

## **Item No. 7**

<b>APPLICATION NUMBER</b>	<b>CB/13/04368/FULL</b>
<b>LOCATION</b>	<b>Toddbury Farm, Slapton Road, Little Billington, Leighton Buzzard, LU7 9BP</b>
<b>PROPOSAL</b>	<b>Change of use of land to a mixed use of mobile home/vehicle repairs and sales (previously consented under CB/12/4383/Full) and a residential caravan site for one Gypsy/Traveller family. The site to contain one static caravan, one touring caravan on the existing hard standing.</b>
<b>PARISH</b>	<b>Billington</b>
<b>WARD</b>	<b>Eaton Bray</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Mrs Mustoe</b>
<b>CASE OFFICER</b>	<b>Vicki Davies</b>
<b>DATE REGISTERED</b>	<b>17 December 2013</b>
<b>EXPIRY DATE</b>	<b>11 February 2014</b>
<b>APPLICANT</b>	<b>Mr Nolan</b>
<b>AGENT</b>	<b>BFSGC</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Call-in by Cllr Mrs Mustoe for the following reasons:</b> <ul style="list-style-type: none"><li><b>- industrial site to be used for residential purposes</b></li><li><b>- the reason given that the extra pitch to be used for security purposes does not hold up as it is part of Toddbury Farm</b></li><li><b>- this site is not on the official sites to be extended in the Central Bedfordshire Gypsy and Traveller Local Plan</b></li><li><b>- to allow more pitches in the villages of Billington, Central Bedfordshire Council will have reneged on their promises</b></li></ul>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Approval</b>

### **Reasons for Recommendation**

The principle of the business use of the site has previously been established and there is an extant consent which could be implemented. With regard to the residential use of the site, 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 openness and visual amenity are minimal due to the scale and nature of the development and the fall-back position of the business use. It is considered that the personal circumstances of the proposed occupier, along with the security benefits of the occupation, the continuing requirement for pitches to address the backlog and ongoing need met, in part, by windfall sites are such to, on balance, outweigh the limited harm to the Green Belt. Overall it is considered that there are very special circumstances which outweigh the limited 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 8, 33, 36, 43, 50 & 52 of the emerging Development Strategy for Central Bedfordshire, policies GT5, GT7 and GT8 of the Gypsy and Traveller Local Plan and national policy within the National Planning Policy Framework and Planning Policy for Traveller Sites.

### **Site Location:**

The site is located on the eastern side of Slapton Lane approximately 1km south of Little Billington. The site is within the Green Belt and open countryside. The site is located to the west of existing Gypsy sites known as Greenacres and Toddbury Farm. Toddbury Farm is located closest to Slapton Lane.

### **The Application:**

Planning permission is sought for the change of use of the land to a mixed use of mobile home/vehicle repairs and sales (previously consented under CB/12/04383/FULL) and a residential caravan site for one Gypsy/Traveller family. The residential pitch would contain one static caravan, one touring caravan on existing hard standing.

In determining the previous planning application for the business use of the site, it was judged that the land constituted an extension to the existing Toddbury Farm site. It must therefore follow that this application is also considered as an extension to the existing site.

The plans show that the touring caravan would be located in the north eastern corner of the site with the static located centrally close to the north eastern boundary of the site.

## **RELEVANT POLICIES**

### **National Planning Policy**

National Planning Policy Framework  
Section 3 - Supporting a prosperous rural economy  
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),  
T10 (Car Parking),  
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 with the exception of policy T10 to which less weight should be attached.*

### **Development Strategy for Central Bedfordshire: Pre Submission Version January 2013**

Policies:

- 1 - Presumption in Favour of Sustainable Development
- 3 - Green Belt
- 8 - Changes of use
- 33 - Gypsy and Traveller and Travelling Showpeople Provision
- 36 - Development in the Green Belt
- 43 - High Quality Development
- 50 - Development in the Countryside
- 52 - Re-use of buildings in the Countryside

*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 2014.*

### **Gypsy and Traveller Plan - Pre Submission May 2013**

- GT5 - Assessing planning applications for Gypsy and Traveller sites
- GT7 - Assessing planning applications for the expansion of existing Gypsy and Traveller and travelling showpeoples sites
- GT8 - Provision of Space/Facilities for Business Use on Permanent Gypsy and Traveller Sites

### **Supplementary Planning Guidance**

Central Bedfordshire Design Guide 2010  
Local Transport Plan Parking Standards Appendix F.

### **Relevant Planning History**

- |                  |  |
|------------------|--|
| SB/TP/91/0856    | Use of land as a Gypsy caravan site for one family. Refused 12/10/91. Appeal upheld for five year temporary consent granted 27/01/97 for a maximum of 5 caravans.                              |
| SB/TP/98/0088    | Continued use as a Gypsy caravan site. Refused 24/06/98. Appeal upheld 1/07/99 and consent granted with 4 conditions relating to a maximum of 8 caravans but with no named occupier condition. |
| SB/TP/00/00627   | Change of use of redundant barns to B1 use. (Allowed at Appeal, March 2001).   |
| CB/10/01951/FULL | Extension of existing residential Gypsy caravan site to provide 8 additional pitches, increase the number of caravans  |

from 8 to 30, laying of hardstanding and provision of new access road. Approved 17/1/12.

CB/12/1577/VOC Variation of condition 3 of planning permission CB/10/01951/FULL - Addition of 1 named resident Bridget Maloney. Approved 25/7/12.

CB/12/01528/FULL New access. Approved 7/8/12.

CB/12/04383/FULL Change of use of barns to mobile home/vehicle repairs and sales. Approved 28/3/13.

**Representations:  
(Parish & Neighbours)**

Billington Parish Council Billington Parish Council wishes to register its strong objection to this new Application.

When the application was made for this land to be changed into an industrial site, we expressed our concerns that this would soon become another residential site. Our objections to the change were over-ruled; but it is now clear that our suspicions were correct.

This new site cannot be defended as an extension of an existing site, nor on the grounds of an increase in size of existing families. Furthermore, it cannot be defended on the grounds of security, as it is adjacent to Toddbury Farm.

This site is not one of the proposed 'official sites' in the CBC Proposed Plan.

Although CBC have used the Government's requirement to provide official sites for an agreed number of travellers as an excuse to go back on their commitment to Billington not to increase the number of travellers in the parish, to allow a new site would be seen as a further betrayal of the trust we have sought to build up with CBC over the years.

We strongly endorse the additional objections which have been submitted by Slapton Parish Council.

Slapton Parish Council Firstly, we do not feel that this is an extension of Toddbury Farm but in effect an application for a brand new site.

In addition, the application contains numerous discrepancies. It is very difficult to determine from the plan drawings what is actually proposed -- BP01 (referenced in the application) and BP02 both appear to be (contradictory) proposals, but no mention of "alternatives" was to be found. There are numerous, unlabelled blocks in the plans, whose use may have some key relevance.

We also observe that, overall, not all the existing residences are represented on the plan.

We should like to know whether the gate to the road is an error, or whether the plan is now to introduce yet another entrance (contrary to statements in the application), or to move the recently-created existing one. With regard to the latter, has that actually been granted planning permission?.

We assume that the change of use for "caravan repairs, etc" has been approved and that business use of the site is now accepted. We think that further residential expansion in close proximity of this is neither allowable nor desirable, as this will encourage further noise (another alleged generator for their electricity, perhaps) and an increase in unsuitable vehicle movements, which will affect both Slapton and Billington. We also query whether the answers relating to sanitation proposals would bear close scrutiny.

The applicants appear to want to "tarmac" (crushed stone is probably no more porous, when it comes to dealing with surface water), over a field without doing anything to deal with the surface water. The space created by this would appear to be capable of supporting many more vehicles and caravans than are shown. We suspect that having caravans allegedly associated with the business is a crude means of obfuscating the true number of occupied caravans on the site. We should be grateful for your comments on this observation.

We should like evidence of the veracity of the responses to the other ticked boxes. The statements about disposal of waste, for example, do not appear to be entirely plausible.

Finally, we object to the timing of this application. The notification letter is dated 19 December 2013 and a very short deadline is given for comment, 9 January 2014. This is unrealistic over the Christmas period and, we suspect, intentional rather than coincidental.

In short we object to this application and look forward to receiving the further information requested above.

Eaton Bray Parish  
Council

No comment.

Neighbours

No responses received.

### **Consultations/Publicity responses**

Highways Officer

Considering the use the application site has as a whole I am not overly concerned with the proposal. However, once the living accommodation has been allocated the appropriate space for amenity and the appropriate

parking spaces I question the feasibility of the remaining area to be able to function as a repair yard. This may lead to parking on the public highway and in particular the verges and I question how this may adversely affect the Highway.

Environment Agency

Consider that planning permission could be granted for the proposed development as submitted if a planning condition requiring details of foul and surface water disposal to be submitted and approved prior to the commencement of the development and the scheme implemented as approved.

The Environment Agency state that they were satisfied with drawing SD-02 that was submitted as part of the discharge of condition for foul and surface water drainage for permission CB/12/04383/FULL, however they still require the results of a percolation test in area of the package treatment plant's soakaway. They will also require an updated plan showing how the caravans would be connected to the system before being in a position to recommend the discharge of the condition.

*Officer note: The results of a percolation test have been submitted and are currently with the Environment Agency for comment.*

Environmental Health Officer

The Environment Agency should be consulted with regard to the suitability of the proposed drainage system. Comments regarding the need to know how the caravans would be connected to the drainage system and whether this would be gravity fed or pumped.

The proposed workshops must be a non-combustible structure as they run very close to the main access road of the residential site and could potentially block access to the site in the event of a fire.

*Officer note: Planning permission has previously been granted for the re-use of the workshops. The buildings are of a brick built construction and would not be rebuilt.*

Tree & Landscape Officer

A planting scheme detailing a 2m wide perimeter strip was agreed as part of the previous planning permission and will need to be secured by condition in relation to this development.

The officer provides details of the type, mixture and planting approach.

## Considerations

1. **Policy Background including Gypsy and Traveller Pitch Provision**
2. **Principle of Development**
3. **Harm to Openness & Visual Impact**
4. **Very Special Circumstances**
5. **Assessment against emerging policy GT7**
6. **Assessment against emerging policy GT5**
7. **Parish Council Comments**
8. **Temporary Consent**
9. **Conclusion**

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 was subject to public consultation following approval at full Council on 18th April 2013. The Plan has not been submitted to the Secretary of State yet as amendments are being made to the document.

In preparation of the Gypsy and Traveller Local Plan the Council had a new Gypsy, Traveller and Showperson Accommodation Assessment undertaken, dated January 2014. This Assessment highlights that there are a small number of unauthorised pitches, temporary consents, concealed households 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 in 2014, these count as supply along with any unimplemented planning permissions. The resultant need between 2014 and 2019 is calculated as 35 Gypsy and Traveller pitches for the backlog of need. 19 pitches need to be added to this figure as a result of family formation calculated at 2%. The total need is therefore 54 Gypsy and Traveller pitches for the period 2014-2019.

The need for Gypsy and Traveller pitches to 2031 is set out in the GTAA update as:

Number of pitches in Central Bedfordshire in 2014 - 247

Pitch need from 2014 to 2019 (to meet backlog) - 35

Growth between 2014-2019 (2%) - 19

Growth between 2020-2024 (2%) - 30

Growth between 2025-2029 (2%) - 33

Growth between 2030-2031 (2%) - 14

Total need to 2031 - 131 pitches

The Sustainable Communities Overview and Scrutiny Committee resolved to recommend to Executive on 14th January 2014 that the GTAA is endorsed and that the specific sites identified are taken forward to deliver 66 Gypsy and Traveller pitches.

#### 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.

This document will however be amended to reflect the different pitch numbers as set out in the GTAA January 2014. 66 pitches will be allocated which would meet the need for in excess of 5 years.

The Council has allocated sufficient sites to provide the required number of pitches to deliver a 5 year land supply. However it should be recognised that pitches for the 5 year supply should be deliverable, which some of the allocated sites are not currently. Delivery of sites is a continuous rolling requirement and therefore until the pitches identified on the allocated sites are granted planning permission and delivered the ongoing need for pitches continues to exist. Planning applications such as this therefore could provide useful windfall pitches.

#### Applications for allocated sites

Planning permission has been granted for an extension to an existing private site at Site 92, Land East of Watling Street and South of Dunstable for 8 pitches and work has commenced on site preparation. This site was identified and allocated in the Gypsy and Traveller Local Plan and will provide a total of 9 pitches. Consent has also been granted for permanent permission on an



existing temporary site at Site 116, 1 Old Acres, Barton Road, Pulloxhill, which is also identified and allocated in the Plan. This site has provided a further 8 pitches. In addition there is an application for the variation of conditions on the existing consent for the Greenvale site which is adjacent to Site 92, which, if granted, would allow for the infilling of the site to deliver a further 1 pitch allocated in the Plan and 1 windfall pitch.

At the time of writing planning permission has been granted for 16 pitches on allocated sites, with an application for a further allocated pitch awaiting determination.

#### Applications for windfall sites

The Council has at this point in time a small number of undetermined planning applications in addition to this one which could also contribute to the provision of windfall pitches.

CB/13/04393/FULL – The Evergreens, Dunstable Road, Tilsworth – 1 additional pitch.

CB/13/03661/FULL – Twin Acres, Hitchin Road, Arlesey - Change of use of the site to allow for the siting of 14 mobile homes & one amenity building with associated car parking & access.

CB/13/04390/FULL – Land to the east of The Rye, Great Billington - Change of use of land to mixed use for keeping of horses (existing) and as a residential caravan site for two Gypsy families, each with two caravans, including construction of access road, laying of hardstanding and erection of two amenity buildings. 2 new pitches.

CB/13/03219/FULL - Valley View, Hemel Hempstead Road, Dagnall - Permission is sought for one additional Static Caravan and two additional touring caravans for one Romani Gypsy family, with parking for two motor vehicles and associated hardstanding for use of the immediate family.

CB/14/00078/FULL – Preachers Place, Chapel End Road, Houghton Conquest – Siting of 2 additional mobile homes. 2 additional pitches.

## **2. Principle of Development**

### Business Use

Planning permission was first granted for the business use of the barns in 2001 at Appeal, but not implemented. Subsequently, planning permission was granted in 2013 for the re-use of the existing barns on the site and the associated land as a caravan repair and sales business. There is therefore a consented business use on the site which although has not yet been commenced is capable of being implemented (subject to approval of details reserved by condition). Therefore the detailed issues in relation to this part of the proposal have not been reconsidered.

National advice contained in the National Planning Policy Framework (NPPF) at Paragraph 89 states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include the partial re-development of previously developed sites whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Paragraph 90 states that other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:

- mineral extraction
- engineering operations
- local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- the re-use of buildings provided that the buildings are of permanent and substantial construction; and
- development brought forward under a Community Right to Build Order.

The proposed change of use of the barns is therefore not considered to be in conflict with the general thrust of national Green Belt policy, although the use of the site as a whole will need to be assessed against the need to preserve the openness of the Green Belt.

### Residential Use

The site is within the Green Belt and the proposal conflicts with the policy set out in section 9 of the National Planning Policy Framework (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 is therefore by definition harmful to the Green Belt by reason of inappropriateness. Very Special Circumstances will therefore need to be demonstrated to overcome the harm to the Green Belt by inappropriateness.

### **3. Harm to Openness & Visual Impact**

Consideration also needs to be given to any other harm which would arise as a result of the developments both the business and residential use. A B1 business use on the site was allowed on appeal in 2001. In determining the appeal the Inspector concluded that the imposition of conditions regarding landscaping and surfacing would mitigate the potential harm to the openness of the Green Belt and that there was no requirement to demonstrate very special circumstances to overcome this harm. Although this application would add a

residential element to the site it would be subject to similar control over landscaping and protection of openness. It is therefore not considered that the proposed development would cause any harm by reason of loss of openness.

Harm could also arise by reason of visual harm. It is considered that there is sufficient landscaping around the site to mitigate any harm by reason of visual intrusion in addition a landscaping scheme will be secured by condition to reinforce the existing screening. The visual impact of standing vehicles on the site was dealt with in the 2000 Appeal Decision when the Inspector concluded that any business use, even stabling would attract vehicles to the site which is inevitable with any use. In the same Appeal Decision, it was recognised that the use of landscaping conditions would be adequate to mitigate the impact of the operation upon the visual amenity of the Green Belt.

The current proposal would result in the permanent siting of a static caravan and a touring caravan which would be almost indistinguishable from the temporary siting of such a caravan for the purposes of sale or repair. It therefore remains the case that it is considered that the character and appearance of the Green Belt and open countryside would, subject to the imposition of suitable conditions, be preserved in the future. It is therefore not considered that the proposal would result in harm by reason of visual impact.

#### **4. Very Special Circumstances**

As discussed above very special circumstances need to be demonstrated to clearly outweigh the harm to the Green Belt by reason of inappropriateness in relation to the residential use on the site.

Planning permission was granted in 2013 for the re-use of the existing barns on the site and the associated land as a caravan repair and sales business. There is therefore a consented business use on the site which although it has not yet been commenced is capable of being implemented (subject to approval of details reserved by condition).

The impact of the proposed residential Gypsy and Traveller pitch therefore needs to be considered in the context of the extant permission for the business use of the site.

The GTAA, as set out in section 1, identifies that the Council has a backlog of need which has not been met. This proposal could deliver 1 pitch against the backlog figure. The Ministerial Statement of 1st July 2013 clearly sets out however that the single issue of need should not be considered a very special circumstance sufficient to outweigh the harm to the Green Belt.

The proposed occupier of the new residential pitch, Mr Nolan, would be the brother-in-law of the site owner. He is in poor health and currently does not have a place to live. He is homeless and doubles-up on pitches, moving around a lot. Mr Nolan would act as the caretaker for the business as well as helping with other aspects of the work. His presence would act as security for the site especially when other members of the family are away travelling. The proposed occupier would also help care for his parents who live on the site.

A health report has been prepared and demonstrates that Mr Nolan would benefit from having a stable, permanent base to live to enable a consistent health care plan to be maintained.

It is considered that the personal circumstances of the proposed occupier of the site along with the security benefits of the occupation; the fall-back position of the business use of the site; the minimal impact in terms of openness and visual amenity and the overall general need for pitches, together on balance, clearly outweigh the harm to the Green Belt by reason of inappropriateness.

## **5. Assessment against emerging policy GT7**

The emerging Gypsy and Traveller Local Plan approved by Full Council on 18th April 2013 for public consultation prior to submission to the Secretary of State 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.

It is considered that the proposal to site a pitch on the land for business use is in line with the principal of sub-division of existing sites. The built development of the additional pitch would be within the red line of the permission for the business site and would therefore be considered as the infilling of an existing site.

The need for the accommodation proposed is set out in section 2 above regarding the personal circumstances of the occupiers. The additional pitch would accommodate one static caravan and one touring caravan. The Government's 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.

Policy GT7 requires expansion of sites to be achieved through subdivision or infilling of existing pitches where possible. This proposal complies with the policy as it would not lead to any extension of the site into the open countryside beyond the existing authorised site, only an intensification of an area previously consented for business use.

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 below in section 5.

## **6. Assessment against policy GT5**

The emerging Gypsy and Traveller Local Plan was approved by Full Council on

18th April 2013 and was subject to public consultation. The 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 GTAA highlights a backlog of 35 pitches, which is a need which needs to be met. This application would provide 1 pitch towards meeting the 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 permanent occupation of two caravans on the business use site. 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 or Slapton. The visual impact of the site has been considered above and would not be such as to cause a dominating impact.

- Satisfactory and safe vehicular access.

The Highways Development Control Officer has no objection to the proposal but does question whether the proposed development would result in the business site being too restricted to be workable and would therefore result in parking on the highway and in particular on the verge. The plans for the planning application for the business use showed how two static caravans could be accommodated within the site for the purposes of repair. This proposal would effectively result in the use of one of the static caravans shown on the plan being lived in with the siting of a touring caravan elsewhere on the site.

It is not considered that the residential pitch would adversely impact on the use of the land for the business use to such an extent that parking on the highway would take place. If there were circumstances in which parking on the site was limited or restricted the access to the site is wide enough to allow for parking and other vehicles to pass.

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

Whilst there is no defined size for a Gypsy and Traveller pitch the submitted plans show that the pitch would be of sufficient size to accommodate up to two caravans and the associated parking and turning space would be within the wider business use site.

- Landscaping

The application shows the provision of a 2m wide planting strip. It is considered

that the impact of the proposal on the character and appearance of the area would be minimised by this approach.

- Sensitive boundary treatment

The perimeters of the wider site are bounded in parts by existing hedgerows which would be reinforced by a proposed 2m wide planting strip in addition 1.8m high wooden close boarded fencing has been used to define the boundaries of the business site as a whole. The plans do not suggest that the residential pitch would be subject to separate boundary treatment.

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

The closest occupiers to the application site would be the occupants of the existing Gypsy and Traveller site and those on the neighbouring Gypsy and Traveller sites of The Stables and Greenacres on Gypsy Lane. It is not considered that the amenities of these residents would be harmed due to the distance between the caravans and the existing and proposed landscaping and boundary treatment. There are a small number of dwellings in the vicinity however the distance between the houses and the site and boundary treatment and planting would protect their amenity.

Consideration should also be given to the impact the business use would have on the proposed occupiers of the new residential pitch. The business use is currently restricted by condition to operational hours of 8am to 6pm Monday to Friday and 8am to 2pm on Saturdays, Sundays and Bank Holidays which would protect the amenities of residents. This condition would be added to any permission granted.

- Pollution from light and noise sources should be minimised

No details of external lighting on the site are provided, however it is considered that this can be controlled by condition. The proposal could result in some level of noise from the business activities however it is considered that the restriction on the operational hours would adequately control the impact of noise. 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.

The majority of children on the existing site attend local schools. The most varied selection of shops would be found in Leighton Buzzard which is considered to be within a reasonable travelling distance either by private car or public transport. Other community and health facilities would also be accessed within Leighton Buzzard or other smaller nearby villages.

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

The original business use permission was subject to a condition requiring the submission of details of foul and surface water disposal. Details have been submitted to meet the requirements of the condition which shows the site being drained to the existing septic tank on the main residential part of the site. In

addition the Environment Agency have stated that they have no objection to the application but request a condition similar to that on the current business use consent.

## **7. Parish Council Comments**

### Billington Parish Council

The Parish Council comment that when the planning application for business use of the site was made they expressed concerns that it would soon become another residential site and their objections to the site were over-ruled. The Council can only consider planning applications which are before it and cannot refuse applications on the basis that there may be another planning application for the site in the future. The future potential for seeking consent for the use of the site for a Gypsy and Traveller pitch cannot be a reason to refuse a planning application.

They also state that the site cannot be defended as an extension of the existing site, nor on the grounds of an increase in size of existing families. The application site was considered as an extension to the existing site when the use of the land for a business use was considered and this approach will be taken with this application. The site is immediately adjacent to the main residential part of the Toddbury Farm site and is accessed using the same entrance. The Parish Council does not expand on why the application cannot be supported by information that there has been an increase in the size of existing families.

It is also stated that the application cannot be defended on the grounds of security as it is adjacent to Toddbury Farm. There are no views between the main residential part of the Toddbury Farm site and the application site and vice versa due to the wooden close boarded fence. The provision of a residential pitch on the site would provide a level of security.

The Parish Council comment that the site is not one of the proposed "official sites" in the CBC proposed plan. The emerging Gypsy and Traveller Local Plan only identifies land for the provision of new or significantly extended Gypsy and Traveller sites. The site not being included in the Plan does not prevent the consideration of planning applications.

The Parish Council consider that there was a commitment to Billington not to increase the number of travellers in the Parish. Planning applications have to be considered on their own merits and if the proposal is in compliance with national and local policy planning permission should be granted.

### Slapton Parish Council

The Parish Council do not feel that the application is for an extension to Toddbury Farm but a new site. This point has been dealt with above.

The application contains discrepancies on the plans, including not showing all of the existing residencies. It is acknowledged that the original plans were contradictory but this issue has been resolved and the plans corrected. The

location plan shows the extent of Toddbury Farm although the level of detail only shows the outline of the pitches.

The Parish Council question whether the gate onto the road is an error. The red line which denotes the application site does not include the parcel of land between the application site and the road. The gate onto the road is outside of the application site and outside of the control of the applicant. The Parish Council also question if the recently created access has planning permission. Retrospective permission was granted for the access in August 2012.

Comments are made regarding the business use of the site being accepted and that further residential expansion in close proximity of this is neither allowable or desirable, as this will encourage further noise and increase in unsuitable vehicle movements affecting Billington and Slapton. Permission has been granted for the use of the site for the business use. Residential use of part of the site would only be by a family connected with the business use and would be similar to many other examples of live/work premises. The addition of a single pitch would not result in an increase of vehicle movements to such an extent to which they could be considered unacceptable and could result in less movements as there would be a reduction in available spaces for business use. In addition the Highways Development Control Officer has no objection to the proposal.

The Parish Council raise questions about foul and surface water drainage, both of which would be dealt with by condition as per the Environment Agency's request.

The Parish Council suspect that having caravans allegedly associated with the business is a crude means of obfuscating the true number of occupied caravans on the site. If planning permission is granted then it would only be for the static and touring caravans as shown on the drawings. The residential occupation of other caravans on the site would be unauthorised.

Evidence is requested in relation to other questions on the application form, with disposal of waste cited as an example. The application form states that there is an existing bin store on the site which would be used. There is an existing bin store located off the main access to the Toddbury Farm site.

The Parish Council also object to the timing of the application with a very short time given for comments to be made. If the Parish Council needed more time to make comments the case officer would have been willing to accommodate such a request. The Council has a duty to process planning applications when it receives them and there was no intention by the Council to cause difficulty for the Parish Council.

## **8. Other Issues**

Regard has been had to the Human Rights implications of the application. Details of the personal circumstances of the intended occupier are 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.

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 came into effect on 23 March 2013. The Sustainable Communities Overview and Scrutiny Committee on 14th January 2014 resolved to recommend that the GTAA dated January 2014 be endorsed. The Committee also identified specific sites in order to meet the level of identified need for the first 5 year period.

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 impact of the proposed development could be judged over a period of time.

## 9. Conclusion

The principle of the business use of the site has previously been established and there is an extant consent which could be implemented. With regard to the residential use of the site, 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 openness and visual amenity are minimal due to the scale and nature of the development and the fall-back position of the business use. It is considered that the personal circumstances of the proposed occupier, along with the security benefits of the occupation, the continuing requirement for pitches to address the backlog and ongoing need met, in part, by windfall sites are such to, on balance, outweigh the limited harm to the Green Belt. In addition the proposal is in accordance with policies GT5, GT7 and GT8 of the pre-submission Gypsy and Traveller Local Plan.

## Recommendation

That Planning Permission be **GRANTED** subject to the following:

## RECOMMENDED CONDITIONS

- 1 The development shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The business use of the premises hereby permitted shall only be operated by those persons named on the permission hereby granted or on a relevant

planning permission as being permitted to reside on the adjoining Toddbury Farm, Traveller Site.

Reason: The Local Planning Authority considers that the personal circumstances of the applicant and adjoining Traveller site override the planning objections which would normally compel the authority to refuse permission for the development hereby permitted.

(Policy GT8 of the emerging Gypsy and Traveller Local Plan, 2013)

- 3 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.

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

Mr Patrick Nolan

Reason: In recognition of the location of the site in the Green Belt and the "very special circumstances" case accepted in accordance with the National Planning Policy Framework and Policy 36 D.S.C.B.

- 5 In the event that the residential caravans shall cease to be occupied by those named in Condition 4 above the residential use hereby permitted shall cease and all residential 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.

- 6 **The uses hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water has been submitted to, and approved in writing by, the Local Planning Authority and the scheme has been implemented accordingly.**

**Reasons: To protect and prevent the pollution of controlled waters (particularly the Secondary aquifer and River Ouzel to the south of the site) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF; paragraphs 109, 120, 121), EU Water Framework Directive, Anglian River Basin Management Plan (RBMP) and Environment Agency Groundwater Protection (GP3:2012) position statements A4 to A6, D1 to D4 and N7.**

- 7 No mobile home or vehicle repairs shall be permitted to be undertaken outside the hours of 08:00 to 18:00 on Mondays to Fridays and outside the hours of 08:00 to 14:00 on Saturdays, Sundays, Bank and Public Holidays.

Reason: To protect the amenities of the area.  
(Policy BE8 S.B.L.P.R and policy 43 D.S.C.B).

- 8 The business premises shall only be used for vehicle, mobile home and caravan repairs with ancillary sales and no other purpose (including any other purpose falling within Class B2 or A1 of the Schedule to the Town and Country Planning (Use Classes) Order 2006), or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To control the development in the interests of amenity.  
(Policy BE8 S.B.L.P.R and policy 43 D.S.C.B).

- 9 No vehicles, goods, waste or other materials shall be stored, stacked or deposited outside the buildings to a height exceeding 2 metres, excepting where the height of a single vehicle or mobile home is higher.

Reason: To safeguard the amenities of the area and Green Belt.  
(Policy BE8, SBLPR and policies 36 and 43 D.S.C.B).

- 10 The uses hereby permitted shall not commence until the parking arrangements for cars, commercial vehicles and mobile homes within the confines of the site shown on drawing no.1446-PL-010 Rev A of planning permission CB/12/04383/FULL, have been constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority and the parking shall thereafter be retained for such use.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway.  
(Policies BE8 & T10 S.B.L.P.R and 27 & 43 D.S.C.B).

- 11 Before the premises are occupied, details of surfacing for all on-site vehicular areas shall be submitted to and agreed in writing by the Local Planning Authority to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

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

- 12 **Before development begins, a landscaping scheme to include any hard surfaces and earth mounding shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.**

**Reason: To ensure a satisfactory standard of landscaping in this rural,**

**Green Belt location.  
(Policy BE8, S.B.L.P.R and Policies 36 & 43 D.S.C.B).**

- 13 No more than 2 caravans, of which no more than 1 of which shall be mobile homes, shall be located on the pitch 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 and policy 36 DSCB.

- 14 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan, number CBC/001 & BP-02.

Reason: For the avoidance of doubt.

**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. Please note that the unnumbered drawings submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council's website [www.centralbedfordshire.gov.uk](http://www.centralbedfordshire.gov.uk).

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

Planning permission has been recommended for approval 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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