

## **Item No. 7**

<b>APPLICATION NUMBER</b>	<b>CB/15/01907/FULL</b>
<b>LOCATION</b>	<b>4 Toddbury Farm, Slapton Road, Little Billington, Leighton Buzzard, LU7 9BP</b>
<b>PROPOSAL</b>	<b>Permission is sought for three additional residential caravans for three Gypsy Traveller families. The site to contain four static caravans, parking for eight vehicles and associated hardstanding and water treatment plant. Retention of workshop building</b>
<b>PARISH</b>	<b>Billington</b>
<b>WARD</b>	<b>Eaton Bray</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Janes</b>
<b>CASE OFFICER</b>	<b>Peter Vosper</b>
<b>DATE REGISTERED</b>	<b>19 May 2015</b>
<b>EXPIRY DATE</b>	<b>14 July 2015</b>
<b>APPLICANT</b>	<b>Mr &amp; Mrs McCarthy</b>
<b>AGENT</b>	<b>BFSGC</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>The Development Infrastructure Group Manager recommends that the application be determined at Committee given the public interest and the objections lodged by Billington Parish Council and Slapton Parish Council</b>
<b>RECOMMENDED DECISION</b>	<b>Full application - Recommended for Approval</b>

### **Summary of Recommendation:**

The principle of the business use of the site has previously been established by previous planning permissions. With regard to the residential use of the site, the site is in 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, in this case the lack of a five year supply of deliverable sites, the overall general need for pitches, the personal circumstances of the families to occupy the site, the need of families with Gypsy status to live on the site, and the minimal impact in terms of openness and visual amenity, together on balance, clearly outweigh the harm to the Green Belt.

### **Site Location:**

The site forms the north west portion of the 'L' shaped Toddbury Farm Gypsy and Traveller site, and is to the north of the internal access road. The site is to the east of Slapton Lane and to the south of Gypsy Lane, and is approximately 1km south of Little Billington.

Greenacres Gypsy and Traveller site is to the east of Toddbury Farm.

The site is in the Green Belt and the open countryside.

## **The Application:**

Planning permission was granted in 2014, under reference CB/13/04368, for the change of use of land to a mixed use of mobile home/vehicle repairs and sales (previously consented under CB/12/04383) and a residential caravan site for one Gypsy/Traveller family. The application included the retention of two workshop buildings. As a result of this approval, the site has consent for the siting of one static caravan and one touring caravan.

In determining planning application CB/12/04383 for the business use of the site, it was judged that the change of use to existing buildings for commercial use was appropriate development in the Green Belt and in accordance with policy and itself followed an allowed appeal in 2001. The site is thereby deemed to constitute a developed extension to the existing Toddbury Farm site.

Planning permission is now sought for three additional residential caravans for three Gypsy Traveller families. The site would therefore contain a total of four static caravans (but no touring caravans), parking for eight vehicles, associated hardstanding and water treatment plant, and the retention of one workshop building for mobile home/vehicle repairs. The alternative fallback position (i.e. the implementation of extant permission CB/13/04368) is for the two workshops to contain business uses and for two caravans.

The site is proposed to be laid out with the four static pitches adjacent to the north boundary, the retention of a workshop adjacent to the south boundary, and an access track with vehicle turning area to the centre. Vehicular access would be taken from the existing access in the south west corner of the site. A second workshop adjacent to the north boundary would be removed.

The above proposal is a revision to the original application plans submitted for the application which consisted of five additional residential caravans and four additional touring caravans for five Gypsy Traveller families, resulting in a total of six static caravans and five touring caravans, and parking for twelve vehicles.

## **Relevant Policies:**

### **National Planning Policy Framework (NPPF) (March 2012)**

Section 9: Protecting Green Belt Land

### **Planning Policy for Traveller Sites, August 2015**

### **South Bedfordshire Local Plan Review (January 2004)**

No policies directly relevant to Gypsy and Traveller development.  
BE8 (Design Considerations)

*(Having regard to the National Planning Policy Framework, the age of the plan and the general consistency with the NPPF, policy BE8 is still given significant weight.)*

## **Development Strategy**

At the meeting of Full Council on 19 November 2015 it was resolved to withdraw the Development Strategy. Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our website as material considerations which may inform further development management decisions.

## **Draft Gypsy and Traveller Plan: Submission Version June 2014**

In June 2014 the 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 consideration 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 19 August 2014 and subsequently at Full Council on 11 September 2014) that the plan was withdrawn. This plan therefore carries no weight in the determination of applications. However for the purpose of assessing the suitability of a proposed site, the policies contained within the plan are considered to be useful guidelines as to whether the proposal is acceptable for its intended purpose.

Those policies thought to be relevant are:

GT5 (Assessing planning applications for Gypsy and Traveller sites)

## **Supplementary Planning Guidance / Other Documents**

Central Bedfordshire Design Guide (March 2014)

## **Relevant Planning History:**

Application Number	CB/15/02269/VOC
Description	Variation of Conditions 3 & 4 of planning permission CB/10/01951/FULL - To allow the addition of a second static caravan to Plot 5 to provide accommodation to a family member
Decision	Decision pending
Decision Date	
Application Number	CB/13/04368/FULL
Description	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.
Decision	Conditional planning permission
Decision Date	7 February 2014

Application Number	CB/13/01044/FULL
Description	Extension to the existing Gypsy Traveller Caravan site to provide two additional pitches for members of the immediate family. Each pitch to contain one static caravan, one touring caravan, one utility block, one shed and parking for two vehicles together with hardstanding and a shared septic tank with associated extension to access road and a turning circle.
Decision	Conditional planning permission
Decision Date	3 July 2013
Application Number	CB/12/04383/FULL
Description	Change of use of barns to mobile home/vehicle repairs and sales.
Decision	Conditional planning permission
Decision Date	28 March 2013
Application Number	CB/12/01528/FULL
Description	New access.
Decision	Conditional planning permission
Decision Date	7 August 2012
Application Number	CB/12/1577/VOC
Description	Variation of condition 3 of planning permission CB/10/01951/FULL - Addition of 1 named resident Bridget Maloney.
Decision	Conditional planning permission
Decision Date	25 July 2012
Application Number	CB/10/01951/FULL
Description	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.
Decision	Conditional planning permission
Decision Date	17 January 2012
Application Number	SB/TP/00/00627
Description	Change of use of redundant barns to B1 use.
Decision	Allowed at Appeal
Decision Date	5 March 2001
Application Number	SB/TP/98/0088
Description	Continued use as a Gypsy caravan site.
Decision	Refused 24 June 1998. Appeal upheld and consent granted with 4 conditions relating to a maximum of 8 caravans but with no named occupier condition.
Decision Date	1 July 1999
Application Number	SB/TP/91/0856
Description	Use of land as a Gypsy caravan site for one family.
Decision	Refused 12 October 1991. Appeal upheld for five year

Decision Date                      temporary consent granted for a maximum of five caravans.  
27 January 1997

**Consultees:**

Billington Parish  
Council

Initial Submission

Billington Parish Council would like to object to the above planning application, for a number of reasons.

First, the description of this as "4 Toddbury Farm" is misleading. As you will see from the attached map supplied by you in November 2014, the logical location for No.4 is on the unlabelled site between No.3 and No.5 – not Toddbury Farm Barns.

Secondly, when the application was put forward to turn the Barns into a repair yard for mobile homes (CB/13/04368), we were concerned that before long this area would be turned into another residential. Indeed there was an additional request that a single caravan should be allowed on the site. We objected to this, not least because once again we felt that the commitment of CBC to limit the number of Gypsies and Travellers was likely to be ignored. In the event, the Development Management Committee on 5<sup>th</sup> February 2014 granted the application on condition that the industrial site should be established before any residential component should be considered.

Now, after a period where there has clearly been no serious attempt to complete the establishment of this repair yard, we are faced with a blatant application for a new site, with a potential large increase in the population.

We call upon the DMC to reject this application out of hand.

Following Amended Plans

Billington Parish Council wishes to register its strong objection to this revised planning application.

When the original application under this reference was submitted, we registered an objection. Now the application has been slightly amended but the same objections apply.

There are several reasons for our objection. First, the description of this site as "4 Toddbury Farm" is misleading. The logical location for "No. 4" is on the unlabelled site between "No. 3" and "No. 5" - not Toddbury Farm Barns.

Secondly, when the application was put forward to turn the Barns into a repair yard for mobile homes (CB/13/04368), many people in Billington were concerned that before long this area would be turned into another residential caravan site. In the event, the Development Management

Committee on 5<sup>th</sup> February 2014 granted the application on condition that the industrial site should be established before any residential component should be considered. This has not happened.

Thirdly, after a period where there has clearly been no serious attempt to complete the establishment of this repair yard, we are faced with a revised blatant application for a new site, with a potential large increase in the population. The area of South Bedfordshire which includes Billington, Stanbridge and Tilsworth already has far more than our fair share of Gypsy & Traveller Sites, and in Little Billington there are already far more Gypsies and Travellers than the settled population. We do not see why we should be even further penalised because of the failure of CBC to provide sufficient sites for the recognised G&T population.

Fourthly, there is good evidence that some of the plots on Toddbury Farm are being offered for rent. This surely indicates that they do not need any additional accommodation.

We call upon CBC to reject this application out of hand.

Slapton Parish  
Council

Slapton Parish Council would like to oppose this planning application for the following reasons:

We completely concur with the strong and clear objections to this application from Billington Parish Council.

In addition, we are aware that the site in question is renting out accommodation to the general public and has been doing so for some time. We know this to be true as the people renting are in the Carpenters Arms every evening. They are working and being trained at BAE in Leighton Buzzard. As they come from all parts of the UK, they responded to an advertisement offering accommodation. The conditions applying to the site stipulate that permissions are for Gypsies and Travellers exclusively.

In addition, if there is spare capacity at the site to accommodate these purely commercial activities, there is no need for further static or touring caravans.

Private Sector  
Housing

#### Submission to Original Plans

I have reviewed the plans and visited the site and this response is on behalf of the Housing Solutions Service-Private Sector a statutory consultee with regards to the site licensing provision.

These are the following comments;

The proposed site needs to comply with the site licensing requirements, they must apply for a site licence, or to amend the current licence that is issued. There must be a minimum of 6 metres spacing between the caravans, with 3 metres off the boundary fences and a minimum of 2 metres off the access road. The plan shows touring caravans, I notice that there is no sanitary provision for the tourers in the form of a toilet and shower block. It is a requirement to provide sanitary provision for the tourers.

The electrical installation will need to comply with current wiring regulations, a requirement of the site licensing provision.

It should also be noted that there is a potential conflict on the usage of the land. The existing site has consent for a commercial operation of caravan repairs. The spacing of the site does not allow for there to be sufficient separation of the commercial operation to the residential units. The plan shows touring caravans adjacent to the building being used for the commercial repair of caravans.

There is no evidence of how and where the foul waste provision will be located for this site, although the application mentions that it will be connected to a package treatment plant.

We have also received complaints with regards to the existing Toddbury Farm site that caravans are being rented out to individuals who can not demonstrate that they are a Gypsy and Traveller. The renting out of caravans to non travellers is in breach of the current planning consent. It would demonstrate that if there are vacant plots which are being commercially rented out there is no additional need for further caravans to be developed on the site.

It is recommended that these comments are taken into consideration when a decision is made.

Highways  
(Development  
Management)

The proposal is for the introduction of 5 Gypsy Traveller family plots. This site has previous permission for commercial use and I am aware that the visibility from the existing access to the highway is acceptable for the speed of traffic using the highway.

Subsequently, in a highway context I recommend that the following conditions be included if planning approval is to be issued:

The proposed vehicular access shall be constructed and surfaced in accordance with details to be approved in writing by the Local Planning Authority for a distance of 10m into the site, measured from the highway boundary, before the premises are occupied. Arrangement shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

#### Reason

To avoid the carriage of mud or other extraneous material or surface water from the site into the highway so as to safeguard the interest of the highway.

**Trees and Landscape** If you are minded to grant consent to this application, then it is requested that a standard landscape condition is imposed to secure hedgerow planting of the 2m strip located along the northern boundary of the site, as being shown on the plan drawings for indicative planting, and which should be planted up as follows;-

The hedge specimens should be made up of "Transplants" of a size category being 60 to 90 cm, with the hedge planted as a double staggered row, with each row set 500mm apart, and the transplants set 500mm apart in each row. This will provide for a good, thick, dense and strong hedge. The following mixture is recommended:-

50% Hawthorn (*Crataegus monogyna*)

30% Blackthorn (*Prunus spinosa*)

10% Dogwood (*Cornus sanguinea*)

10% Spindle (*Euonymus europaeus*)

**Buckingham and  
River Ouzel Internal  
Drainage Board**

It is noted that the proposed means of surface water discharge is direct to a watercourse under the Board's control.

However, I can't find any reference to this on the drawing provided. Based on the information provided it remains unclear how the applicant intends to discharge surface water to the existing watercourse.

Therefore, the Board must object until further information is received regarding the applicants proposed storm water drainage strategy.

The nearby watercourse is under the statutory control of the Board, and in accordance with the Board's byelaws the applicant will require land drainage consent to discharge any storm water to the nearby watercourse.

In addition any storm water discharge to the nearby watercourse will need to be attenuated to greenfield run-off rates.



## **Other Representations:**

Neighbours                      15 representations were received raising the following objections:

Dangerous traffic.

Already full quota of Gypsies and Travellers in area.

Need is not demonstrated as there is a surfeit of caravans already on the Toddbury Site.

Caravans are available for rent to non travellers. Toddbury Farm is a Traveller Site not a Commercial Caravan Park which has a different licence and standards.

Previous application granted on condition that industrial site for the repair of mobile homes be created before any residential component be added; this has not transpired.

Local residents slowly being outnumbered by the Traveller community.

Description as '4 Toddbury Farm' has been cynically used to hide the fact that this application is for 'Toddbury Farm Barns'.

Site overpopulated and unsanitary and problem causing to surrounding villagers.

The failure of CBC to provide a robust traveller site plan, fairly distributed across the county, has resulted in our village and those adjoining being swamped.

Do the constant stream of Eastern European people, including children, walking past our front door enjoy Traveller status?

Why are so many young men walking past at all hours of the day and depositing their empty drink cans in the hedge? The road constantly has the appearance of a third world country.

## **Determining Issues:**

The main considerations of the application are:

1. Policy Background
2. Gypsy and Traveller Pitch Provision
3. History of Site
4. Current Proposal

5. Impact on Openness and Visual Impact
6. Very Special Circumstances
7. The Impact on Residential Amenity
8. Highway Considerations
9. Drainage Considerations
10. Other Issues
11. Conclusion

## **Considerations:**

### **1. Policy Background**

The locality of the site lies outside of any built up area within the open countryside and Green Belt where there is a general presumption against the granting of planning permission for new development. However, the site itself has an extant commercial permission for the repair and sale of mobile homes and vehicles and is an extension of the existing Toddbury Farm Gypsy and Traveller site. The new "Planning Policy for Traveller Sites (PPTS)" (August 2015) guidance sets out that Local Authorities should strictly limit new Traveller site development in open countryside that is away from existing settlements.

PPTS guidance sets out that Local Authorities should ensure that traveller sites are sustainable economically, socially and environmentally. The guidance requires that Local Planning Authorities carry out a full assessment of the need of Gypsies and Travellers in their area and identify a supply of deliverable sites sufficient to provide five years worth of sites against their locally set targets.

Paragraph 25 of the PPTS states "*Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.*"

Paragraph 27 of the PPTS 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 permission. Several exceptions to this are stated, including where the proposal is on land designated as Green Belt.

### **2. Gypsy and Traveller Pitch Provision**

In June 2014 the 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 consideration 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 19 August 2014 and subsequently at Full Council on 11 September 2014) that the plan was withdrawn. This plan

therefore carries no weight in the determination of applications. However, for the purpose of assessing the suitability of a proposed site, the policies contained within the plan are considered to be useful guidelines as to whether the proposal is acceptable for its intended purpose.

In preparation of the Gypsy and Traveller Plan, the Council had a Gypsy, Traveller and Showperson Accommodation Assessment (GTAA) undertaken; this was agreed at Full Council on 30 January 2014. The GTAA identifies that the Council has allocated sufficient sites to provide the required number of pitches to deliver a five year land supply; however, as the Plan was withdrawn, the five year supply cannot be demonstrated. Nevertheless, 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.

### **3. History of Site**

As detailed above, several planning permissions have been granted for Gypsy and Traveller pitches on the Toddbury Farm site.

Planning permission was also granted in 2014, under reference CB/13/04368, for the change of use of land, the subject of the current application, for a mixed use of mobile home/vehicle repairs and sales (previously consented under CB/12/04383), and a residential caravan site for one Gypsy/Traveller family, resulting in the site containing one static caravan and one touring caravan. The application included the retention of two workshop buildings for the business use. Such business use was not considered to be in conflict with the general thrust of national Green Belt policy. In respect of the residential proposal, very special circumstances taken together were considered, on balance, to clearly outweigh the harm to the Green Belt by reason of inappropriateness. A condition was attached to the permission requiring no caravan to be located on the site to be occupied for residential purposes until the business use has been commenced.

In determining planning applications CB/12/04383 and CB/13/04368 for the business use of the site, it was judged that the land constituted an extension to the existing Toddbury Farm site; this should also apply to subsequent applications.

### **4. Current Proposal**

The current proposal is for a total of four static caravans, to include the static caravan approved by planning permission CB/13/04368. Therefore an additional three static caravans for three Gypsy Traveller families are proposed. No touring caravans are proposed. One of the two existing workshop buildings would be retained for use for mobile home / vehicle repairs as previously approved, and a turning area for commercial vehicles is proposed.

The site is in 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.

As alluded to above, "Planning Policy for Traveller Sites" states that Traveller sites (temporary or permanent) in the Green Belt are inappropriate. It also states 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. As with application CB/13/04368, Very Special Circumstances will therefore need to be demonstrated to overcome the harm to the Green Belt by inappropriateness.

## **5. Impact on Openness and Visual Impact**

Consideration also needs to be given to any other harm which would arise as a result of the proposal. Planning permission was allowed on appeal in 2001, under reference SB/TP/00/00627, for change of use of the two barns on the site to B1 business use. 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. The current application would involve the retention of one barn and its change of use to business use. However, instead of retention of the second barn, residential caravan use is proposed. Such use would be subject to similar control to the retention of the second barn 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 a condition on any planning permission granted to reinforce the existing screening. The visual impact of standing vehicles on the site was dealt with in the 2001 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.

It was considered that the static caravan, touring caravan and vehicle repairs and sales use proposed by application CB/13/04368 would preserve the character and appearance of the Green Belt and open countryside. This proposal involved the retention of the two barns. The current proposal involves the retention of one barn and loss of the second, as well as the permanent siting of four static caravans. It is also of note that the site is already fenced off and there is a fallback position of the extant permission CB/13/04368 for the retention of the two barns to contain business uses and for two caravans to be implemented. Subject to the imposition of suitable conditions, the current proposal would preserve the character and appearance of the Green Belt and open countryside. It is therefore not considered that the proposal would result in harm by reason of visual impact.

## 6. Very Special Circumstances

As stated 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.

Several matters are presented in the Design and Access Statement submitted with the planning application to be considered as very special circumstances.

Firstly, the lack of available sites/pitches in the area and the lack of a five year supply of land for Gypsy site provision.

In response, as stated above, the last version of the Gypsy, Traveller and Showperson Accommodation Assessment (GTAA) identified that the Council had allocated sufficient sites to provide the required number of pitches to deliver a five year land supply. However, the Plan has been withdrawn and therefore the five year supply cannot be demonstrated.

In a recent appeal decision in Central Bedfordshire at Twin Acres, Arlesey (APP/P0240/W/15/3004755) the Inspector noted:

*"Although the Council prepared the Central Bedfordshire Gypsy and Traveller Local Plan, that plan has been withdrawn and there are no allocated sites."*

This decision has previously been referred to in reports to this Committee. The Inspector went on to say:

*"It is clear there is a significant unmet, immediate need for gypsy and traveller pitches" and again to say "As a matter of policy the absence of an up to date five year supply of deliverable sites is a significant material consideration in applications for temporary permission by virtue of paragraph 25 of the PPTS. However, this factor is capable of being a material consideration in any case and with another appeal ref APP/P0240/A/12/2179237, concerning a site within Central Bedfordshire, the Secretary of State concluded that the need for sites carried considerable weight and the failure of policy was also afforded significant weight. That must remain the case today."*

Secondly, the personal circumstances of the families to occupy the site. These include the need of families to be able to access regular health care, and the children of the families needing to be able to access schooling and education and a stable place to live is required for that to continue.

Thirdly, the need of families with Gypsy status to live on the site. The Design and Access Statement states, *"There has never been a challenge to the Gypsy status of any of the families concerned, and we have no reason to think that will change, as the families have only ever lived on Gypsy sites, travel often and maintain a Gypsy lifestyle."*

The four proposed pitches would be occupied by:

1. Patrick Nolan
2. Kathleen Nolan

3. James Nolan
4. Barbara Nolan

By means of background, planning permission CB/10/01951 (details above) allowed 16 pitches and 30 caravans (of which up to 16 can be statics) on the main Toddbury Farm site. Subsequently an extension to the Toddbury Farm site was granted planning permission under reference CB/13/01044; this allowed an additional two pitches and four caravans (of which up to two can be statics). Then planning permission was granted under reference CB/13/04368 on the extended part of Toddbury Farm subject of the current application for one additional pitch and two caravans (of which one is a static and one is a tourer). Therefore, overall there is planning permission for 19 pitches and 36 caravans (of which up to 19 can be statics).

Patrick Nolan is a named occupant on the unimplemented planning permission CB/13/04368, but is not living at Toddbury Farm at present. Kathleen Nolan, Barbara Nolan and James Nolan are part of the extended family currently living on the main Toddbury Farm site, but are not named occupants on any of the planning permissions. The current application would help in regularising this situation, i.e. the main Toddbury Farm site would be occupied by Gypsy and Travellers with almost all then having named occupant status. Similarly the number of caravans at the site would be compliant. The additional regularisation of the remaining un-named occupants is currently being pursued in parallel to this application.

A condition should be attached to any planning permission granted requiring occupation of the caravans to be limited to the named occupants (i.e. Patrick Nolan, Kathleen Nolan, James Nolan and Barbara Nolan) and their dependent relatives.

As stated above, the lack of a five year supply of deliverable sites should be a significant material consideration in any subsequent planning decision, but an exception is when land is designated as Green Belt. However, in this case the overall general need for pitches, combined with the personal circumstances of the families to occupy the site, the need of families with Gypsy status to live on the site, and the minimal impact in terms of openness and visual amenity on a previously developed site (brownfield land), together on balance, clearly outweigh the harm to the Green Belt by reason of inappropriateness.

## **7. The Impact on Residential Amenity**

There are no existing dwellings adjacent to the site for which the proposal could have an impact in terms of matters such as noise, lighting and activities from the site.

The consultation response of Private Sector Housing to the original plans above provides requirements for sites to ensure an acceptable level of residential amenity for future occupants. This includes a minimum of 6 metres spacing between caravans, with 3 metres off the boundary fences and a minimum of 2 metres off the access road. These requirements need to be met for a site licence to be issued. The revised plan, indicating a total of four static caravans, instead of the six static caravans and five touring caravans originally proposed, allows more space for the licensing requirements to be achieved. The provision

of facilities on site through the site licence and as shown on the indicative layout plan (reference PP-04187533) allows enough space for the residential and commercial uses.

Consideration should also be given to the impact the business use would have on the proposed occupiers of the new residential pitches. To protect the amenities of residents, for example from noise disturbance, a condition was attached to planning permission CB/13/04368 restricting operational hours of the business use to 8am to 6pm Monday to Friday and 8am to 2pm on Saturdays, Sundays and Bank Holidays. Such a condition should also be attached to any planning permission granted for the current scheme.

#### **8. Highway Considerations**

Highways (Development Management) are satisfied that the visibility from the existing access, to the south west of the site, is acceptable for the speed of traffic using the highway.

The eight proposed car parking spaces for the residential use, and the commercial use parking and turning area, are acceptable.

#### **9. Drainage Considerations**

The proposed means of surface water discharge is direct to a watercourse under the control of the Internal Drainage Board.

However, there is no reference to this on the submitted plans. The Drainage Board are therefore concerned that based on the information provided it is unclear how it is intended to discharge surface water to the existing watercourse. The Board therefore object to the proposal until further information is received regarding the proposed storm water drainage strategy.

Whilst the concerns of the Board are acknowledged, it is considered that this matter can be addressed by a condition attached to any planning permission granted. Such a condition would require the submission of a storm water drainage strategy to demonstrate that discharge to the nearby watercourse would be attenuated to greenfield run-off rates.

#### **10. Other Issues**

Billington and Slapton Parish Council's, and neighbouring residents, raise a number of concerns. Several of these are considered in the discussion above.

As with previous application CB/13/04368, a condition should be attached to any planning permission granted requiring no caravan located on the site to be occupied for residential purposes until the business use of the retained workshop has been commenced.

Whilst it is understood that No. 4 Toddbury Farm is not located between Nos. 3 and 5, this is not a material planning consideration and requires no further comment.

Claims have been made that some of the plots on Toddbury Farm are being offered for rent, including to non travellers, and that this indicates that they do not need any additional accommodation. Whilst this concern is acknowledged,

no evidence of this has been provided. This has been investigated by the Enforcement Section, together with the proposed occupation of this site, and no indication of non-traveller occupation has been confirmed.

Regard has been had to the Human Rights implications of the application. Details of the personal circumstances of the intended occupiers have been considered 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.

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.

## **11. Conclusion**

The principle of the business use and associated residential use of the site has previously been established by previous planning permissions. With regard to the residential use of the site, the site is in 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, in this case the lack of a five year supply of deliverable sites, the overall general need for pitches, the personal circumstances of the families to occupy the site, the need of families with Gypsy status to live on the site, the planning fallback position of the permitted use of the site, and the minimal impact in terms of openness and visual amenity, together on balance, clearly outweigh the harm to the Green Belt.

## **Recommendation**

That Planning Permission be GRANTED subject to the following:

### **RECOMMENDED CONDITIONS**

- 1        The development hereby permitted 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.

(Section 9, National Planning Policy Framework)

- 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 2015.

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

(Section 9, National Planning Policy Framework)

- 4 The occupation of the residential caravans on the Site hereby permitted shall be limited to the following persons and his/her dependant relatives:

1. Patrick Nolan
2. Kathleen Nolan
3. James Nolan
4. Barbara Nolan

Reason: In recognition of the location of the site in the Green Belt and the "very special circumstances" case accepted.

(Section 9, National Planning Policy Framework)

- 5 No more than four caravans, of which up to four can be static caravans, shall be located on the Site and occupied for residential purposes.

Reason: In recognition of the location of the site in the Green Belt and the "very special circumstances" case accepted.

(Section 9, National Planning Policy Framework)

- 6 In the event that the residential caravans shall cease to be occupied by those named and identified 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.

(Section 9, National Planning Policy Framework)

- 7 **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.**

**Reason: To demonstrate that discharge to the nearby watercourse would be attenuated to greenfield run-off rates and 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.

(Section 11, National Planning Policy Framework)

- 8 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 and implemented in accordance with the approved details 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.

(Policy BE8, S.B.L.P.R)

- 9 Before development begins, a landscaping scheme to include any hard surfaces and earth mounding, and hedgerow planting of the 2m strip located on the northern boundary of the site as shown on plan PP-04187533, 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 Sections 7 and 9, National Planning Policy Framework)

- 10 The proposed vehicular access shall be constructed and surfaced in accordance with details to be approved in writing by the Local Planning Authority for a distance of 10m into the site, measured from the highway boundary, before the premises are occupied. Arrangement shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site into the highway so as to safeguard the interest of the highway.

- 11 The business use hereby permitted shall not 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)

- 12 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)

- 13 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, S.B.L.P.R and Sections 7 and 9, National Planning Policy Framework)

- 14 The uses hereby permitted shall not commence until the parking arrangements for cars, commercial vehicles and mobile homes, and turning areas, within the confines of the site shown on drawing no. PP-04187533 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)

- 15 This consent relates only to the details shown on the submitted plans, numbers PP-02910172 and PP-04187533

Reason: To identify the approved plans and to avoid doubt.

## **INFORMATIVE NOTES TO APPLICANT**

1. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the National Planning Policy Framework (NPPF).
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. In respect of condition 9, the hedge specimens should be made up of "Transplants" of a size category being 60 to 90 cm, with the hedge planted as a double staggered row, with each row set 500mm apart, and the transplants set 500mm apart in each row. This will provide for a good, thick, dense and strong hedge. The following mixture is recommended:-

50% Hawthorn (*Crataegus monogyna*)  
30% Blackthorn (*Prunus spinosa*)  
10% Dogwood (*Cornus sanguinea*)  
10% Spindle (*Euonymus europaeus*)

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35**

The Council acted pro-actively through positive engagement with the applicant during the determination process 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) Order 2015.

**DECISION**

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