

Item No. 11

APPLICATION NUMBER CB/18/03451/VOC
LOCATION Valley View, Hemel Hempstead Road, Dagnall, Berkhamsted, HP4 1QR
PROPOSAL Variation of Condition: Conditions 3 & 5 of planning permission CB/13/03219/FULL .
PARISH Studham
WARD Caddington
WARD COUNCILLORS Cllrs Collins & Stay
CASE OFFICER Judy Martin
DATE REGISTERED 25 September 2018
EXPIRY DATE 20 November 2018
APPLICANT Mrs Golby Webb & Family
AGENT BFSGC
REASON FOR COMMITTEE TO DETERMINE Cllr Richard Stay has called in the application for the following reasons:

- Contrary to policy: Development contrary to Green Belt & contrary to original Secretary of State decision
- Over development: Highly sensitive area & unsuitable for additional development
- Overbearing: Existing site is an eyesore & a constant issue for neighbours, enlargement would make this situation worse
- Impact on landscape: Located within the Green Belt this proposal would add to an already negative impact on Green Belt & adjacent AONB
- Other: CBC would not entertain development in this location unless it was an application from the G& T community

RECOMMENDED DECISION Variation of Condition - Recommended for Approval

*Please note that in the following report references are made to paragraph numbers within the Secretary of State's (SOS) decision & the Inspectors report (IR). For ease both documents are appended at the end of this report.

Summary of recommendation:

The Secretary of State previously ruled that a lack of a 5 year supply of deliverable sites and the significant weight in favour of the development to the health needs of the applicant and the welfare, educational and health needs of her child (given the continuity of access to these services that the development would provide) constituted very special circumstances to outweigh the harm to the Green Belt as to warrant a 3-year temporary permission in 2016.

The current Central Bedfordshire Local Plan has reached submission stage and was submitted to the Secretary of State on 30 April 2018. From a local policy perspective, the approval of permission for this site would assist the Council in maintaining a 5-year supply.

The Secretary of State considered the site to be previously developed land (para 21/IR150-157). The applicant's status (as defined in the PPTS 2015 definition for Gypsies and Travellers) has not changed since 11/7/16 but the personal circumstances of the family has changed in-as-much the applicant daughter is settled into the local school. Approval is thus recommended.

Should Members be minded to grant approval the Secretary of State wishes to consider the case against his call-in policy so that he can consider all the issues relating to the application. _

Site Location:

Valley View is an existing authorised residential caravan site owned by the applicant's father. It lies within a shallow valley with the A4146 (Hemel Hempstead Road) running along the narrow bottom. The site is on rising land set back from the road, with a backdrop of woods on the hillside above. The site is within the South Bedfordshire Green Belt; the Chilterns Area of Outstanding Natural Beauty and is within an Area of Great Landscape Value defined by the development plan.

It is reached by a single-track access lane shared by two large detached secluded dwellings one of which has an alternative access route from the other side of the property. The site is flanked at one side and to the road by paddocks. These are used for grazing horses and are in the same ownership as the site. Across the paddock is a further dwelling.

The site is heavily screened from the main road by mature planting. The uphill end of the application site and paddocks abut Hudnall Common, which at this point is an open access area of mixed dense woodland owned by the National Trust and forming part of the Ashridge Estate.

The single authorised static caravan on the application site is a large mobile home that resembles a small bungalow.

Background History:

The application property has a lengthy planning history. Most recently planning permission was sought for **'one additional Static Caravan and two additional touring caravans for one Romani Gypsy family, with parking for two motor vehicles and associated hardstanding for use of the immediate family'** (CB/13/03219/FULL). The Local Planning Authority recommended approval of the planning application on a permanent basis, however the SOS called the application in (16/12/13) so he could make the final decision on the outcome of the application.

The Public Local Inquiry was held on 5-7 August 2014 and was conducted by Inspector Wenda G Fabian. The Inspector recommended that the application should be granted permanent consent on the 14/10/14. The SoS disagreed with the Inspector's recommendation. He refused permanent planning permission and granted a 3-year personal temporary permission on 11/7/16. This temporary consent will expire 10th July 2019.

The Current Proposal:

Permission is being sought to vary conditions 3 & 5 of planning permission CB/13/03219/Full (which read as following) to be varied from a temporary consent to a permanent permission.

(3) The occupation of the site hereby permitted shall be carried on only by the following: Mrs Jade Golby Webb, Mr Charlton Webb and their resident dependants and shall be for a limited period being the period of 3 years from the date of this decision, or the period during which the premises are occupied by them, whichever is the shorter.

(5) When the premises cease to be occupied those named in condition 3 above, or at the end of 3 years, whichever shall first occur, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought on to the land, or works undertaken to it in connection with the use shall be removed within one month of the cessation date.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (July 2018)

Planning Policy for Travellers Sites (PPTS), 31 August 2015

South Bedfordshire Local Plan Review, January 2004

SD1: Keynote Policy

BE8: Design Considerations

H15: Mobile Homes and Residential Caravans in the Green Belt

The NPPF advises of the weight to be attached to existing local plans for plans adopted prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the South Bedfordshire Local Plan Review. Due weight can be given to relevant policies in existing plans according to their degree of consistency with the Framework. It is considered that Policies SD1, BE8 and H15 are broadly consistent with the Framework and carry significant weight.

Central Bedfordshire Local Plan 2015-2035 - 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:

EXAM 3L: Gypsy & Traveller Technical Note

Policy H8: Assessing Planning Applications for Gypsy and Traveller Sites

Policy SP4: Development in the Green Belt

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

Policy EE5: Landscape Character and Value

Policy HQ1: High Quality Development

Supplementary Planning Guidance/Other Documents

- Gypsy and Traveller Accommodation Assessment (GTAA), August 2016
- Central Bedfordshire Design Guide, March 2014
- Ministerial Statements:
 - Planning and travellers, 1 July 2013
 - Green Belt, 7 January 2014

Relevant (site related) Planning History:

Case Reference	CB/13/03219/FULL
Location	Valley View, Hemel Hempstead Road, Dagnall, Berkhamsted, HP4 1QR
Proposal	Permission is sought for one additional Static Caravan and two additional touring caravans for one Romani Gypsy family, with parking for two motor vehicles and associated hardstanding for use of the immediate family.
Decision	Full Application - Granted
Decision Date	11/07/2016
Appeal Decision Date	11/07/2016
Appeal Decision	Allowed with Conditions

CB/12/01582/LDCP Certificate of Lawful Development Proposed: The siting of 3 caravans for residential use. Application withdrawn.

CB/11/03807/FULL Change of use of land to use as a residential caravan site for 3 Gypsy families with a total of 5 caravans, including no more than one static caravan/mobile home, together with extension of the existing hardstanding. Withdrawn.

SB/09/00194/CPD Siting of 4 caravans for residential use. Lawful development certificate refused. Appeal dismissed.

SB/ENF/08/0012 Without Planning Permission, the change of use of the building on the Land from use for storage purposes to use for residential purposes. Enforcement notice varied at appeal and on this basis the Appellant confirmed he was content for the notice to be upheld. Council accepted that use of building as a dayroom ancillary to the use of the adjoining land for the siting of caravan for residential use would be lawful.

SB/06/01306 Erection of dwelling. Planning permission refused. Appeal dismissed.

SB/03/00373 Removal of existing mobile home, garaging and shed and erection of new dwelling (outline). Planning permission refused.

SB/99/00210 Siting on the existing caravan site of a caravan as defined by Section 29(1) of The Caravan Sites & Control of Development Act 1960 and amended by Section 13 of The Caravan Sites Act 1968, for residential occupation. Planning permission granted.

SB/98/00006 Use of land as caravan site. Lawful development certificate granted.

SB/94/00005 Use of static mobile home as residence. Lawful development certificate granted. Appeal dismissed.

Neighbouring Planning History

Case Reference **CB/17/01020/FULL**
Location Barnfield, Hemel Hempstead Road, Dagnall, Berkhamsted, HP4 1QR
Proposal Demolition of existing dwelling, construction of a new four bedroom, one and a half storey dwelling.
Decision Full Application - Granted
Decision Date 18/10/2017

Case Reference **CB/16/04430/FULL**
Location Woodlands, Hemel Hempstead Road, Dagnall, Berkhamsted, HP4 1QR
Proposal Detached garage with games room over.
Decision Full Application - Granted

Decision Date	15/11/2016
Case Reference	CB/15/04603/FULL
Location	Land rear of Gade View, Hemel Hempstead Road, Dagnall, Berkhamsted, HP4 1QR
Proposal	Proposed detached eco barn dwelling and detached outbuilding.
Decision	Full Application - Granted
Decision Date	01/02/2016
Application Number	CB/12/01222/FULL
Description	Proposed new dwelling and paddock on former commercial land, together with new detached garage.
Decision	Full Application - Granted
Decision Date	20/06/2012
Application Number	CB/10/03101/FULL
Description	Demolition of existing commercial premises and erection of one detached dwelling with paddock and detached garage/office. Conversion of existing dwellings to form one dwelling and detached garage (revised application CB/10/00328/FULL)
Decision	Full Application - Granted
Decision Date	21/02/2011
Application Number	CB/10/00328/FULL
Description	Demolition of existing commercial premises and erection of two detached dwellings with detached garages. Conversion of existing dwellings to form one dwelling with alterations, extensions and detached garage.
Decision	Full Application - Refused
Decision Date	13/07/2010

Consultees:

Little Gaddesden Parish Council wish to object to this application and refer the Planning Department of Central Bedfordshire Council to our letter dated 22nd October 2013 (copy attached). Our letter gave reasons for our objection to the original **Application CB/11/03215/FULL** all of which, in our opinion, remain unchanged and also pertain to this present application.

The Secretary of State ruled on this site over two years ago after a lengthy and expensive appeals process. The Secretary agreed with the main issues identified by the Inspector. None of these issues have materially changed and there has been no material change in the arguments put forward.

In particular, we believe development on this site is not justified with regard to the **Green Belt**. Bedfordshire District Council has stated that land included in the South Bedfordshire Green Belt serves to safeguard the countryside from encroachment and assist in urban regeneration. The Green Belt affords protection to undesignated countryside which has a positive role to play in providing opportunities for access to and recreation in the open countryside close to where people live and in retaining land in agricultural and related uses. The Green Belt is closely related to the District Planning Authority's Sustainable Development Strategy preventing the loss of valuable open land to development, whether it is important for farming, landscape quality, ground water protection, recreation, open countryside or as a wildlife habitat.

Furthermore, the Council does not believe that the additional considerations put forward are material and does not support the case put forward to change the conditions of CB/13/03219/FULL of temporary to permanent consent. The BFSGC document dated 3 August 2018 in 2.07 (page 2) refers. The Council argues that this does not justify a variation of conditions application. The Council notes that Page 5 of this same document states that:

'If it is not deemed that a permanent consent should be granted then a temporary consent would be accepted by the applicants'.

In view of the history of this application and our arguments as stated, we do not believe a case has been demonstrated to justify the granting of this change of consent to permanent and urge the Council to refuse permission.

Studham Parish Council	To be reported on the late sheet.
Dacorum BC	The Council should have regard to the provisions contained within the NPPF and the NPPG.
Hertfordshire CC	No comments received.
Rural Heritage of Little Gaddesden	The increase in the number of caravans at the site would harm the Green Belt and the Chilterns AONB and there are no exceptional circumstances which would justify this damage (as already found by the Secretary of State) and there are no new matters raised by the applicant which could change the position. At the very most, the circumstances could justify no more than the extension of the existing personal temporary planning permission for a further period of 2 or 3 years, were the council minded to decide the application in this way.
Highways Development Management	No objection
Campaign Protection Rural England	No comments received.
Private Sector Housing	Officer agrees with decision to allow application for VOC for change from Temporary to Permanent. Officer visited the occupants within the last 12 months and was satisfied that the site was being maintained.
Environment Agency	No comments received.
Trees & Landscape	No objection subject to the specified condition.
Pollution Team	No comments to make.

Archaeology	No comments to make.
The National Trust	No comments received.
Policy Team	At the time of writing (January 2019) the Council can demonstrate a 5.33 year supply against its objectively assessed need of 71 pitches over the period 2015 - 35 (source: Gypsy and Traveller Accommodation Assessment, August 2016). This figure comprises 23 pitches for 'Travelling' Gypsies and Travellers, and 48 pitches for 'unknown' Gypsies and Travellers.

The approach followed in the Local Plan is predicated on the fact that this Council can demonstrate a 5 years supply of Gypsy and Traveller accommodation and it is also a requirement of National Policy that this can be demonstrated. The grant of permanent permission in this location would assist the Council in maintaining its 5 year supply, and thus the team would support this application.

Other Representations: 18 comments received (7 objections; 11 in favour). The comments received have been summarised as following:

Objections

- All the objections to the original application (CB/13/03219) will apply;
- The highest planning authority in the land confirmed in para. 29 of his decision that the site is an inappropriate permanent development within the green belt and granted a 3 year temporary permission to give the applicants family time to relocate themselves;
- The applicants are not gypsies or travellers under the 2015 PPTS as they do not travel or earn their living from a travelling lifestyle. None of the caravans on the site have moved since they were put there;
- This application seeks to create a new gypsy and traveller site where one does not currently exist at all;
- The Council and appellant legally agreed (re: application CB/13/03219) that the site was considerably larger than the original 1999 permission and covers the current location of the additional temporary mobile home and two additional caravans. The Council have allowed an unlawful beach of planning rules in unlawfully expanding this site;
- There are several additional persons living on the site who are not defined as occupiers by the current planning consent;
- The site is unsuitable for young families as there are no schools, public transport or other amenities in the area;
- The applicants appear to be using the site as a place of business;
- The site is visible from public land surrounding and residents' human rights under article 8 need to be considered and not just those of the applicant;
- At present I feel that the access driveway is only sufficient to provide access for the original property and if a permanent application is granted the additional vehicles accessing the new property will increase the noise levels considerably;
- Disruption from the constant use of vehicles at all hours of the day.

Support

- There is a shortage of Gypsy Traveller sites in Central Bedfordshire and the UK and this type of private site is a good way forward and much needed;
- The occupants are hard working and they pay into the system ie income tax and VAT;

- General messages of support for the applicant from friends and business associates.

Determining Issues

- 1. Principle**
- 2. Policy background including Gypsy and Traveller pitch provision**
- 3. Status of the applicants**
- 4. Green Belt, openness and purposes**
- 5. Character of the open countryside, the Area of Great Landscape Value (AGLV), the area of Outstanding Natural Beauty (AONB) and the visual amenity of the Green Belt**
- 6. The need for Gypsy and Traveller pitches**
- 7. Alternative sites and personal circumstances**
- 8. Any other considerations**

1. Principle

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.

In granting permission under section 73 the Local Planning Authority may 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 conditions 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.

As previously identified in permission reference CB/13/03219/full, the proposal is in principle inappropriate development in the Green Belt. There therefore needs to be very special circumstances which overcomes any harm to the Green Belt and any other harm from the proposal.

Consideration of the application therefore turns to examining the impact of the proposed variation that would be permitted by a variation of Conditions 3 and 5 of permission reference CB/13/03219/full with regards to the following issues (as identified by the Inspector at IR113) and any other relevant matters.

- Applicants status
- Green Belt, openness and purposes
- Character of the open countryside, the Area of Great Landscape Value (AGLV), the Area of Outstanding Natural Beauty (AONB) and the visual amenity of the Green Belt
- The need for Gypsy and Traveller pitches
- Alternative sites and personal circumstances

2. Policy background including Gypsy and Traveller pitch provision

Paragraph 134 in Section 13 (Protecting Green Belt land) of the NPPF states that '*Green Belt serves five purposes:*

- *to check the unrestricted sprawl of large built-up areas;*
- *to prevent neighbouring towns merging into one another;*
- *to assist in safeguarding the countryside from encroachment;*
- *to preserve the setting and special character of historic towns; and*
- *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.'*

Paragraph 143 of the NPPF states that '*... inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*'.

Paragraph 144 states that '*... local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*'.

Paragraph 145 is concerned with buildings. Paragraph 146 provides that certain other forms of development are not inappropriate in the Green Belt, provided that they preserve openness and do not conflict with the purposes of including land in the Green Belt. Gypsy and Traveller sites are not listed as an exception.

Planning Policy for Traveller Sites (PPTS), 31 August 2015, is specifically designed to provide guidance on determining Gypsy applications and to ensure fair and equal treatment for Travellers, in a way that facilitates that traditional and nomadic way of life for Travellers while respecting the interests of the settled community. The policy document requires that Local Planning Authorities carry out a full assessment of the need of Gypsies and Travellers in their area in liaison with neighbouring authorities to determine the need for sites. Sites should be specific deliverable sites sufficient to provide 5 years worth of sites against the authorities locally set targets.

In chapter 4 of the NPPF 2018 (Delivering a sufficient supply of homes) the following is stated:

60. To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.

61. Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).

Gypsy and Traveller Pitch Provision

The number of pitches (land per household which is suitable for a mobile home, touring caravan and a utility building, together with space for parking) is determined by a needs assessment which every local authority must carry out.

The Council's most recent Gypsy and Traveller Accommodation Assessment (GTAA) was published in August 2016.

The Policy Team have confirmed (January 2019) that the Council can demonstrate a 5.33 year supply against its objectively assessed need of 71 pitches over the period 2015 - 35 (source: Gypsy and Traveller Accommodation Assessment, August 2016). This figure comprises 23 pitches for 'Travelling' Gypsies and Travellers, and 48 pitches for 'unknown' Gypsies and Travellers.

The GTAA breaks down this need into 5 year periods which run from 2016 - 21, 2021 - 26 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 (30th June 2018) shows that over that same period we have acquired an additional 35 pitches against the base data of the GTAA. Of these 3 are temporary, and 2 have lapsed which leaves a balance of 30 additional permanent pitches since the base date of the GTAA (April 2016). This is a surplus of 20 pitches of available supply when assessed against what was needed to be provided during that period.

5 pitches x 2 (years)	= 10 pitches
30 (pp since 1st April 2016) - 10	= 20 pitches

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

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 16.25 (the remaining years in the Plan period), and then multiplying by 5.

61/16.25 (years remaining)	= 3.75 pitches per year
3.75 x 5 (years)	= 18.75

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

71 - 10	= 61 pitches
---------	--------------

This means that over the remaining 16.25 years of the Local Plan period, an average of 3.76 pitches will be required per year, or 18.75 pitches over the five year supply period.

61/16.25 (years)	= 3.75 pitches per year
3.75 x 5 (years)	= 18.75 years

Of the 30 pitches which have been approved since 1st April 2016, only 10 have been accounted for, leaving 20 pitches available to meet the requirements of

the new five year supply period. This is 4.1 pitches more than is required.

30 supply (pp since 1st April 2016) - 10 = 20 pitches

Therefore at 1st July 2018 this Council can demonstrate 5.4 years supply of pitches against a requirement of 18.5 pitches.

18.75/5	= 3.75 pitches per year
20/3.75	= 5.33 (years)

The approach followed in the Local Plan is predicated on the fact that this Council can demonstrate a 5 years supply of Gypsy and Traveller accommodation and it is also a requirement of National Policy that this can be demonstrated. The grant of permanent permission in this location would assist the Council in maintaining its 5 year supply, and thus the Policy Team would support this application.

3. Applicants status

The Secretary of State was previously satisfied that the applicant had met the PPTS 2015 definition for Gypsies and Travellers and that there was no planning reason why a Traveller family should not occupy the site (para 15/IR117).

In this case there has been no relevant material change in the applicant's status.

4. Green Belt, openness and purposes

The Secretary of State previously agreed that the proposed development would reduce openness to a moderate degree (para 16/IR123). He further agreed that the proposal would not result in urban sprawl or encroachment and that these aspects would not weigh against the proposal (para 16/IR124). He agreed that the development harm caused by the inappropriate nature of the development and to the openness of the Green Belt attracted substantial weight against the proposal (para 16/IR125) and concluded that the application should therefore not be approved except where very special circumstances were shown to exist. The Secretary of State accepted that the site is previously developed land, which adds a little weight in favour of the proposal (para 21/IR150-157).

Since the Public Local Inquiry which was held on 5-7 August 2014 there have been a number of neighbouring residential developments around the site (including a new dwelling and detached 3 vehicle car port which has been constructed on land to the rear of a neighboring property - CB/15/04603/FULL) which although justified in their own right are considered to have had some impact within the Green Belt. The SOS did also consider the application site to be previously developed land (para 21/IR150-157).

5. Character of the open countryside, the Area of Great Landscape Value (AGLV), the area of Outstanding Natural Beauty (AONB) and the visual amenity of the Green Belt

The Secretary of State previously agreed that the proposal would cause only a small degree of visual impact (given its minor scale) and that this outcome weighs neither for nor against the proposal (para 17/IR129 & IR130).

6. The need for Gypsy and Traveller pitches

The SOS previously agreed that substantial weight in favour of the proposal should be attached to the current unmet need for Traveller sites in the District and to the failure of the development plan to identify a five-year supply of specific deliverable sites to meet that need, as required by the PPTS (para 18/IR136 & 141).

Following the withdrawal of the previous Plan the current Central Bedfordshire Local Plan was submitted to government on 30 April 2018 and will now be subject to an independent examination by a planning inspector. The examination is likely to include a series of hearings on what the inspector deems to be critical issues affecting the Local Plan.

The approach followed in the Local Plan is predicated on the principle that this Council can continue to demonstrate a 5 years supply of Gypsy and Traveller accommodation through the granting of appropriate planning permissions without site allocations and it is also a requirement of National Policy that a five year supply can be demonstrated. Granting a permanent consent for this site would assist the Council in maintaining a 5 year supply, as a temporary consent cannot be calculated as contributing to that supply. Conversely, the loss of this site would result in a need for an alternative site for which there is no suitable provision available.

7. Alternative sites and personal circumstances

The SOS previously noted the current lack of alternative sites or accommodation; the possibility of a roadside existence if planning permission was refused which would result in an insecure basis for family life (para 19/IR143-145). There are no other known alternative sites at the moment that are accessible, available and suitable.

In taking the personal needs and circumstances of the applicant into consideration the SOS previously agreed that whilst the medical conditions are not unusual, they did require ongoing medication and monitoring. He gave moderate weight to these issues.

The SOS previously agreed that the lack of a settled base would make regular access to education and healthcare very difficult and could prevent the mutual support which is part of the Gypsy cultural way of life (para 20/IR147). He further agreed that in such circumstances interference with the right to respect for the private and family life of the occupants, under Article 8 of the Human Rights Act 1998 could arise. This included the Secretary of State's obligations under United Nations Convention of the Rights of the Child, including under Article 3 (para 20/IR148). To these matters he gave significant weight in favour of the proposal.

In this case it is understood that the personal circumstances of the applicant (ie the medical issues) persist as confirmed by her GP in December 2018. In support of a settled existence, confirmation has been received from the head teacher at Dagnall Church of England School that the applicant's daughter has now settled extremely well into school and is making fantastic progress. She is now thriving and has lots of friends and is progressing well.

8. Other Considerations

Should the Variation of Condition application be approved, a new planning permission will be issued. Therefore, all the original conditions must be

examined to ensure they are still appropriate and still relevant to the current application. The proposed development is complete with the pre-commencement condition discharged. Appropriate compliance related conditions will be attached to any grant of permission and having regard to the personal circumstances of the family as discussed above which contribute significant weight to the proposal, the original condition 3 for restriction of the permission to the named individuals is recommended.

Neighbouring Amenity

Given the nature of the proposal there would be no direct impact upon neighbouring residential amenity with regards to overbearing impact, loss of light or loss of privacy. Whilst the comments are noted with regard to noise and disturbance it is considered that any misuse would fall under the remit of Environmental Health and given that no comments or objection have been raised by this department the proposal is considered to be acceptable in this regard.

Consultation responses

All the comments received have been given due consideration. Neighbours are understandably concerned that there may be pressure in future for additional pitches for other family members. This would be a matter for further applications which would fall to be assessed on their planning merits and the development plan in place at that time.

Recommendation:

That a Variation of Conditions 3 and 5 be approved to grant permanent planning permission subject to the potential call-in by the Secretary of State for his further consideration and should the application not be called in, the Assistant Director be authorised delegated powers to grant permission subject to the following:

RECOMMENDED CONDITIONS

- 1 The site shall not be occupied by any persons other than Gypsies and Travellers as defined in Annex 1 of *Planning policy for traveller sites (2015)*.

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.

(Policies BE8 & H15 SBLPR & Policies H8, SP4, SP8, EE5 & HQ1 of the emerging Central Bedfordshire Local Plan)

- 2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls or any other means of enclosure or any amenity or storage buildings or other structures shall be erected on the land without the grant of further planning permission.

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 and having particular regard to the location of the site in the Green Belt and to the provisions of the National Planning Policy Framework.

(Policies BE8 & H15 SBLPR & Policies H8, SP4, SP8, EE5 & HQ1 of the emerging Central Bedfordshire Local Plan)

- 3 The occupation of the site hereby permitted shall be carried on only by the following: Mrs Jade Golby Webb, Mr Charlton Webb and their resident dependants.

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.

- 4 No more than 4 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 2 shall be a static caravan) shall be stationed on the whole of the site at any time.

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

(Policies BE8 & H15 SBLPR & Policies H8, SP4, SP8, EE5 & HQ1 of the emerging Central Bedfordshire Local Plan)

- 5 When the premises cease to be occupied by those named in condition 3 above, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought on to the land, or works undertaken to it in connection with the use shall be removed within one month of the cessation date.

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

- 6 No commercial activities shall take place on the land, including the storage of materials.

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, AONB and AGLV and having regard to the provisions of the National Planning Policy Framework.

(Policies BE8 & H15 SBLPR & Policies H8, SP4, SP8, EE5 & HQ1 of the emerging Central Bedfordshire Local Plan)

- 7 No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

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, AONB and AGLV and having regard to the provisions of the National Planning Policy Framework.

- 8 Within 6 months of the date of this permission a native landscape planting scheme shall be submitted to the Local Planning Authority for approval, which clearly shows the position of new native hedging to be planted around the boundary of the site, and to include a satisfactory planting specification. The hedgerow shall be supplied as "Transplants" being of a size range of at least 60 to 90cm, and be comprised of the following mixture:-

40% Hawthorn (*Crataegus monogyna*)

30% Blackthorn (*Prunus spinosa*)

10% Dogwood (*Cornus sanguinea*)
10% Spindle (*Euonymus europaeus*)
10% Hazel (*Corylus avellana*)

The above mixture shall be set out as a double staggered row, with each row set 500mm apart, and the transplants set 500mm apart in each row. The hedge shall be maintained for a period of 5 years until established, with any losses replaced in accordance with the approved plan.

REASON: To successfully establish a dense, native boundary hedge that shall screen and visually integrate the site into the surrounding rural landscape and soften the visual impact of both new car parking and static homes in the interests of maintaining visual amenity and rural character.
(Policies BE8 & H15 SBLPR & Policies H8, SP4, SP8, EE5 & HQ1 of the emerging Central Bedfordshire Local Plan)

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).

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 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.

Annex 1 - The Secretary of State's decision & the Inspectors report (IR)