

## **Item No. 5**

<b>APPLICATION NUMBER</b>	<b>CB/15/04495/VOC</b>
<b>LOCATION</b>	<b>Plot 10, The Stables, Stanbridge Road, Great Billington, Leighton Buzzard, LU7 9JH</b>
<b>PROPOSAL</b>	<b>Variation of conditions 3 and 4 of planning permission CB/10/00952 to allow the stationing of no more than 11 caravans on plot 10 of which no more than 7 shall be mobile homes / static caravans and additions to the names of the residents permitted to occupy the site</b>
<b>PARISH</b>	<b>Stanbridge</b>
<b>WARD</b>	<b>Heath &amp; Reach</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Versallion</b>
<b>CASE OFFICER</b>	<b>Debbie Willcox</b>
<b>DATE REGISTERED</b>	<b>23 November 2015</b>
<b>EXPIRY DATE</b>	<b>18 January 2016</b>
<b>APPLICANT</b>	<b>Mrs Gentle</b>
<b>AGENT</b>	<b>BFSGC</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called in by Cllr Versallion on the following grounds:</b> <ul style="list-style-type: none"><li>• <b>Concentration of G&amp;T sites and plots is contrary to policy;</b></li><li>• <b>Overdevelopment;</b></li><li>• <b>Loss of Green Belt;</b></li></ul>
<b>RECOMMENDED DECISION</b>	<b>Variation of Condition – Recommended for Approval</b>

### **Summary of Recommendation:**

The application represents inappropriate development within the Green Belt, however it would not conflict with any of the purposes of including land within the Green Belt and would only have a very limited impact on openness. Having regard to the personal circumstances of the applicants, with significant weight given to the best interests of the child and the lack of alternative sites within the area, it is considered that very special circumstances exist that outweigh the harm that would be caused to the Green Belt. Weight is also given to the benefits of providing an additional 5 pitches and strengthening the Council's buffer of its five year housing supply. Subject to the imposition of additional conditions requiring the planting of woodland to the north of the site and ensuring appropriate sewerage and drainage, it is considered that the proposal would not harm the character and appearance of the area, the amenity of neighbouring occupiers or the highway network. The proposal is therefore considered to accord with Sections 5, 12 and 13 of the NPPF, Planning Policy for Traveller Sites

(August 2015), policy BE8 of the South Bedfordshire Local Plan Review and policies SP4 and H8 of the submission version of the emerging Central Bedfordshire Local Plan.

**Site Location:**

The application site is an established and lawful Gypsy and Travellers' site known as Plot 10, Site C, The Stables, and is located behind other existing Travellers sites on the north side of Stanbridge Road, within the Parish of Stanbridge, close to its boundary with the Parish of Billington. The site was referred to as Plot 3 within the original planning application.

The application site is part of a larger site which, due to its planning history is known as Site C. Together with Sites A and B they are collectively known as The Stables and together have a highway frontage and width of approx. 220 metres and a depth of approx. 110 metres, extending in total to approx. 2.42ha (6 acres).

The application site itself is roughly level. The access runs behind the plots to the south and south west of the site before joining Stanbridge Road.

To the east of Site A is Mead Open Farm, a paying visitor attraction, to the west of Site C, beyond a narrow strip of land used as an access to the grazing land, lies an agricultural enterprise known as Spinney Meadows. To the southern side of Stanbridge Road lies a long-established industrial estate which accommodates various industrial and transport related businesses. Also to the southern side of Stanbridge Road, and opposite Spinney Meadows, lie The Conifers, Nos. 28 and 30 Stanbridge Road, and Ash Tree Paddock, which are also authorised Gypsy / Traveller sites.

The site is washed over by the Green Belt.

**The Application:**

Planning permission was granted in 2013 (CB/10/00952/FULL) for the change of use of the land at Site C to station 9 caravans on three plots, one of which was the application site. The permission contained several conditions, among which Condition 3 limited the occupation of the site to named occupiers and their resident dependents and Condition 4 limited the number of caravans on the site to 9, of which no more than 6 could be mobile homes / static caravans. The approved plans show two static caravans on each of the three plots, but did not restrict locations of the three touring caravans. However, it is assumed that each plot would be permitted to station one touring caravan under the existing permission.

This application is a retrospective application to vary conditions 3 and 4 to allow the stationing of an additional 5 static caravans on Plot 10 and to make provision for up to four touring caravans to be provided on the plot. The additional caravans would

be located partly on the approved plot and partly on an area designated for woodland in the original permission. The "woodland area" measures around 0.1 hectares.

The site plan shows the location of the caravans along with three day rooms / utility blocks. The plan also shows an area of woodland at the rear of the site, which currently does not exist. This 0.18 hectares area of land was designated as an area of paddock in the original permission, but currently comprises hardstanding.

The application would still retain the names of the original occupiers of the Plot. It would then add members of their family to allow them to lawfully live on the plot together. The additional occupiers would be:

Tommy Ward and resident dependants (Son of the original occupier)  
Angel Ward and Tony Delaney and resident dependants (Daughter of the original occupier)  
John James Ward and Kaylee Giles and resident dependants (Son of the original occupier)  
Olivia Ward and resident dependants (Daughter of the original occupier)  
Bryan Maughan and resident dependants (First cousin of the original occupier)  
Ann Reilly and resident dependants (First cousin of the original occupier)  
Kirstie Sian McKeown and resident dependants (First cousin of the original occupier)  
- shares a caravan with Ann Reilly.

If the application is to be approved, the Section 106 Agreement of the original permission would have to be varied to reflect the changes on the site.

## **RELEVANT POLICIES:**

### **National Planning Policy Framework (NPPF) (July 2018)**

Section 5: Delivering a sufficient supply of homes

Section 12: Achieving well-designed places

Section 13: Protecting Green Belt land

Section 14: Meeting the challenge of climate change, flooding and coastal change

### **D.C.L.G - Planning Policy for Traveller Sites - August 2015**

### **South Bedfordshire Local Plan Review Policies**

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.*

### **Central Bedfordshire Local Plan - Emerging**

The Central Bedfordshire Local Plan has reached submission stage and was submitted to the Secretary of State on 30 April 2018.

The National Planning Policy Framework (paragraph 48) stipulates that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans unless material considerations indicate otherwise.

The apportionment of this weight is subject to:

- the stage of preparation of the emerging plan;
- the extent to which there are unresolved objections to relevant policies;
- the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.

Reference should be made to the Central Bedfordshire Submission Local Plan which should be given limited weight having regard to the above. The following policies are relevant to the consideration of this application:

Policy SP4: Development in the Green Belt

Policy SP8: Gypsy and Traveller, and Travelling Showpeople Pitch Requirement

Policy H8: Assessing Planning Applications for G&T Sites

Policy HQ1: High Quality Development

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

Central Bedfordshire Design Guide (March 2014)

### **Relevant Planning History:**

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

SB/TP/03/1419 – Use of land for siting of 19 Gypsy caravans with associated hardstanding and landscaping. Refused 29 October 2003.

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

SB/TP/07/0677 (Site A / Plots 1-3) Retention of Gypsy caravan site for 5 families with a total of two static caravans and 6 touring caravans, including hardstanding. (Temporary Permission for three years - 04 October 2007).

SB/TP/07/0885 (Site B / Plots 4-7) Retention of Gypsy caravan site for 4 families, each with a total of up to 3 caravans, including formation of hardstanding. (Refused 21 September 2007).

SB/TP/07/0678 (Site C / Plots 8-17) Retention of Gypsy caravan site for 12 families, each with up to 3 caravans, including formation of hardstanding. (Refused 19 September 2007).

SB/TP/07/1372 (Site C / Plots 8 & 9-17) retention of Gypsy caravan site for 9 families, each with up to 3 caravans, including hardstandings and landscaping. (Refused 12 March 2008). Appeal dismissed by the Secretary of State. (19 June 2009).

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

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

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

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

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

CB/10/00952/FULL - (Site C) - Change of use for the stationing of 9 caravans (3 pitches) (Approved 18/04/2013, subject to Section 106 Agreement).

CB/10/03217 – (Site A / Plots 1-3) - Retention of Gypsy caravan site for 7 families with a total of 2 static caravans and 6 touring caravans including hardstanding & landscaping. (Permanent Consent granted 29 December 2011)

CB/11/04074/FULL - (Site C / Plot 11) - Retention of existing static mobile home, caravan, day room and wash room, Plot 11, Site C. (Approved 18/04/2013)

CB/13/01223/VOC - (Site A / Plots 1 -3) - Variation of Conditions: 2 & 5 of planning permission CB/10/03217/FULL - Retention of Gypsy caravan site for 7 families with a total of two static caravans and six touring caravans including hardstanding and landscaping. Additional names to be added to Condition 2 and Condition 5 to say 'No

more than twelve caravans shall be stationed on the Site at any time, of which ten caravans shall be residential static caravans'. (Approved 20/06/2013)

CB/13/02539/FULL - (Site C / Plot 8) - Planning Permission is sought for a new highway access onto Stanbridge Road. (Refused 30/04/2014)

CB/14/02145/FULL - (Land r/o The Stables) - Change of use of land to use as a residential caravan site for 3 Gypsy/Traveller families, each with two caravans including one static caravan/mobile home, laying of hardstanding and erection of fencing & landscaping (Refused 22/07/2014)

CB/15/01399/FULL - (Land r/o The Stables) - Change of use of land to use as a residential caravan site, comprising one residential Traveller pitch and a transit site for up to 3 Traveller families. Laying of hardstanding and erection of amenity block. (Refused 15/11/2016. Appeal Dismissed)

CB/15/04522/FULL - (Site B / Plot 7) - Permission is sought for change of use of land to a residential Caravan site for members of the Gypsy Traveller Community. The site to contain one static caravan, two touring caravans, parking for two vehicles with associated hardstanding and water treatment plant. (Refused 11/11/2016)

CB/18/01659/FULL - (Land r/o The Stables) - Change of use of land to use as a residential caravan site for 6 Gypsy families each with two caravans including no more than one static caravan, together with laying of hardstanding. (Decision pending).

CB/18/02086/VOC - (Site C / Plot 11) - Variation of Condition 2 to planning permission CB/11/04074/FULL Condition No.1 states "The site shall not be occupied by any persons other than Gypsies and Travellers, as defined in Annexe A of Planning Policy for Traveller Sites." we are happy that condition will preserved for use only by our community. If it isn't agreed that condition 2 can be removed then it could be varied to: "The occupation of the site hereby permitted shall be carried on only by the following and their resident dependants: Mr John D McCarthy, Mrs W. McCarthy. (Decision pending).

**Consultees:**

Stanbridge Parish  
Council

**It was AGREED to OBJECT.** This site is in the Green Belt, and we feel strongly that it comes in the category of "inappropriate development in the Green Belt" and 'over development in Green Belt'.

In the South of the county we already have over 60% of the entire CBC G&T population. Allowing the change to condition 3 would further increase the numbers in an already oversubscribed area. This road alone has several sites. The Stables A, B & C already consists of many plots with 2 further sites on the opposite side of the road.

Although there is no current Development Plan or Local Plan, nor an effective definition of “dominance”, it must be clear that under any sensible definition, the G&T population in the Billington area cannot be seen otherwise than dominating the settled community. The Police are already concerned about the aggressive activities of some (not all) of the G&T population in the area.

We could state that currently certain individuals seem to behave above the law on other pitch sites within the 3 Stables Sites. This sets a bad example to children on site. Whilst this is not directly linked to planning it will have an impact on more children coming on to the site and potentially place them in a dangerous situation.

With sub-letting a common occurrence on other sites in the area we do not feel there is unmet need as there are spaces available on other sites.

A lack of enforcement in the area gives rise to concerns about the safety and suitability of this site and further expansion. We would strongly object to the numbers on this site being increased.

The plan shows 7 static caravans 4 mobile caravans and 2 day rooms. This is extreme over development of the site and the plot cannot sustain such increases. **With the proposed number of families (6) the numbers on site are likely to reach over 32.**

Concerns that the local school will not be able to accommodate any further increases.

Would have grave concerns over the waste disposal and sewerage for this site.

There is no indication of a Shower and toilet block. Plan only indicates DAY ROOMS.

Plan doesn't show parking area so it looks as if they will be parking between caravans. This gives rise to issues with safety to those on site due to over expansion.

With flooding and raw sewerage already an issue in the area we have concerns for Health and safety of those on site and living /working around it.

Flooding already an issue on this road and with more hard landscaping required for so many pitches this would exacerbate the situation causing a danger along the highway.

Condition 3 which states that only the named person may dwell on the site and when they cease to live at the site then the permission for the site to exist as a traveller site is removed and it must revert to its original state. At the

time of the application those wishing to reside would have had to prove very special circumstances for approval due to the Green Belt Policy. These cannot be presumed to transfer onto the new families. The condition was stated for good reason and therefore should not be removed. Only 2 names remain the same.

The increase in numbers at this site and the new families now wishing to take up residence should be seen as a new application.

**It was AGREED** to request Ward Cllr Versallion to formally call in.

Highways Officer	No objection.
Trees & Landscape Officer	No objection, but the planting agreed as part of the original application must be implemented in order to maximise the integrity of the boundary planting, and the screening value needed to visually contain the site, which will now be even more critical recognising the increased number of caravans.
Environment Agency	No response.
Police Architectural Liaison Officer	No response.
Pollution Team	No response.
Private Sector Housing Team	No response.
Waste Services	No response.

**Other Representations:**

None

**Determining Issues:**

The main considerations of the application are;

1. Principle
2. The Need for Permanent Sites Locally and How the 5 Year Supply has been Calculated
3. Impact on the Character and Appearance of the Area
4. Neighbouring Amenity
5. Drainage and Sewerage
6. Planning Balance

## 7. Other Considerations

### Considerations

#### 1. Principle

- 1.1 Section 73 of the Town and Country Planning Act provides for applications for planning permission to develop land or change the use of land or a building without complying with conditions previously imposed on a planning permission. In determining such an application under section 73, the decision maker should take into account any changes in circumstances since the parent permission was issued.
- 1.2 Advice within the National Planning Practice Guidance states that the original planning permission will continue to exist whatever the outcome of the application under section 73 and, to assist with clarity, decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. In granting permission under section 73 the Local Planning Authority may also impose new conditions - provided the conditions do not materially alter the development that was subject to the original permission and are conditions which could have been imposed on the earlier planning permission. In deciding an application under section 73, the Local Planning Authority must only consider the disputed condition/s that are the subject of the application - it is not a complete re-consideration of the application, (paragraph 031). The Local Planning Authority can grant permission unconditionally or subject to different conditions, or they can refuse the application if they decide the original conditions should continue.
- 1.3 Having regard to the established principle of the development, consideration of the application therefore turns to examining the impact of the proposed variation of the conditions to the acceptability of the intensification of the use of the site as a Travellers' site having regard to its location within the Green Belt, the character and appearance of the area, the amenity of neighbouring occupiers and the impacts on the highways network and flooding and drainage.
- 1.4 The provision of Gypsy and Traveller sites is governed by similar restrictions as conventional housing - there is a requirement for the Local Planning Authority to identify a 5-year supply of pitches / sites to meet an objectively assessed need - and such sites should be in sustainable locations, with good access to facilities - especially educational and medical needs - with a general requirement to avoid isolated sites within the countryside. As of 1st July 2018, the Council can demonstrate a 6.2 year supply based on objectively assessed need, using the figures contained within the Council's Gypsy and Traveller Accommodation Assessment of August 2016.

- 1.5 The site is washed over by the Green Belt, and the intensification of the use of the site by the installation of additional caravans on the site is considered to constitute 'inappropriate development', which the NPPF states is harmful by definition. The NPPF indicates that inappropriate development should be refused unless very special circumstances can be demonstrated that clearly outweigh the harm that would be caused to the Green Belt by reason of inappropriateness and any other harm.
- 1.6 Furthermore, some weight must be given to the government's letter to Chief Planning Officers, issued on 31st August 2015, which introduced a planning policy that makes intentional unauthorised development within the Green Belt a material consideration in the determination of planning applications and appeals.
- 1.7 The National Planning Policy for Gypsy and Traveller sites indicates that:-  
"Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.
- 1.8 To determine whether Very Special Circumstances exist, it is first necessary to quantify the level of harm that would result to the Green Belt. In this case, the site is an existing Gypsy and Traveller plot, surrounded to the south and west by other authorised Gypsy and Traveller development and to the east lies an area of despoiled land immediately beyond which is another authorised Gypsy and Traveller site. Whilst the application seeks to extend the site into an area previously designated as woodland, the provision of replacement woodland on the area previously designated as paddock (which can be secured by condition) would screen views from the north and thus the application would only have a very limited impact on the openness or visual amenities of the Green Belt. The application also does not conflict with any of the purposes for including land within the Green Belt. As such, the harm that would be caused to the Green Belt as a result of the application would be limited.
- 1.9 The applicant has put forward a case for very special circumstances which directly relate to the best interests of the child. In this case, the families which would be accommodated by a grant of permission have six children under the age of 16, who require stable access to education and healthcare. Furthermore, two of those children have recognised medical conditions which require regular healthcare appointments and the provision of a stable base. In addition, two of the named adults also have conditions which are likely to require additional support. It is considered that substantial weight must be given to the needs of the child. The proposal would allow the children within

the identified families to access education and healthcare facilities whilst living in a culturally appropriate manner, with a close familial support network on the same site.

- 1.10 Furthermore, the Planning Policy for Travellers Sites instructs authorities, when considering applications, to consider the availability or lack of alternative accommodation for the applicants. At the current time there are no alternative available sites within the local area that could meet the identified needs of the families that would be accommodated on the site as a result of the application. This also weighs in favour of the application.
- 1.11 To clarify a point made by Stanbridge Parish Council, the proposal is not to replace the families previously permitted to occupy the site, but to increase the number of caravans to allow close family members of one of the original families to live on the site alongside the original occupiers. The very special circumstances demonstrated by the original occupiers still exist.
- 1.12 Although only limited weight can be attributed to the policies in the emerging Central Bedfordshire Local Plan, they are helpful as a direction of travel. Policy SP8 identifies a requirement to deliver 71 pitches in the period up to 2035. The submission version of the Local Plan does not allocate any sites to deliver this need, however, based on past performance, the Council is confident that it can deliver the required pitches throughout the plan period through the approval of planning applications.
- 1.13 Policy H8 of the submission version of the Local Plan states the following: Sites for Gypsies and Travellers, including extensions to existing sites will be subject to the following considerations in addition to other relevant policies within this Plan:
- The scale of the site and the number of pitches would not dominate the nearest settled community and would not place undue pressure on local infrastructure;
  - Site design demonstrates that the pitches are of a sufficient size to accommodate trailers/caravans, parking, and storage and amenity space for the needs of the occupants.
  - Adequate schools, shops, healthcare and other community facilities are within reasonable travelling distance; and
  - Suitable arrangements can be made for drainage, sanitation and access to utilities.
  - Proposals for mixed residential and business uses should have regard to the safety and amenity of the occupants and neighbouring residents.
- 1.14 In respect of the first point, Stanbridge Parish Council have raised concerns that the proposal would result in the settled community being dominated by the scale of the site and the number of pitches. In this case, it is considered helpful

to refer to a recent Appeal decision (APP/P0240/W/17/3169799 issued 26/03/2018) for a permanent pitch and a transit site for three caravans on Land to the Rear of The Stables, Stanbridge Road (Council's ref: CB/15/01399/FULL). Whilst this Appeal was dismissed, the Inspector stated the following:

*"The local community, as represented by Stanbridge and Billington Parish Councils are concerned about the cumulative effect of more gypsy and traveller pitches along Stanbridge Road and consider that this is now of a scale which is dominating the local community. While I have noted the degree of permitted and unauthorised encampments along the road, there is no clear evidence before me of undue pressure on local infrastructure. The overall sites at parcels A, B and C are relatively well contained and in physical and visual terms, including in relation to the nearest settlements, I am satisfied that the cumulative effect of the proposal and the sites that have been permitted would not dominate the settled community."*

1.15 As this site sits centrally within the Stables, it is considered that the Inspector's views are directly applicable and, in terms of physical and visual terms, the intensification of Plot 10 would not result in dominance of the settled community.

1.16 The Inspector also stated the following in response to concerns that the local schools would not have sufficient capacity:

*"The representatives of the parish councils expressed concern about the number of school age children that are now said to be living on site as they suggested that the local schools do not have spare capacity to accommodate such numbers and there is also concern for the long term welfare of the travellers themselves if there is no practical solution on obtaining education for the children. However, there is no evidence before me to demonstrate a lack of capacity in the local schools and in any event there is a general obligation on the local authority to make provision for the education of children."*

1.17 In this instance, the Education Team has advised that the site falls within the Leighton Buzzard catchment and there are no capacity concerns within the trajectory for the next few years. It is not considered that the application would place undue pressure on local infrastructure;

1.18 The site is considered to provide sufficient space for caravans, day room and utility blocks, parking and storage. It is considered that the area of woodland would provide a certain level of amenity space. Infrastructure such as schools, shops, healthcare and other community facilities are considered to be located within reasonable travelling distance. It is considered that extra provision for drainage and sewerage is likely to be required; however, this can be controlled by the imposition of an additional condition. The proposal is solely for

residential purposes, so the last bullet point of Policy H8 does not apply. The application is therefore not considered to conflict with the requirements of Policy H8.

## **2. The Need for Permanent Sites Locally and How the 5 Year Supply has been Calculated**

2.1 The Council's most recent Gypsy and Traveller Accommodation Assessment (GTAA) was published in August 2016. This states that the Gypsy and Traveller need for Central Bedfordshire is 71 pitches over the period 2015 - 2035. This figure comprises 23 pitches for 'Travelling' Gypsies and Travellers (as defined by annex 1 of Planning Policy for Traveller Sites (PPTS), 31 August 2015) and 48 pitches for 'unknown' Gypsies and Travellers.

2.2 The GTAA breaks down this need into 5 year periods which run from 2016 - 2021, 2021 - 2026 and so on. Taking the GTAA figures and annualising them, it can be seen that over the period 2016 - 2018, 10 pitches were needed to meet the pitch requirement set out above. The latest monitoring information (30 June 2018) shows that over that same period Central Bedfordshire has acquired an additional 35 pitches against the base data of the GTAA. Of these 3 are temporary, and 1 has lapsed which leaves a balance of 31 additional permanent pitches since the base date of the GTAA (April 2016). This is a surplus of 21 pitches of available supply when assessed against what was needed to be provided during that period.

- 5 pitches x 2 (years) = 10 pitches
- 31 (planning permission since 1 April 2016) - 10 = 21 pitches

The remaining need to be accommodated over the Plan period to 2035 is therefore 61 pitches (71 - 10).

2.3 The derivation of the new five year supply requirement is calculated by annualising the remaining need over the period 2018 to 2035 (61 pitches) by dividing by 18 (the remaining years in the Plan period), and then multiplying by 5.

- $61/18$  (years remaining) = 3.4 pitches per year
- $3.4 \times 5$  (years) = 16.9

2.4 As noted between 1 April 2016 and 30 June 2018 a total of 31 pitches have been permitted. 10 of these were required to meet the needs identified over that period. The remaining requirement between 1 July 2018 and 31 March 2035 is 61 pitches.

- $71 - 10 = 61$  pitches

2.5 This means that over the remaining 18 years of the Local Plan period, an average of 3.4 pitches will be required per year, or 16.9 pitches over the five year supply period.

- $61/18$  (years) = 3.4 pitches per year
- $3.4 \times 5$  (years) = 16.9 years

### **3. Impact on the Character and Appearance of the Area**

3.1 The application site is not visible from Stanbridge Road to the south, or to the west or east as a result of other authorised Gypsy and Traveller developments and a despoiled section of land. The submitted plan shows an area of woodland on the north section of the site, which would screen views of the site from the open countryside to the north.

3.2 It is therefore considered that, subject to the imposition of a condition requiring the implementation of the woodland within the planting season immediately following a grant of permission, that the intensification and expansion of the site would not have a material impact on the character and appearance of the area. As such, the application would comply with Section 12 of the NPPF, Policy BE8 of the South Bedfordshire Local Plan Review and Policy HQ1 of the submission version of the emerging Local Plan.

### **4. Neighbouring Amenity**

4.1 There are no 'bricks and mortar' neighbouring properties in close proximity to the site and therefore the proposal would not have any appreciable impact on the amenities enjoyed by the occupants of any nearby 'bricks and mortar' residential properties.

It is not considered that the intensification of use and expansion of the site would have any harmful impacts on the amenities of the occupiers of the neighbouring Gypsy and Traveller developments.

### **5. Drainage and Sewerage**

5.1 Stanbridge Parish Council have raised concerns about drainage and sewerage and the intensification of use and expansion of the site may result in strain being placed on existing drainage and sewerage arrangements. As such, it is considered reasonable and necessary to impose an additional condition seeking the submission of details of the proposed drainage and sewerage arrangements within 3 months of the date of decision and the subsequent implementation of the approved scheme within agreed timescales. It is considered that this is justified by the requirements of Section 14 of the NPPF and Policy H8 of the emerging Local Plan.

### **6. The Planning Balance**

6.1 It has been identified that the application would constitute inappropriate development within the Green Belt. The application does not conflict with any

of the purposes for including land within the Green Belt and would result in only very limited harm to Green Belt openness, nevertheless, the NPPF states that substantial weight should be given to any harm to the Green Belt. Additional weight against the scheme should also be given as the application is retrospective.

- 6.2 However, balanced against that, substantial weight must be given to the personal circumstances of the applicants, because of the need to have regard to the best interests of the child. The children of the families who seek to lawfully occupy the site have educational, social and healthcare needs; in two cases, there are children with very specific medical conditions which require regular healthcare appointments. This application would provide the families with a settled base from which regular access to education and healthcare can be secured, whilst living in a culturally appropriate manner with a close support network.
- 6.3 A refusal of the application would render the families on the site homeless and, in accordance with the national Planning Policy for Traveller Sites weight in favour of the application must also be given to the lack of availability of alternative pitches in the area.
- 6.4 In addition, the application would allow the Council to materially strengthen the buffer of its five year supply, by increasing the number of authorised pitches on the plot by five from two to seven, which would be a significant benefit of the scheme, having regard to the fact that the Council is reliant on the approval of acceptable applications to deliver the need identified within the Local Plan.
- 6.5 Having regard to all the factors involved, it is considered that very special circumstances exist that clearly outweigh the identified harm to the Green Belt. The application is therefore considered to conform with Section 13 of the NPPF, Planning Policy for Traveller Sites and policies SP4 and H8 of the emerging Central Bedfordshire Local Plan.

## **7. Other Considerations**

### **7.1 Highways**

The Highways Officer has raised no objection to the application and it is therefore considered that the application would not have a material impact on the safety and capacity of the highway network.

### **7.2 Response to Parish Council Concerns**

The majority of the concerns raised by the Parish Council have already been addressed elsewhere in the report. In response to other concerns raised, the behaviour of individuals on other sites within The Stables does not constitute a material consideration in the determination of this application. It is noted that (at the time of writing the report) the Police Architectural Liaison Officer has

not formally responded to a consultation, despite the closure of the consultation period. As such, there is no evidence that the intensification of the use and expansion of the site would increase the risk of crime.

7.3 It is understood that the day rooms identified on the plan also include sanitation facilities.

7.4 **Human Rights Issues:**

It is recognised that the refusal of consent would require some individuals who are already resident at the site, albeit without a lawful permission, to leave the site. This would lead to an interference with their 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 members of the applicant's family and would result in a violation of their rights under the Convention.

7.5 **Equality Act**

Based on information submitted there are no known issues raised in the context of the Equalities Act 2010 and as such there would be no relevant implications.

7.6 **Section 106 Agreement**

The use of the area designated as woodland for additional caravans and the use of the paddock area for the planting of a woodland would require a Deed of Variation to be entered into between the Council, the applicants and the occupiers of the other two pitches on Site C.

7.7 **Planning Conditions**

As noted above, guidance on Section 73 applications suggests that conditions attached to the original permission should be repeated unless they have already been discharged. The LPA also has the ability to impose new conditions as long as they are conditions which could have been imposed on the original permissions.

7.8 In this case, condition 1 of the original permission related to time limits for implementation. As the permission has been implemented and the Variation of Condition application is retrospective, this should no longer be imposed and the remaining conditions need to be renumbered.

7.9 Condition 2 of the original permission restricted occupiers on the site to the definition of Gypsies and travellers, as defined in Annex A of Planning Policy

for Traveller Sites. It should be noted that this document was the 2012 version, and Annex A had a looser definition than the 2015 version. Nevertheless, to avoid prejudicing the other occupiers on the other two plots which make up the site, it is considered that it would be unreasonable to amend the condition to refer to the updated policy definition. As such, this condition is recommended to be retained in its entirety.

- 7.10 Conditions 3 and 4 of the original permission are those sought to be varied, and it is recommended that they are varied in accordance with the application (albeit they will now be numbered conditions 2 and 3)
- 7.11 Conditions 5 and 6 are recommended to be replicated in their entirety (albeit now numbered 4 and 5.)
- 7.12 Condition 7 removes permitted development rights for the erection of means of enclosure (such as gates and fences) and the erection of buildings on the site. It originally referred to a plan required to be submitted under condition 8 of the original permission. As that plan was submitted and agreed under an approval of details process, the wording of the condition has been amended to refer to the approved plan and the site layout plan for this application. This condition is now recommended condition 6.
- 7.13 Original condition 8 has now been discharged and does not require reimposing. New conditions 7 and 8 are recommended. New condition 7 requires the submission and implementation of details of the woodland shown on the submitted plan within the planting season following the grant of planning permission and condition 8 requires the submission and implementation of a scheme for sewerage and drainage.
- 7.14 Condition 9 of the original permission relates to Plot 2 of Site C (also known as Plot 8) and is not affected by this permission. The condition has not been implied with and is the subject of an Enforcement Notice. To avoid prejudicing any Enforcement Action, it is recommended that the condition be reimposed in its entirety.
- 7.15 Condition 10 relates to the approved plans. These are still relevant to the other two plots and the condition is recommended to be varied by the scheme submitted to discharge the original condition 8 and the plan submitted with the current application.

**Recommendation:**

That the Variation of Condition be APPROVED subject to the completion of a Deed of Variation of the Section 106 Agreement and the following:

## RECOMMENDED CONDITIONS

- 1 The site shall not be occupied by any persons other than Gypsies and Travellers, as defined in Annexe A of Planning Policy for Traveller Sites (2012).

Reason: To ensure that use of the site is restricted to Gypsies and Travellers having regard to the location of the site in the Green Belt together with the provisions of the National Planning Policy Framework and the Planning Policy for Traveller Sites.

- 2 The occupation of the site hereby permitted shall be carried on only by the following and their resident dependants:

Helen O'Reilly and Patrick O'Reilly

Mary McCarthy and Francis Cawley

Roseleen Gentle and Francis Curtis

Tommy Ward

Angel Ward and Tony Delaney

John James Ward and Kaylee Giles

Olivia Ward

Bryan Maughan

Ann Reilly

Kirstie Sian McKeown

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

- 3 No more than 17 caravans shall be located at the site of which no more than 11 shall be mobile homes / static caravans. No more than 11 caravans shall be stationed on Plot 3 (also known as Plot 10) of which no more than 7 shall be mobile homes / static caravans.

Reason: In recognition of the location of the site in the Green Belt and having regard to the provisions of the National Planning Policy Framework.

- 4 When the land ceases to be occupied by those named in Condition 2 above the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to the land in connection with the use hereby approved, shall be removed. Within 6 months of that time the land shall be restored to its condition before the use commenced.

Reason: To enable the Local Planning Authority to review the use, together with any buildings and structures, when the occupation of the site by the individuals named in Condition 3 ceases, in recognition of the location of the site in the Green Belt and the “very special circumstances” case accepted in accordance with the National Planning Policy Framework.

- 5 No more than three commercial vehicles shall be kept on the site for use by the occupiers of the caravans hereby permitted and they shall not exceed 3.5 tonnes in weight.

Reason: To ensure the retention of planning control by the Local Planning Authority in recognition of the location of the site in the Green Belt and having regard to the provisions of the National Planning Policy Framework.

- 6 Notwithstanding the provisions of Part 2 (Minor Operations) or Part 5 (Caravan Sites) of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any Order or enactment amending or re-enacting that Order no walls, gates, fences or any other means of enclosure or any amenity or storage buildings or other structures shall be erected on the application site or on the adjoining land to the east in the applicant’s ownership other than in accordance with the provisions of the site development scheme shown on approved drawing no. SDS-A-01 and the layout shown on approved drawing no. BP-05-2018 or such amendment thereto as may be agreed from time to time in writing by the Local Planning Authority or in accordance with a specific grant of planning consent in that regard.

Reason: In order to ensure that the overall appearance of the development has regard to the views into and over the site and that the development has no unacceptable adverse effect upon general or residential amenity in accordance with Policy BE8 of the South Bedfordshire Local Plan Review having particular regard to the location of the site in the Green Belt and to the provisions of the National Planning Policy Framework.

- 7 The additional residential caravans hereby permitted shall be removed within 28 days of the date of failure to meet any one of the requirements set out in (A) to (D) below:

(A) within 3 months of the date of this decision a scheme setting out details of the woodland and native hedge shown on drawing number BP-05-2018, including layout, species types, number and size of plants at the time of

planting The trees, shrubs and grass shall subsequently be maintained in accordance with the approved scheme and any which die or are destroyed shall be replaced during the next planting season.

Reason: The proposed woodland and native hedgerow will significantly reduce the impact of the development on the character and appearance of the area and the openness and visual amenities of the Green Belt.  
(Policy BE8, SBLPR and Sections 12, 13 & 15, NPPF)

- 8 The additional residential caravans hereby permitted shall be removed within 28 days of the date of failure to meet any one of the requirements set out in (A) to (D) below:

Reason: To ensure that the sewerage and drainage on the site are sufficient to meet the needs of the original and additional occupiers of the site, in the interests of the health and safety of the occupiers of the plot and the surrounding plots and to reduce the risk of flooding and contamination, having regard to Sections 14 and 15 of the National Planning Policy Framework and to the provisions of Policy BE8 of the South Bedfordshire Local Plan Review.

- 9 Within 6 months of the date of this permission the second access to the site serving plot 2 shall be closed, subsequently the boundary hedgerow shall be reinstated in accordance with the approved landscaping plan, planting details and timescale.

Reason: In the interests of general and visual amenity having regard to the National Planning Policy Framework and to the provisions of Policy BE8 of the South Bedfordshire Local Plan Review and Policy 43 of the Development Strategy for Central Bedfordshire.

- 10 This permission relates only to the submitted plans, numbers CBC/001, PP/01, SDS-A-01 as varied by drawing no. BP-05-2018.

Reason: For the avoidance of 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. This permission is subject to a unilateral undertaking under Section 106 of The Town and Country Planning Act 1990.
- 4. Please note that the unnumbered drawings submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council's website [www.centralbedfordshire.gov.uk](http://www.centralbedfordshire.gov.uk).

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35**

The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and 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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**DECISION**

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