

Item No. 11

APPLICATION NUMBER	CB/14/04317/FULL
LOCATION	Riveroaks (formerly Silver Lake Farm), Stanford Lane, Clifton, Shefford, SG17 5EU
PROPOSAL	Change of use and provision of 5 No. pitch travellers site
PARISH	Southill
WARD	Northill
WARD COUNCILLORS	Cllr Mrs Turner
CASE OFFICER	Vicki Davies
DATE REGISTERED	04 November 2014
EXPIRY DATE	30 December 2014
APPLICANT	Mr & Mrs Porter
AGENT	Christopher James Associates
REASON FOR COMMITTEE TO DETERMINE	Called-in by Cllr Mrs Turner for the following reasons: <ul style="list-style-type: none">• part of the site is within the floodplain - impact on site and potential residents• history of refusals and enforcement on site
RECOMMENDED DECISION	Full Application - Approve

Reasons for Recommendation

The application site is in the open countryside where Planning Policy for Traveller Sites sets out that new traveller sites should be strictly limited, in addition the proposal would have an adverse visual impact however on balance it is considered that the general need for Gypsy and Traveller sites; the provision the site would make towards reducing the backlog of pitches; that there would be no significant adverse impact on residential amenity or the historic environment; that the site is in Flood Zone 1, where there is the lowest risk of flooding; the personal need for a site; health needs of the occupants and the rights of the child and need to access education weigh in favour of the application. In addition the highway safety issues identified in relation to previous applications have been overcome. Overall it is considered that subject to conditions the proposal would be acceptable and is therefore in accordance with policy HO12 of the Mid Bedfordshire Local Plan, policies DM3, DM13 & DM14 and policies 43, 45 & 59 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:

Riveroaks (formally known as Silver Lake Farm) is located on the west side of Stanford Lane, between the villages of Clifton and Stanford. The site is disused agricultural land that is now grassland. The site also includes a shed building in the north-east corner, used for storage and as a dog kennel, and a single storey brick building that has been adapted for residential use and was subject to a Lawful Development Certificate in 2008. The Certificate was refused on appeal. An additional timber building is located along the northern boundary of the site.

The site lies outside of any settlement envelope therefore it is within the open countryside. The River Ivel runs along the western and southern boundary. The application site falls within the Parish of Southill, but adjoins the Parish boundary of Clifton.

The Application:

The application seeks planning permission for the change of use of land for use as a 5 pitch traveller site. The site is proposed to be accessed from an existing access off Stanford Lane. The access road would then curve into the site to serve the 5 proposed pitches.

The pitches would be located on the northern part of the site in a line enclosed by 1.2 high timber fencing. Four of the pitches would measure 12m wide by 27m deep and would comprise an enclosed area of 12m wide by 17m deep for a static caravan and garden; to the front of each of the pitches would be a further enclosed area which would measure 12m by 10m and would accommodate parking for two vehicles and space for a touring caravan. The fifth pitch would not be enclosed and would comprise a static caravan located approximately 15m from the other pitches. The open pitch would utilise the existing buildings on the site as a dayroom and for storage.

The site would occupy the northern most part of the application site and in addition to the pitches would accommodate a children's play area, parking, turning areas and bin storage and collection point.

RELEVANT POLICIES:

National Planning Policy

National Planning Policy Framework

Planning Policy for Traveller Sites

Mid Bedfordshire Local Plan Review December (2005)

HO12 - Gypsies

Core Strategy and Development Management Policies - North (2009)

CS5 (Providing Homes)

CS14 (High Quality Development)

CS15 (Heritage)

CS16 (Landscape and Woodland)

DM3 (High Quality Development)

DM4 (Development within and beyond Settlement Envelopes)

DM13 (Heritage in Development)

DM14 (Landscape and Woodland)

Development Strategy for Central Bedfordshire: Pre Submission Version January 2013

Policies:

- 1 - Presumption in Favour of Sustainable Development
- 8 - Changes of use
- 33 - Gypsy and Traveller and Travelling Showpeople Provision
- 43 - High Quality Development
- 45 - The Historic Environment
- 50 - Development in the Countryside
- 52 - Re-use of buildings in the Countryside
- 59 - Woodlands, Trees and Hedgerows

Having regard to the National Planning Policy Framework, 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 was submitted to the Secretary of State on 24th October 2014.

Draft Gypsy and Traveller Plan

In June this year, Central Bedfordshire Council submitted the Gypsy and Traveller Plan to the Planning Inspectorate for Examination after a long process of preparation and consultation.

In August 2014, the issues and matters that the Inspector wished to discuss were received. In doing so, he raised significant issues on a substantial number of matters and asked the Council to undertake a considerable amount of additional work prior to the commencement of the Examination hearings.

Following considerations of these matters Officers concluded that it was unrealistic for the Council to respond within the proposed timescale and recommended to Members (via Executive on 19th August and subsequently at Council on 11th September) that the plan was withdrawn. This document therefore carries little weight in the determination of this application. However for the purpose of assessing a planning application for the suitability of a proposed site, the policies contained within the document are considered to be useful guidelines as to whether a proposal is considered to be acceptable for its intended purpose.

Those policies thought to be relevant are:

GT5 (Assessing planning applications for Gypsy and Traveller sites)

Supplementary Planning Guidance

Design in Central Bedfordshire: A Guide for Development 2014

Planning History

Case Reference	CB/10/01679/FULL
Location	Land At Silver Lake Farm, Stanford Lane, Clifton
Proposal	Full: Material Change of Use of land and buildings to form a 20 pitch camping and caravan park with private roadway, fishing and picnic area, use of existing buildings for washroom and showers block, reception office and ground maintenance.
Decision	Full Application - Refused

Decision Date	02/08/2010
Case Reference	MB/08/02025/CED
Location	Land At Silver Lake Farm, Stanford Lane, Clifton
Proposal	Lawful Development Certificate: Existing Use of Land and Building as a Single Dwelling
Decision	Lawful Dev - Existing - Refused
Decision Date	17/12/2008
Appeal Decision Date	21/07/2009
Appeal Decision	Planning Appeal Dismissed
Case Reference	MB/08/00856/LDC
Location	Land At Silver Lake Farm, Stanford Lane, Clifton
Proposal	Lawful Development Certificate: For existing use of land and building as a single dwelling and garden. (Retrospective)
Decision	Lawful Dev - Existing - Refused
Decision Date	14/07/2008
Case Reference	MB/05/01651/FULL
Location	Land At Silver Lake Farm, Stanford Lane, Clifton
Proposal	Full: Change of use of land to form a 20 pitch camping and caravanning park with use of associated land as picnic areas; new access and internal roadway; erection of a single storey ancillary building; use of existing buildings for equipment storage and site maintenance; use of existing concrete hardstanding for the storage of refuse bins
Decision	Full Application - Refused
Decision Date	04/01/2006
Case Reference	MB/03/01141/FULL
Location	Riverside Lodge, Silverlake Farm, Stanford Lane, Clifton, SG17 5EU
Proposal	Full: Use of land for boarding kennels and cattery with ancillary buildings and mobile home and car park.
Decision	Full Application - Refused
Decision Date	05/08/2003
Appeal Decision Date	24/05/2004
Appeal Decision	Planning Appeal Dismissed
Case Reference	MB/03/00258/FULL
Location	Riverside Lodge, Silverlake Farm, Stanford Lane, Clifton, SG17 5EU
Proposal	Full: Use of land for boarding kennels and cattery with associated buildings, siting of 2 no. mobile homes and car park. Part Retrospective.
Decision	Full Application - Refused
Decision Date	22/05/2003
Case Reference	MB/00/00369/FULL
Location	Riverside Lodge, Silverlake Farm, Stanford Lane, Clifton, SG17 5EU
Proposal	FULL: VARIATION OF CONDITION 1 (TIME LIMIT) ATTACHED TO PLANNING PERMISSION REF: 48/98/993 DATED 6.10.98 FOR RETENTION OF AGRICULTURAL STORE SHED AND POLYTUNNEL FOR AGRICULTURAL USE. - RENEWAL OF

	PERMISSION.
Decision	Full Application - Granted
Decision Date	04/07/2000

Case Reference	MB/98/00993/FULL
Location	Riverside Lodge, Silverlake Farm, Stanford Lane, Clifton, SG17 5EU
Proposal	FULL: RETENTION OF AGRICULTURAL STORE SHED AND POLYTUNNEL FOR AGRICULTURAL USE (RETROSPECTIVE)
Decision	Full Application - Granted
Decision Date	06/10/1998

Case Reference	MB/95/01404/FULL
Location	Riverside Lodge, Silverlake Farm, Stanford Lane, Clifton, SG17 5EU
Proposal	FULL: AGRICULTURAL BARN FOR CATTLE AND GENERAL PURPOSE USE.
Decision	Full Application - Refused
Decision Date	20/12/1995

Case Reference	MB/92/01322/FULL
Location	Riverside Lodge, Silverlake Farm, Stanford Lane, Clifton, SG17 5EU
Proposal	FULL: ERECTION OF HENHOUSE AND GLASSHOUSE FOR PRODUCTION OF TOMATOES AND EGGS
Decision	Full Application - Granted
Decision Date	22/12/1992

Representations: (Parish & Neighbours)

- Southill Parish Council Object for the following reasons:
- The proposed development is outside the settlement envelope for Stanford and Clifton
 - It is incompatible with the surrounding countryside i.e. farmland, fishing lake, riverside
 - There is no infrastructure such as paths to Clifton and Stanford
 - It is on a bend on a busy road

Neighbours At 1 December 2014, 125 letters of objection have been received in response to the application. The reasons for the objections are set out below:

Principle of development

- the application site is open countryside
- the proposal is contrary to policy
- granting planning permission would create a precedent in a rural location for other similar development
- Clifton has already had a lot of development
- the land is agricultural and should not be built on
- allowing this development would result in the urban sprawl of Clifton into the countryside

- the development should be built on a brownfield site

Highways

- additional traffic
- there is no footpath alongside the site between the site and Clifton
- the shop in Clifton already suffers from the level of traffic passing through the village and on-street parking due to its car park being too small
- the bridge on Stanford Lane is too narrow
- there is no street lighting on Stanford Lane
- it is on an unsafe road for motorists and pedestrians
- the road is too narrow for caravans
- additional traffic would pass through Clifton to access the A507

Impact on character/appearance

- allowing the proposal would erode Clifton's charm
- the site is within a Conservation Area
- the site is within the Green Belt
- Stanford Lane is an attractive entrance to Clifton which would be spoiled
- the design and appearance of the development is out of keeping with the area
- the application site is within an important gap between Stanford and Clifton and should be maintained
- commercial activity/storage on the site would be detrimental to visual amenity

Infrastructure

- Clifton has insufficient infrastructure or facilities to support the proposed development
- the local schools are oversubscribed
- the GP surgery at Shefford is at capacity
- site is not served by utilities

Impact on natural environment

- development likely to lead to contamination of the river
- the site would be detrimental to the use of the river
- hedgerows would be damaged to provide the access and visibility splays
- there would be an ecological impact on the river and fishing lake
- resulting damage to wildlife
- litter

Planning history - there have been previous refusals of planning permission for similar developments and nothing has changed

Impacts on amenities/facilities

- noise resulting from development
- more disturbance following recent developments
- the site is a popular area where villagers walk and run and the development would mean that they are no longer able to
- detrimental impact on footpath
- impact on views from nearby dwellings
- no refuse collection serves the site
- adverse impact cricket pitch
- site is not easily/quickly accessed by emergency services
- impact on neighbouring fishing business

Flooding/Watercourse Issues

- the site is within the floodplain and is not suitable for development
- a lack of maintenance of the watercourse has previously led to flooding

Gypsy and Traveller policy

- Clifton has previously been determined as not suitable for a Gypsy and Traveller site - other more appropriate sites have been identified
- there is insufficient separation between the site and the village
- there are pitches available on other sites within the area there is no need for this development
- the site should be allocated through the Gypsy and Traveller Local Plan if it is considered acceptable
- the proposal is in conflict with policy HO12

Other Issues

- the site will inevitably expand
- fear of crime
- no consultation has taken place regarding the application

Consultations/Publicity responses

Highways Development Control Whilst the location of the site is not ideal from a sustainable transport perspective I can confirm that there is no technical highway reason to raise an objection on safety or capacity grounds.

The application proposes use of an existing access at a point onto Stanford Road where visibility appropriate to the speed of passing vehicles can be achieved and is therefore Manual for Streets 2 compliant and in line with Planning Inspectorate expectations. I note that the surfacing of the access is not of sufficient standard to

accommodate regular usage and will require reconstruction to current highway specification. I have covered this issue within my conditions and advice notes.

Within the site the plans indicate ample room to accommodate vehicle parking and manoeuvring areas.

In these circumstances, if you are minded to view the scheme as submitted favourable conditions and advice notes are recommended.

Archaeology

The proposed development site is not known to have produced any evidence of archaeological remains, however, it does have archaeological potential. Immediately to north east there is cropmark evidence for a pair of ring ditches (HER 1664), the remains of prehistoric, probably Bronze Age funerary monuments. These form part of a much wider prehistoric and Roman landscape that has been identified in the valley of the River Ivel and its tributaries. Further to the north and north east there are extensive remains of this landscape including funerary monuments and evidence for settlement and agricultural activity from the Neolithic to Roman periods (HERs 631, 1785 and 9095). Although some elements of this landscape have been identified from air photograph evidence the remains are actually more extensive than is shown from this evidence with a number of elements only being found as a result of intrusive archaeological investigation. These are all heritage assets with archaeological interest as defined by the *National Planning Policy Framework (NPPF)*.

The application includes a *Heritage Statement* (Albion Archaeology, 21st October 2014) incorporating a desk-based assessment. It considers the archaeological context and potential of the proposed development site and the impact of the development on archaeological remains. It provides sufficient information on the heritage assets with archaeological interest and conforms to the requirements of paragraph 128 of the *NPPF*.

The *Heritage Statement* suggests that the site has low to moderate potential to contain archaeological remains of the prehistoric and post-medieval periods and negligible to low potential for all other periods. This is a reasonable assessment of the potential of the application site, reflecting its location to known archaeological resources in the surrounding area.

The development will involve the construction of standing areas for five caravans, largely created by laying appropriate material in the existing ground surface and a

new site access which will have a consolidated gravel surface. These groundworks have the potential to impact on archaeological deposits. The *Assessment* describes the significance of this impact as being neutral to slight. This is an appropriate assessment of the potential impact of the development on heritage assets with archaeological interest.

The proposed development site has some potential to contain archaeological remains, particularly of the prehistoric and post-medieval periods. However, the nature of the proposed works are such that the impact of the works on archaeological remains is likely to be limited and will result in only a very limited loss of significance to heritage assets with archaeological interest. This does not represent a constraint on the proposed development and, consequently, I have no objection to this application on archaeological grounds.

Private Sector Housing In principle the PSH team have no objections to the site for 5 pitches;

However there are issue here with drainage and therefore possible surface water and foul will need to be considered. I would ask that Planning provide conditions for these to ensure that the site drains and foul waste does not encroach on surrounding land.

Access is also unusual for this site as the positioning of the homes will need to be made in such a way as to avoid them being too close together.

We defer to Highways regarding the above as necessary for the connection to the main road routes.

Public Protection Officer No comment

Rights of Way Officer I have no material objections to the application but have concerns regarding the visual effect on Southill Public Footpath No.15 which runs along the northern side of the boundary ditch (Ivel Navigation Channel disused) to the immediately north of the application site.

This footpath is very well used locally and the Ivel Navigation Channel is the boundary to the footpath and the application site. To stop any material from the site inadvertently entering the ditch and in doing so affecting the visual enjoyment of the right of way, I would require a panel fence along the northern boundary to the height of 1.8metres. This will help to reduce the possibility of site material from entering the channel and degrading the visual impact of this well managed ex-navigation channel.

The type of fencing to be determined before the application decision is taken. With multi-user traveller sites it is often impossible to determine individual responsibility for actions that relate to boundary litter and despoliation.

Tree and Landscape Officer

Had a look at the pre application for this site and from an Arboricultural view there is little reason to object. I would have some concerns regarding the watercourse to the south and any risk of pollution but that would not be a tree issue.

Protection of existing boundary hedges and trees and enhancement through additional planting. Details of this additional planting would be required.

Internal Drainage Board

The Board notes that surface water drainage is to be dealt with by a SuD system. The system outlined on drawing 108/01/14 indicates that all roads and hard surfacing areas will be constructed from shingle and crushed stone. Provided this method of construction is adhered to and no impervious area are created within the site, the Board will offer no objections to this development.

Environment Agency

Response received 28 November 2014

Object due to the absence of a Flood Risk Assessment.

The application site lies partly within Flood Zone 2 and 3 defined by the Environment Agency Flood Map as having a high probability of flooding. Paragraph 103, footnote 20 of the National Planning Policy Framework (NPPF) requires applicants for planning permission to submit an FRA when development is proposed in such locations.

An FRA is vital if the Local Planning Authority is to make informed planning decisions. In the absence of an FRA, the flood risk resulting from the proposed development are unknown. The absence of an FRA is therefore sufficient reason in itself for a refusal of planning permission.

At present it is not clear from the information submitted where the caravans are proposed to be located on the site. All caravans should be situated entirely within Flood Zone 1 and a clear (flood free) access and egress route identified. This should be made clear through the provision of an appropriate FRA statement, site layout plan and topographic survey (of the site).

Subsequently confirmed that:

Following the revision of the boundary of the application site the site is entirely outside of Flood Zone 2 & 3 and no FRA is therefore required. Recommend a condition to deal with foul drainage of the site.

Determining Issues

The main considerations of the application are;

1. Policy background including Gypsy and Traveller pitch provision
2. The visual impact of the development
3. The impact of the development on neighbours
4. Assessment of the development against Mid Beds Local Plan policy HO12
5. Assessment of the development against emerging policy GT5
6. Highways and sustainable transport issues
7. Other material planning considerations
8. Objectors Concerns
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 whilst 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 in February 2014. The Plan was later submitted to the Secretary of State in June 2014, however as noted earlier the Inspector raised a number of questions regarding the Plan.

The Plan therefore carries little weight in the determination of this application.

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 is considered to be up to date and 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 need for Gypsy and Traveller pitches to 2031 is set out in the GTAA update as:

Number of pitches in Central Bedfordshire in January 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

Full Council agreed on 30th January 2014 that the GTAA be 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 was accompanied by a trajectory which demonstrated that the Council had identified sites which together with windfall sites would deliver a 5 year land supply, however as the Gypsy and Traveller Local Plan has been questioned, at present the trajectory figures could be subject to change.

Nevertheless, the current version of the GTAA identifies that Council has allocated sufficient sites to provide the required number of pitches to deliver a 5 year land supply but pitches delivered through applications on existing sites or new unallocated sites would contribute to the number of windfall pitches provided. Applications such as this therefore potentially make a contribution to the delivery of the required number of Gypsy and Traveller pitches and help to maintain the required 5 year land supply trajectory providing they are acceptable in all other respects.

Objectors Concerns

Some objectors commented that as the site has not been identified within the Gypsy and Traveller Local Plan that the site is not suitable. The Plan identifies sites on land which was either promoted by the owner or on Council-owned land. The applicant did not promote their site and it therefore had no opportunity to be considered for inclusion in the Plan. A site not being identified in the Plan does not automatically mean it is unacceptable, only that relevant national and local policies are used to consider the application.

Comments have also been made that there are vacant pitches on other existing Gypsy and Traveller sites which the applicant could live on. This is not considered to be accurate and even if there were spare pitches it would not provide sufficient accommodation in line with the level of need identified in the Gypsy and Traveller Accommodation Needs Assessment (GTAA).

2. The visual impact of the development

The supporting text to Policy DM4 (Development Within and Beyond Settlement Envelopes) sets out at 11.1.5 that outside settlement envelopes, where the countryside needs to be protected from inappropriate development, only particular types of new development will be permitted in accordance with national guidance. The application site falls outside of any identified Settlement Envelope and is within the open countryside.

The supporting text to Policy CS16 (Landscape and Woodland) sets out that the countryside outside settlements is a highly valued resource for agriculture, recreation, landscape and wildlife. The Council will protect the countryside for its own sake, safeguarding it from the increasing pressures of development. It will work with partners to enhance its recreational, landscape and wildlife value. Policy DM3 (High Quality Development) sets out that development should be appropriate to its setting.

The site is 350 metres beyond the settlement envelope of Clifton and for planning purposes falls within the open countryside. The eastern boundary of the site comprises a mature hedgerow, planting and fencing and views into the site from Stanford Lane are very limited. A public footpath runs along the northern side of the site and although there is substantial planting along the boundary some views into the application site are possible. The site is open to the south and west and long range views of the site from various viewpoints are possible.

It is proposed to retain the existing boundary landscaping and that within the site which would go some way towards minimising the visual impact of the site. Two buildings on the site which are proposed to be retained and re-used are authorised, either through planning permission or the passage of time, would remain whether or not the application was approved. The site is limited in scale and contains no new permanent buildings.

It is considered that views across the open countryside towards the site should be screened by some additional landscaping located centrally on the site to further reduce the visual impact of the site.

Overall the proposal is considered to result in some harm to the character and appearance of the open countryside and would therefore be contrary to Policies DM3 and DM4 of the Core Strategy, however other material considerations may be identified that would outweigh the harm that the development would cause in that regard.

3. Impact of the development on neighbours

The nearest residential dwelling to the proposed site would be approximately 200m away at Clifton Manor. It is not considered due to the distance between the site and the nearest houses that the proposed development would have any adverse impact on residential amenity.

Commercial activity taken place on the site could lead to adverse impacts on amenity therefore it is considered that it would be appropriate to add a condition

to any planning permission granted preventing the commercial use of the site.

- 4. Assessment of the development against Mid Beds Local Plan policy HO12**
Policy HO12 is a criteria-based policy for assessing planning applications and is the relevant adopted policy for the determination of this application. Each part of the policy is addressed in turn below:

Proposals for the development of new gypsy sites will be expected to conform with the following criteria:

(i) That the proposal is not detrimental to the character and appearance of the surrounding countryside and that adequate landscaping measures to mitigate any adverse visual impact of the proposed use are capable of being carried out;

The impact on the character and the appearance of the area has been considered in section 2 above.

(ii) Development must incorporate a safe, convenient and adequate standard of access, including provision for pedestrians and cyclists;

The Highways Development Control Officer has confirmed that there is no technical or safety objection to the proposal subject to conditions.

(iii) The amenities of neighbouring or nearby residential property are not unacceptably harmed;

Due to the distance between the proposed site and other residential dwellings it is not considered that the amenities of nearby properties would be unacceptably harmed.

(iv) Appropriate safeguards are put in place to prevent pollution of surface water and groundwater;

Both the Environment Agency or Internal Drainage Board have confirmed that they have no objection to the proposal subject to conditions. The Environment Agency and IDB are the expert bodies whose advice the Council as Local Planning Authority relies on.

(v) There is no unacceptable adverse impact on nature conservation interests; and

Whilst the site is in the open countryside where nature conservation is important the site is not within an area designated of particular conservation importance. Large parts of the application site and other land owned by the applicant would remain undeveloped.

(vi) There is no unacceptable adverse impact on the historic environment.

The Council's archaeologist has no objection to the proposal. The site is not within the vicinity of any other designated heritage asset.

Sites should relate well to existing built development, although a location within a defined settlement envelope will not be deemed essential. Sites which are poorly located in relation to community facilities and public transport will not be permitted.

The site is outside of the settlement envelope but as set out in the policy this is not deemed essential. The site is within 350m of the settlement envelope boundary and is considered to be within a satisfactory distance of Clifton and Shefford where community facilities and public transport are accessible. Further consideration of this matter is found in section 6.

5. Assessment of the development against emerging Policy GT5

Policy GT5 which is a criteria-based policy for assessing planning applications and still considered to be relevant in the assessment of planning applications however as notes above the draft Gypsy and Traveller Plan carries little weight. Each part of policy GT5 is addressed in turn below.

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

Windfall developments, like that proposed, could help identified need to be met, and the application is accompanied by details of the needs of the proposed occupants for the accommodation.

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. 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. Due to the limited scale of the proposed site and the distance from Clifton, it is not considered could reasonably be argued that the site would dominate the settled community.

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 application site is entirely within flood zone 1, where there is the lowest risk of flooding, and therefore no flood risk assessment is required. The most southern part of land within the applicants control, but outside of the application site is within flood risk zone 3.

Neither the Internal Drainage Board or Environment Agency have raised objections to the proposed development subject to conditions.

Satisfactory and safe vehicular access.

The Highways Development Control Officer has reviewed the application and confirms that there is no technical highway reason to raise an objection on safety or capacity grounds and that the visibility is appropriate to the speed of traffic on the highway.

Site design demonstrates that the pitches are of sufficient size.

Whilst there is no defined size for a Gypsy and Traveller pitch, they are normally of sufficient size to accommodate a static caravan, touring caravan, parking spaces and amenity space. Providing that the licensing requirements for the separation between the caravans can be met it is considered that the proposal is acceptable in this regard.

Landscaping.

The site contains high levels of boundary landscaping and there are opportunities to increase the levels of landscaping to further improve the screening of the site and the biodiversity opportunities the site could provide. Existing landscaping and hedgerows would be retained.

Sensitive boundary treatment.

Boundary treatment could be controlled by condition in the event that other matters were considered acceptable.

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

The impact on neighbouring properties is considered above.

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 could be adequately controlled by condition. The impact of the development on neighbours through noise and disturbance is described and assessed above.

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

Facilities would be within reasonable driving distance of the site. There is no footway linking the site to Clifton along Stanford Lane however there is access to the public footpath which leads to Shefford, a walk of approximately 1.2km. This matter is considered in greater detail below.

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

Sewerage would be dealt with by way of an existing septic tank, although the details of the capacity of the tank are not known and the submission of such information should be secured by condition. The site is already served by water and electricity. Some objectors comment that the site is not served by a refuse

collection service, it will be up to the applicant to either arrange with the Council to provide such a service or to employ their own private refuse collection company.

6. Highways and Sustainable Transport Issues

The application site is accessed off Stanford Lane, an unclassified road, on the stretch of road between Clifton and Stanford.

There is an existing access which is proposed to be used for the site access and would provide a 4.2m wide roadway to enable two vehicles to pass.

In a recent appeal decision an Inspector concluded that opinion it would be impracticable to expect all sites to be within walking distance of existing facilities with no reliance on private cars. The Council asserted that the location of the site in the open countryside meant that it was unsustainable with the local village containing one pub, a village hall and a yet to be started bus service running three times per week. However the inspector noted that a large superstore lies two and half miles distant and Darlington was approximately five miles away. The Inspector also commented that sustainability also encompassed other dimensions.

Planning Policy for Traveller sites sets out that:

Local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Local planning authorities should, therefore, ensure that their policies:

- *promote peaceful and integrated co-existence between the site and the local community*
- *promote, in collaboration with commissioners of health services, access to appropriate health services*
- *ensure that children can attend school on a regular basis*
- *provide a settled base that reduces the need for long-distance travelling and possible environmental damage caused by unauthorised encampment*
- *provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development*
- *avoid placing undue pressure on local infrastructure and services*
- *do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans*
- *reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability.*

Sustainability is not therefore only about direct access to services by foot but should also take into account wider issues of access to health and education services. It is therefore not considered that the lack of footpath to Clifton is sufficient in its own right to warrant a refusal of planning permission.

The Highways Development Control Officer is satisfied that there is no technical highway reason to raise an objection on safety or capacity grounds. The Officer

is also satisfied that the visibility at the access is adequate for the speed of vehicles.

7. Other material planning considerations

The Gypsy status of the applicants and other proposed occupiers needs to be considered. The applicants have set out that Mr Porter was born in a tent and spent his childhood travelling and stopping on various sites for different lengths of time. He subsequently married and the couple's children were born in a caravan and their travelling lifestyle continued until they stopped to live in a house and provide a settled base for their children to attend school. Neither Mr or Mrs Porter enjoy living in a house and often stay in a caravan within the curtilage of the dwelling. It is considered on the basis of this evidence that the applicants meet the definition of a Gypsy or Traveller for the purposes of planning. The other occupants are related to the applicants and therefore would also meet the definition.

The personal needs of the applicant and other proposed occupiers of the site should be taken into account particularly in relation to the rights of the child.

Mr and Mrs Porter both suffer from medical conditions which they consider are made worse by living in a house. Aversion to bricks and mortar is a documented problem for some Gypsies and Travellers. In addition they also care for their son and daughter-in-law. Their son has recently had a triple heart bypass and is unable to drive during his recovery, his wife has back problems and is also unable to drive or to care for her husband. Other occupiers of the site would be the applicants daughter, partner and children, they currently have no permanent site and are homeless travelling from place to place. The sister of the applicant and her partner would also be proposed to occupy the site, she is disabled and has had recent surgery and needs help and support. The final family group would be the applicants niece and her two pre-school aged children. The niece has recently left an abusive relationship and has therefore been travelling and stopping temporarily on various sites, she needs a settled base for safety and support as well as for her children to attend school.

The ability of the children to access education is important and although they are not yet of school-age the eldest child will shortly be expected to attend full-time schooling. It is recognised that Article 3 of the United Nations Convention on the Rights of the Child ("the UNCRC") requires the decision maker to treat the rights of the child as "a primary consideration." In *Stevens v Secretary of State* [2013] EWHC 792, paragraph 69 states:

"

iv) Once identified, although a primary consideration, the best interests of the child are not determinative of the planning issue. Nor does respect for the best interests of a relevant child mean that the planning exercise necessarily involves merely assessing whether the public interest in ensuring planning control is maintained outweighs the best interests of the child. Most planning cases will have too many competing rights and interests, and will be too factually complex, to allow such an exercise."

While in policy terms the best interests of the child is a primary (but not determinative) consideration, the relative weight to be given to this consideration after an examination of the individual circumstances and consideration of all

material considerations may alter.

The information submitted states that the two children proposed to live on the site would be aged 2 and 4. There is also proposed to be two older children aged 16 and 17, however it is not clear whether they remain in full-time education.

The Gypsy and Traveller community traditionally live in extended family groups to provide mutual support and help. This proposal would provide the family members with the necessary help and support they need.

8. Concerns of objectors

Any concerns of objectors which have not already been addressed in the above paragraphs will be considered in this section. Some matters raised by objectors are not material planning considerations and some were not appropriate, these objections are not reported.

Principle of development

Some concern has been raised that granting planning permission for this proposal would create a precedent. It is not considered that this would be the case as every planning application is determined on its own merits.

Some objectors comment that Clifton has already had a lot of development and this proposal would lead to urban sprawl. It is not considered that the recent development in Clifton would weigh against this application. Nor is it considered that the development would constitute the sprawl of Clifton. There would be a clear gap between Clifton and the developed part of the application site.

The land was formally agricultural and some objectors comment that it should therefore not be built on. There is no presumption against development of agricultural land however the location of the land within the open countryside has been considered.

Impact on character and appearance

Some letters stated that the site is within the Green Belt or a Conservation Area. The site is not within either of these designations.

Infrastructure

Clifton is the nearest settlement to the application site and some concern has been raised that it does not have sufficient infrastructure to support the residents of the proposed development. The application seeks consent for a 5 pitch site and the details submitted set out that the occupiers would be 7 adults and 4 children. It is not considered that this level of increase in the local population would overwhelm the village of Clifton. It is also considered that the site is within easy reach of Shefford which also has services and facilities.

Planning History

Some objectors have stated that as planning permission has previously been refused for a similar development and nothing has changed this application should automatically be refused. The previous planning applications have been for different types and quantum of development and every planning application should be determined on its own merits.

Impact on amenities/facilities

Some concerns have been raised that people would no longer be able to use the area. There is a footpath which runs along the northern boundary of the site which would be unaffected by the application proposal. It is not clear in what other capacity the general public use the site.

Comments have also been made that the development would have an adverse impact on the cricket pitch, it is not clear however what the impact would be.

Other Issues

Concerns have been raised that the site would inevitably expand in the future. Any additional pitches or expansion of the site would require planning permission and an application would be considered on its own merits. The potential for future expansion is not a reason to refuse this application.

It has been submitted that no consultation has taken place on the application. A site notice was erected on the entrance gates to the site and an advert placed in the local newspaper in accordance with the legislation. The high number of representations received in response to the application would suggest that the local community are aware of the application.

9. Human Rights

Regard has been had to the Human Rights implications of the application.

It is recognised that the refusal of consent would lead to an interference with the intended occupier's 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.

10. Conclusion

There are a number of factors and matters which need to be taken into consideration in determining this application. The matters which weigh in favour of the application are the general need for Gypsy and Traveller sites; the provision the site would make towards reducing the backlog of pitches; there would be no significant adverse impact on residential amenity; the site is within Flood Zone 1 where there is the lowest risk of flooding; personal need for a site; health needs of the occupants and the rights of the child and need to access education. Matters which weigh against the application are that the site is in the open countryside where Planning Policy for Traveller Sites states that Local planning authorities should strictly limit new traveller site development that is away from existing settlements. In addition the proposal would have an adverse visual impact which could be reduced by landscaping.

Overall it is considered that the matters which weigh in favour of the application would be sufficient to outweigh the limited harm to the character and appearance of the area.

Recommendation

That the planning application should be approved subject to the following:

RECOMMENDED CONDITIONS / REASONS

- 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 **No development shall commence until a landscaping scheme to include any hard surfaces and earth mounding has been 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 location having regard to the National Planning Policy Framework and to the provisions of Policy HO12 of the Mid Bedfordshire Local Plan Review, Policies DM3 & DM16 of the Core Strategy and Development Management Policies and Policies 43 & 59 of emerging Development Strategy for Central Bedfordshire.

- 3 **No development shall commence until:**

(A) a scheme detailing:

(i) proposals for foul drainage of the site;

(ii) proposals for surface water drainage of the site, based on the site having no impervious areas;

(iii) a detailed landscaping scheme for the site;

(iv) boundary treatment of the site;

(v) waste storage and collection points;

(vi) any external lighting;**Reason: To ensure an appropriate standard of development and general amenity having regard to the National Planning Policy Framework and to the provisions of Policy HO12 of the Mid Bedfordshire Local Plan Review, Policy DM3 of the Core Strategy and Development Management Policies and Policy 43 of emerging Development Strategy for Central Bedfordshire.**

- 4 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.

- 5 No more than 10 caravans shall be located on the site, of which no more than 5 of which shall be a mobile home/static caravan.

Reason: In recognition of the location of the site in the open countryside and having regard to the provisions of the National Planning Policy Framework and to the provisions of Policy HO12 of the Mid Bedfordshire Local Plan Review, Policy DM3 of the Core Strategy and Development Management Policies and Policy 43 of emerging Development Strategy for Central Bedfordshire.

- 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 having regard to the National Planning Policy Framework and to the provisions of Policy DM3 of the Core Strategy and Development Management Policies and Policy 43 of emerging Development Strategy for Central Bedfordshire.

- 7 Before first occupation of the site for residential purposes the vehicle access arrangement serving the development shown on the approved plans shall be reconstructed to the specification of the Highway Authority and the Local Planning Authority's satisfaction

Reason: To secure a satisfactory access appropriate to the development, in the interest of public safety and convenience.

- 8 Concurrent with the reconstructed access being brought into use all other existing access points not incorporated in the development hereby permitted shall be stopped up by raising any existing dropped kerbs and reinstating the verge and highway boundary to the same line, level and detail as the adjoining footway verge and highway boundary

Reason: To limit the number of access points onto the highway where vehicular movements can occur for the safety and convenience of the highway user.

- 9 All on-site vehicle areas shall be surfaced in tarmacadam or similar durable, porous but bound material and 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: To avoid the carriage of extraneous material or surface water from the site into the highway so as to safeguard the interest of highway safety.

- 10 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan, numbers 108/01/14 & 108/02/14 rev A.

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. The applicants are advised that a Mobile Home Site License will be required

4. **Environment Agency Advice**

The applicant's attention is drawn to the Planning Practice Guidance to the NPPF which requires an applicant to demonstrate that a connection to the public foul sewer is not available.

Further information can be found in the guidance: "Treatment and disposal of sewage where no foul sewer is available: PPG4" which can be found here: <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

Consent

Consent for the discharge of effluent may be required from us. Please call 03708 506506 for further information. *This is irrespective of any planning approval.*

5. The applicant is advised that no works associated with the reconstruction of the vehicular access or closure of any existing access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk on 03003008049. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.
6. The applicant is advised that parking for contractor's vehicles and the storage of materials associated with this development should take place within the site and not extend into within the public highway without

authorisation from the highway authority. If necessary the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk on 03003008049. Under the provisions of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of construction of the development hereby approved.

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. The Council acted pro-actively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. 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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