unmet need for sites identified and the personal circumstances of the occupiers in terms of medical and educational issues and the related need for mutual support of the extended family group. Conditions were attached to this permission requiring certain matters to be undertaken in accordance with the approved drawing and maintenance of drainage and landscaping. Whilst submissions have been made in accordance with these conditions they were not considered acceptable and have not been approved.

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

3. Green Belt and Personal Circumstances

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 as well as Development Strategy policy 36.

Very Special Circumstances would need to be demonstrated to overcome the conflict with Green Belt policy. The proposal would be inappropriate in terms of Green Belt policy and therefore some harm would result from this. 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 application contains details about the occupiers of the site and their families as well as their education, health and other personal circumstances. One of the authorised female occupiers is registered disabled and receives disability living

allowance; she has heart problems as well as diabetes, asthma, osteoarthritis, cancer of the bladder and suffered a stroke in 2010. She regularly attends clinics, her GP and hospitals to monitor and control her conditions. This occupier is already authorised to live on the site however the level of support she requires is increasing and her brother and sister, the proposed new occupiers, would help with her regular care and support.

One of the proposed occupiers is the elderly mother of an authorised occupier who relies on others for help and support. The application does not set out where she is currently living however it is clear from the information that she needs the support of her immediate family in her advancing years.

There are other personal circumstances which exist with the people currently authorised to live on the site which were considered when the original permission was granted for the site.

4. Harm to openness and character of the Green Belt

The proposal would increase the number of caravans permitted to be located on the site but would not increase the size of the site. It is considered that due to the characteristics of the site particularly it extending away from the highway and its existing boundary treatment, the increase in the number of caravans on the site would not cause any significant harm to the openness and character of the Green Belt sufficient to warrant refusing planning permission.

The Tree and Landscape Officer commented that as plans were not submitted with the application it was not possible to judge the impact on landscaping. There is no requirement for detailed site plans to be submitted with a variation of condition application, however it is considered that the additional caravans could have an impact in terms of existing and proposed landscaping. A condition is proposed requiring landscaping details to be submitted, carried out and maintained, which would address the concerns of the officer.

5. Assessment against emerging policy GT7

The emerging Gypsy and Traveller Local Plan was approved by full Council on 18th April 2013 for public consultation prior to submission to the Secretary of State. The consultation started on Monday 20th May 2013 and will run until Monday 1st July 2013. The Plan contains policy GT7 which is a policy used for assessing planning applications for the expansion of existing Gypsy and Traveller and Travelling Showpeople Sites.

The policy states that planning permission for the expansion of existing sites will be granted providing that satisfactory evidence demonstrates the need for the scale and nature of accommodation proposed and in order to safeguard the countryside, the expansion of sites should be achieved through the subdivision or infilling of existing pitches or plots.

If the variation of condition application were granted the number of caravans on the existing site would increase from 2 static caravans and 6 touring caravans to 10 static caravans and 2 touring caravans. The site currently provides 7 pitches and the increase in caravans would result in an additional 4 pitches being providing, totalling 11 pitches. Planning permission CB/10/03217/FULL granted permission for 7 pitches used by family groups named in condition 2 of the

consent. One of these named occupiers was the adult daughter of the main occupier of the site. She has since formed her own household thus resulting in an additional family group and separate pitch. In addition to the 8 family groups occupying 8 pitches, a further 3 pitches would be occupied by the proposed additional named occupiers. The application proposes that all 10 of the static caravans be used for residential occupation as well as one of the touring caravans. The remaining touring caravan would be for travelling only.

The need for the accommodation proposed is set out in section 3 above regarding the personal circumstances of the occupiers. The additional occupiers would have a static caravan each which is considered appropriate in scale. The increase in the number of static caravans on the site sought through the variation of condition 5 is also considered appropriate as each family only has one unit of accommodation, i.e. a static caravan. Good Practice Guidance and experience of other sites within Central Bedfordshire reflects that normally a pitch for a family would include a static caravan, a touring caravan, parking, storage and possibly an amenity block. The site has 2 amenity blocks which are shared by all occupiers. Whilst the occupiers of the application site wish to live differently to that normally experienced it is not considered that this makes their approach unacceptable.

Policy GT7 requires expansion of sites to be achieved through subdivision or infilling of existing pitches. This proposal complies with the policy as it would not lead to any extension of the site, only an intensification of the existing authorised site. The supporting text to policy GT7 also requires that the application be considered against policy GT5, this assessment is dealt with in section 6.

Allowing the infilling of existing Gypsy and Traveller sites helps to meet the identified need for pitches without requiring new sites to be developed.

Stanbridge Parish Council comment that the amendments to the site do not fall within the scope of the proposed Gypsy and Traveller Plan and should not be considered. The proposal is for the infilling of an existing site to create additional pitches which is addressed in policy GT7 which has been assessed above.

An objector comments that the site is already very large. The site currently has planning permission for the siting of 2 static caravans/mobile homes and 6 touring caravans. The application would not increase the size of the site and would only increase the number of caravans permitted to be on the site and the resulting number of pitches from 7 to 11.

Overall the proposal is considered to accord with policy GT7 of the emerging Gypsy and Traveller Local Plan.

6. Assessment against emerging policy GT5

The emerging Gypsy and Traveller Local Plan contains policy GT5 which is a criteria-based policy for assessing planning applications. Each part of the policy is addressed in turn below.

- Justification of local need for the scale and nature of development proposed.

The issue of need has been dealt with above however in brief the Council's

Gypsy and Traveller Pitch Trajectory identifies a need for 19 windfall pitches in the period 2013-2018. The draft Plan relies on windfall sites to provide pitches in addition to those allocated within the Plan and therefore applications such as this are vital in meeting the level of identified need.

- The scale of the site and number of pitches would not dominate the nearest settled community and would not place undue pressure on infrastructure.

Planning Policy for Traveller Sites (PPTS) states at paragraph 12 that in rural and semi-rural settings, Local Planning Authorities should ensure that the scale of such sites does not dominate the nearest settled community. Comments have been made that the proposal would result in a disproportionate number of the travelling community to that of the settled community. It is not considered that the aim of the PPTS is to prevent there being more Gypsies and Travellers than members of the settled community within an area. It is considered that the point of the policy is to ensure that in rural and semi-rural areas that the traditional bricks and mortar settlement is not dominated in terms of the scale and visual impact of Gypsy and Traveller pitches. With regard to this application the size of the site would not increase, only the number of caravans. It is not considered that the resulting scale of the site would have a significant adverse impact to be considered to dominate the nearest settled community, which in this case would be Billington, some 700m away. The visual impact of the site has been considered above and would not be such as to cause a dominating impact.

- The site would not be located in an area of high risk of flooding, including functional floodplain. A flood risk assessment will be required in areas of flood risk.

The site is not within an area of high risk of flooding.

- Satisfactory and safe vehicular access.

The Highways Development Control Officer has no objection to the application but does request a condition on any planning permission granted.

- Site design demonstrates that the pitches are of sufficient size.

Whilst there is no defined size for a Gypsy and Traveller pitch it is considered that the pitches proposed would be smaller than normal. It is however considered that how the families choose to live does not necessarily mean that the proposal is unacceptable. Providing that the licensing requirements for the separation between the caravans can be met it is considered that the proposal is acceptable. Comments received from Private Sector Housing will be reported on the Late Sheet.

- Landscaping.

The visual impact of the proposal is considered in detail above.

- Sensitive boundary treatment.

The site has existing wooden fencing and landscaping to the boundaries. Additional landscaping will be required by condition.

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

The nearest bricks and mortar dwelling would be some 60 metres away at Mead

Open Farm. It is considered that due to the distance and the existing boundary treatment and proposed landscaping that the proposal would not result in any significant adverse impact on the amenities of the occupiers of this property. The nearest Gypsy and Traveller neighbours are some 75 metres from the site on the land known as Site C. Due to the nature of the accommodation, the distance between the sites and the boundary treatment it is not considered that the proposal would have any adverse impact on the amenities of the occupiers of pitches on Site C.

- Pollution from light and noise sources should be minimised.

No details of external lighting on the site have been provided however it is considered that this can be adequately controlled by condition. The proposal would not lead to any specific noise sources. It is acknowledged that there may be a little more noise from a Gypsy and Traveller site compared to a bricks and mortar dwelling due to the level of outdoor living, nevertheless it is not considered that a normal level of noise would be unacceptable.

- Adequate schools, shops, healthcare and other community facilities are within a reasonable travelling distance.

It is acknowledged that the occupiers of the site do not have access to facilities within the immediate area however the policy requires adequate facilities be within a reasonable travelling distance. It is considered that the location of the site would enable the occupiers to access the necessary facilities without having to travel long distances.

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

The existing site is served by a cess pit and it is proposed that this arrangement continues if planning permission were granted. The site is mainly shingle with grassed areas and therefore surface water permeates.

Overall it is considered that the proposal complies with the emerging Gypsy and Traveller Plan policy GT5.

7. Highways Matters

Concern has been raised over the access to the site and suitability of visibility splays. The Highways Development Control Officer has no objection to the proposal but does request a condition be added to any permission granted to ensure that the access and associated visibility splays are adequate.

One objector comments that a new entrance has been formed to the site. No new entrance has been made into the application site however an unauthorised access direct from the highway has been made into one of the plots on the area known as Site C. The plot has recently been granted planning permission, a condition of which is that the unauthorised access is closed.

8. Other Issues

Issues of foul and surface water drainage have also been raised by objectors. The previous application contained details of the drainage of the site on plan RM08/034.1J and a condition of the permission required the submission of a timetable for the completion of the works. The information was submitted but found unsatisfactory. In light of this it is considered that the condition should

remain in place with an amended timescale for compliance in order that the required details are submitted and the works undertaken within an appropriate timescale.

The Environment Agency has confirmed that the proposal to use a cess pit is not ideal however that the increase in the number of people and caravans on the site would not be significant. Subject to the applicant having a contractor in place to empty the pit the Environment Agency has no objection to the proposal. The management and maintenance of the drainage system will be dealt with by condition 10.

The objector also raises concern regarding dogs attacking the farm's sheep. There is no evidence that the dogs come from the application site and even if there was it is not considered that refusing planning permission for additional caravans and occupiers would resolve this issue. In addition someone's control over their dogs is not a planning consideration.

The site is not within a Conservation Area.

9. Human Rights

Regard has been had to the Human Rights implications of the application. Details of the personal circumstances of the intended occupiers were outlined above in the context of the claim for very special circumstances.

It is recognised that the refusal of consent would lead to an interference with the intended occupiers rights to a home and private family life. The refusal of consent would also lead to an interference with their property rights. Such interference must be balanced against the public interest in pursuing the legitimate aims of Article 8 of the European Convention on Human Rights, which include the protection of the environment. In the present case, the analysis above suggests that the likely impact of the development upon the Green Belt, or upon the character and appearance of the countryside, is limited and that the refusal of permission would place a disproportionate burden upon the intended occupiers and would result in a violation of their rights under the Convention.

10. Conclusion

The application site is within the Green Belt and therefore Very Special Circumstances need to be demonstrated to justify the development. The proposal would result in harm by reason of inappropriateness, however other harm by reason of adverse effect on character, openness etc are minimal due to the scale and nature of the development. It is considered that the personal circumstances of the additional occupiers, the continuing requirement for pitches to address the backlog and ongoing need met, in part, by windfall sites are such to outweigh the limited harm to the Green Belt. In addition the proposal is in accordance with policy GT7 of the draft pre-submission Gypsy and Traveller Local Plan (April 2013).

Recommendation

That Planning Permission be approved subject to the following:

RECOMMENDED CONDITIONS

- 1 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.

- 2 The Site shall only be occupied by the following persons and their resident dependant's: James Brien, Margaret Brien, Ashley Brien & Michael Nolan, Abraham Howard & Charlene Howard, John Smith & Kelly Smith, Michael Brien & Jane Brien, Jimmy Brien & Cristal Brien, Johnny Brien & Sherry Brien, Teresa Patterson, Michael Brien and Evelyn Gray

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, Planning Policy for Traveller Sites and policy 36 DSCB.

- 3 In the event that the Site shall cease to be occupied by those named in Condition 2 above the use hereby permitted shall cease and all caravans shall be removed from the Site within 28 days of that date.

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, Planning Policy for Traveller Sites and policy 36 DSCB..

- 4 Within three months of the cessation of the occupation of the site by those named in Condition 2 above all buildings, other structures, materials and equipment including fences, telegraph poles and lighting columns, septic tanks/cesspits and pipes, cables, meter boxes and other services brought on to the land in connection with the development hereby approved, or in accordance with the planning consent CB/10/03217FULL, shall be removed; all hardcore, tarmac and other hard surfacings on the site shall be broken up and completely removed, the site levelled, topsoiled and seeded with grass or turfed; and the existing vehicular access onto Stanbridge Road shall be closed and the hedgerow reinstated along the highway frontage.

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, Planning Policy for Traveller Sites and policy 36 DSCB.

- 5 No more than twelve caravans shall be stationed on the Site at any time, of which only ten caravans shall be residential static caravans.

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, Planning Policy for Traveller Sites, policy 36 DSCB and policy GT7 of the Draft Pre-Submission Gypsy and Traveller Local Plan (April 2013).

- 6 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 in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and policy 43 of the Development Strategy for Central Bedfordshire having particular regard to the location of the site in the Green Belt and the provisions of the National Planning Policy Framework and Planning Policy for Traveller Sites.

- 7 No more than five commercial vehicles shall be kept on the Site at any time for use by the persons named in Condition 2 of which not more than one shall exceed ten tonnes in weight and the remainder shall not exceed 3.5 tonnes in weight.

Reason: In order to ensure that the development has no unacceptable adverse effect upon general or residential amenity in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and policy 43 of the Development Strategy for Central Bedfordshire having particular regard to the location of the site in the Green Belt and the provisions of the National Planning Policy Framework and Planning Policy for Traveller Sites.

- 8 Within three months of the date of this consent the applicant shall submit for the consideration of, and written approval by, the Local Planning Authority a timetable for the completion of all the details identified in plan reference RM08/034.1J submitted to the Local Planning Authority on 3 September 2010 and including, but not exclusively relating to, means of enclosure, surfacing, amenity facilities and drainage of the site. The said works shall be completed in accordance with the timetable agreed by the Local Planning Authority or, if the Local Planning Authority refuse to approve the scheme, or fail to give a decision within the prescribed period, and an appeal is made to, and accepted as validly made by the Secretary of State, the works shall be completed within such timetable as may be approved by the Secretary of State.

Reason: In order to ensure that the development does not have a detrimental impact upon the surrounding area, that the proposal takes account for the need of hard and soft landscaping and that the development has no adverse effect upon general or residential amenity in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and policy 43 of the Development Strategy in Central Bedfordshire and having particular regard to the location of the site in the Green Belt and the provisions of the National Planning Policy Framework and Planning Policy for Traveller Sites.

- 9 The details required to be submitted in accordance with Condition 8 shall include proposals for the removal of the existing fencing along the eastern boundary of the site, and any consequent maintenance or remedial works required to the adjoining landscape planting, including the proposed timetable for such works. Amendments to the details of these particular works and their proposed timetable may be agreed in writing from time to time by the Local Planning Authority.

Reason: In order to ensure that the development does not have a detrimental impact upon the surrounding area, that the proposal takes account for the need of hard and soft landscaping and that the development has no adverse effect upon general or residential amenity in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and policy 43 and the Development Strategy for Central Bedfordshire and having particular regard to the location of the site in the Green Belt and the provisions of the National Planning Policy Framework and Planning Policy for Traveller Sites.

- 10 At the same time as the timetable for the completion of the works required by Condition 8 is submitted to the Local Planning Authority there shall be submitted a programme for the management and maintenance of the drainage system for the lifetime of the development. The drainage system shall be managed and maintained in accordance with the approved programme.

Reason: In order to ensure that the development has no unacceptable adverse effect upon general or residential amenity in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and policy 43 of the Development Strategy for Central Bedfordshire and having regard to the principles contained in the National Planning Policy Framework and Planning Policy for Traveller Sites.

- 11 Within 3 months of the date of this consent the applicant shall submit a detailed landscaping scheme including boundary planting and landscaping and grassed areas within the site. The planting will then be carried out in accordance with the approved details no later than the end of the first planting season following the completion of the development and thereafter maintained for a period of five years during which any tree, hedge or shrub that is removed, uprooted or destroyed or dies or, in the opinion of the Local Planning Authority, becomes seriously damaged or defective, is replaced with another of the same species and size as that originally planted.

Reason: In order to ensure that the proposal takes account for the need for hard and soft landscaping in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and policy 43 of the Development Strategy for Central Bedfordshire and having particular regard to the location of the site in the Green Belt and the provisions of the National Planning Policy Framework and Planning Policy for Traveller Sites.

- 12 Within three months of the date of this consent the applicant shall submit for the consideration of, and written approval by, the Local Planning Authority a site layout plan showing the locations of all existing structures and all static and touring caravans. The site shall be set out in accordance with the plan agreed by the Local Planning Authority or, if the Local Planning Authority refuse to approve the scheme, or fail to give a decision within the prescribed period, and an appeal is made to, and accepted as validly made by the Secretary of State, the works shall be completed within such timetable as may be approved by the Secretary of State.

Reason: In order to ensure that the development does not have a detrimental impact upon the surrounding area and that the development has no adverse effect upon general or residential amenity in accordance with

Policy BE8 of the South Bedfordshire Local Plan Review and policy 43 of the Development Strategy in Central Bedfordshire and having particular regard to the location of the site in the Green Belt and the provisions of the National Planning Policy Framework and Planning Policy for Traveller Sites.

- 13 No external lighting shall be installed on the site other than such lanterns or similar devices as may be directly attached to individual caravans or the buildings authorised by this consent and identified on plan reference RM08/034.1J submitted to the Local Planning Authority on 3 September 2010.

Reason: In order to ensure that lighting associated with the development does not have a detrimental impact upon the surrounding area in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and policy 43 of the Development Strategy for Central Bedfordshire and having particular regard to the location of the site in the Green Belt and the provisions of the National Planning Policy Framework and Planning Policy for Traveller Sites.

- 14 Notwithstanding the provisions of Part 2 (Minor Operations) or Part 5 (Caravan Sites) of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any Order or enactment amending or re-enacting that Order no further accesses shall be formed from the adjoining highway and no walls, fences, gates or other means of enclosure or any amenity blocks, ancillary buildings or other structures shall be erected on the site other than in accordance with this consent or in accordance with a further specific grant of planning consent in that regard.

Reason: In order to ensure that the overall appearance of the development has no unacceptable adverse effect upon general or residential amenity in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and policy 43 of the Development Strategy for Central Bedfordshire and having particular regard to the location of the site in the Green Belt and the provisions of 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.

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

It is recommended that planning permission be granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. 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.

DECISION

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