

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Development and Conservation  
Control Committee

6<sup>th</sup> October 2004

**AUTHOR/S:** Director of Development Services

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**S/0856/04/F - Willingham**  
**Stationing of four mobile homes on land off Schole Road for Mr D Bibby.**

**Recommendation: Refuse**

**Site and Proposal**

1. The application relates to land off Schole Road which at present accommodates the applicant and his immediate family. There are three mobile homes, a detached shower and toilet block and a garage, together with a range of stables and sheds. There are a number of lorries and vans at the rear of the site. The site is screened by conifer hedgerows along its frontage and western boundary.
2. Schole Road is a private unmetalled track located beyond the framework boundary for Willingham. There are bridleway rights running along its length. It has a poor surface, no lighting and no footway provision. There is a mixture of sporadic housing, farm buildings and agricultural land adjoining the track.
3. The application, dated 16<sup>th</sup> April 2004, seeks permission for the stationing of four mobile homes on the site in addition to the two that have the benefit of planning permission at present. These are for occupation by the applicant's three children, their partners and their children.
4. In supporting statements, the applicant states that he has been bereaved by the death of his wife and one son. He has lived at the site for 14 years and he wishes to keep the remainder of his family around him to help him cope. He does not wish to move from the site. He states that his is a travelling family that travels to make a living. His family has grown up on the site and they now have families of their own, which require more space. His children and grandchildren are registered with the local doctor and his eldest grandchild attends the local primary school. They need education and stability. The elder son works with him in a landscaping/gardening business, and his partner is a home carer in the surrounding villages. The younger son works for a local roofing company that operates all over the region. His partner looks after their two children. Mr Bibby's daughter and her partner have three children, and are travelling at present.
5. He states that there would be no increase in traffic on Schole Road, as the members of his family live on the site now, when they are not away. In any case, Mr Bibby is active in maintaining the road. The land site would have additional landscaping and fencing, and is already screened by trees. There are already hardstanding areas and the site is provided with services.

**Planning History**

6. Planning permission for the retention of a mobile home and a caravan on the site was granted on appeal in 1994 (S/0263/94/F and S/0264/94/F). A condition was attached

by the Inspector to limit the occupation to Mr and Mrs Bibby and their immediate family, and to no other persons.

7. Enforcement action was taken against the unauthorised stationing of 12 caravans/mobile homes on the site and adjacent land in 1990. An appeal was considered at public inquiry in 1991, when the enforcement action was upheld, with modifications. The site was owned by Mrs Bibby, although the mobile units were occupied by other families as well. The Inspector took the view that the occupying families were gypsies within the meaning of the Caravan Sites Act 1968.

### **Planning Policy**

8. The site lies in the rural area beyond the village framework boundary.
9. Cambridgeshire and Peterborough Structure Plan 2003: **P1/1** (Approach to Development)- development should be located where travel distances by car can be minimised, walking and cycling encouraged and where good transport accessibility exists or can be provided. **P1/2** (Environmental Restrictions on Development)- development will be restricted in the countryside unless the proposals can be demonstrated to be essential in a particular rural location.
10. South Cambridgeshire Local Plan 2004 – **Policy SE2** (Rural Growth Settlements)- residential development will be permitted on unallocated land within the village framework, subject to development criteria being met. **G19** (Sub-division of Mobile Homes)- any planning permission for a mobile home will be subject to a condition that the mobile home shall not be subdivided into more than one unit. **HG23** (Gypsies and Travelling Show People)- proposals for caravans for gypsies and travelling show people on a site consisting of a single or more pitches will only be considered when a need for a site is shown to be essential to enable the applicants to continue to exercise a travelling lifestyle for the purpose of making and seeking their livelihood. Occupation would be restricted to gypsies or travelling show people and may be limited to a temporary period and/or for the benefit of named occupier(s). Where the need is proven to the Council's satisfaction the following criteria will have to be met:
  1. The site is reasonably located for schools, shops and other local services;
  2. The site would have minimal impact on the amenities of existing local residents and adjoining land uses; concentration of sites will be avoided;
  3. The site would not, either on its own or cumulatively, have a significant adverse effect on the rural character and appearance, or the amenities of the surrounding area;
  4. The site can be satisfactorily assimilated into its surrounds by existing or proposed landscaping; an approved landscaping scheme will be required;
  5. The use of the site would not give rise to unacceptable parking, highway access or service provision problems;
  6. The site would not adversely affect any buildings of historic or archaeological importance, or sites of wildlife or nature conservation value;
  7. Where planning permission is allowed, built forms of development will not be permitted except for utility outhouses. Small stables will be considered on their merits depending upon need and the nature of the site.

8. The site has adequate infrastructural connections to local services including water supply;
9. The use would not detract from convenient, safe and enjoyable use of a public right of way.
11. The supporting text states: 'Where special need is shown for a site to be occupied by a gypsy family which would not ordinarily be permitted, any planning permission will be likely to restrict occupation and use to either that family or gypsy occupiers generally. Once that use is no longer required the Council may not permit further use as a caravan site for another gypsy family, or for gypsy use generally, or as a caravan site at all.'

### **Consultations**

11. Willingham Parish Council objects to the proposal: 'At the Annual Parish Meeting the police had described Scholes Road as one of Willingham's "hotspots". The planning authority must have due regard to the provision of section 17 of the Crime and Disorder Act 1998 when making its decisions. There are concerns about road safety due to the poor state of the road and the dangerous exit into Rampton Road.
12. 'There are doubts that this would be sustainable development in the broadest sense. The AntiSocial Behaviour Task Group has revealed gaps in youth provision. Travellers' children have special needs that the village is ill-equipped to meet. The existing modus vivendi between travellers and non-travellers is holding. Changing the balance can only be detrimental to all current parishioners – whatever their background. The Parish Council must consider the Human Rights of all parishioners.
13. 'Willingham has reached the limit in the number of mobile homes that it may reasonably be expected to accommodate. The time has come to draw the line and ensure a consistent approach in the future'.
14. Cambridgeshire Fire and Rescue Service: additional supplies for fire fighting are not required.
15. Cambridgeshire Education Officer: advises that there would be no impact on school resources in the area from the proposal.
16. Local Highway Authority - has expressed concern about additional residential units, traffic generation and extra pedestrian movements along Scholes Road, which is substandard.
17. Friends, Families and Travellers: supports the application, and draws attention to the 'desperate need for and huge shortage of authorised sites for gypsies and travellers in England'. The group hopes that SCDC will grant planning permission 'in an attempt to go some way forward in meeting the huge need for authorised Gypsy sites in South Cambridgeshire'.
18. The Community Law Partnership: supports the application. The Partnership states, 'Clearly, Mr Bibby has gone through some very difficult times over the last three years and his wish to have his family around him in those circumstances is entirely understandable. Family connections are given very significant prominence in traditional English and Irish Traveller culture and, where circumstances permit, it is usual for several if not all of the adult children in a family to remain with their parents, even after

they have married and started their own families. Therefore, if Mr Bibby comes from a traditional Traveller background, we would expect that the absence of the family is felt particularly keenly by him. Therefore, on both humanitarian grounds and with a view to increasing the much needed provision of additional pitches for Gypsies and Travellers, we would support the application being granted’.

### **Representations**

19. An objection has been lodged on behalf of some landowners and residents in Schole Road. The proposal represents an increase in site area and numbers of mobile homes on this land without any essential need being shown in relation to a traveller lifestyle. The application does not conform to the terms of Policy HG23.
20. The agent has drawn attention to the 1991 appeal decision in which the site is described by the Inspector as lying in the open countryside and that the appearance of the unauthorised pitches and service road that he was considering at that time was out of keeping with the appearance of this area of countryside. The agent considers that the current proposal will have a similar detrimental effect, and would be a further encroachment into the open countryside.
21. Whilst sympathising with Mr Bibby’s personal circumstances, the agent considers that the existing permission for two mobile units is sufficient to accommodate both him and an attending member of his family. There are no special circumstances to justify the proposed development, in her opinion.

### **Planning Comments – Key Issues**

22. The main issue to be considered in this case is whether the proposal complies within the terms of adopted policies, principally Policy HG23. The consideration falls on Mr Bibby’s children, rather than himself, since he has a personal consent to remain on the site by virtue of the Inspector’s decision in 1994. This permission extends to a second mobile unit, which may be occupied by a member of his immediate family. On the basis of the evidence provided, it is not clear that either of Mr Bibby’s sons have a travelling lifestyle, as they are mainly employed in the family business and a local roofing business. I do not believe that this can reasonably be described as being a nomadic habit of life. In the case of his daughter, she has been away from the site for many months this year and may not return until December. Even if hers (and her family’s) lifestyle could be regarded as nomadic, it is not clear why any additional accommodation beyond that which has been allowed by the Inspector in 1994 would be necessary.
23. If additional mobile homes were to be established on the site, I would consider this to constitute an unacceptable consolidation of the residential use on the site. The site is well screened at present, and no doubt additional landscaping could be achieved. However, the activity on the site would increase, and additional traffic be generated on Schole Road. The applicant claims that the family already live on the site (and so no additional traffic would be generated), but it appears that only two of these mobile units have the benefit of planning permission, and the remaining (between one and three) are unauthorised. The Local Highway Authority has concerns about the condition of Schole Road, and I consider the application to be unacceptable for this reason.
24. Whilst Members will sympathise with the difficult circumstances of the applicant, I do not believe that an adequate case has been made to justify the stationing of additional mobile units on the site within the terms of Structure Plan and Local Plan

policies, nor that the reasons put forward are sufficient to warrant a departure from the adopted policies for the area.

25. In the event of planning permission being refused, I will discuss with the applicant arrangements to ensure compliance with the permitted number of mobile units on the site.

### **Recommendation**

#### **Refusal**

1. In the opinion of the Local Planning Authority, the additional four mobile homes are not intended to be occupied by persons for whom this form of accommodation is essential in order to exercise a travelling lifestyle for the purpose of making and seeking their livelihood. The Local Planning Authority is not satisfied that sufficient justification exists to warrant a departure from the usual policy of restraint of development in the countryside unless demonstrated to be essential in a particular rural location, as set out in Policy P1/2 of the Cambridgeshire and Peterborough Structure Plan 2003 and Policy SE2 of the South Cambridgeshire Local Plan 2004.
2. The stationing of four mobile homes on the land would represent an undesirable consolidation of residential activity on the site which is in the open countryside, to the detriment of the appearance of the countryside and would result in additional vehicular and pedestrian use of Schole Road, a private unmade track without the provision of street lighting or footways, to the detriment of highway safety. For these reasons, the proposal fails to comply with Policy P1/1 of the Cambridgeshire and Peterborough Structure Plan 2003.
3. In the event that the application falls to be considered under the terms of Policy HG23 of the South Cambridgeshire Local Plan 2004, the Local Planning Authority is concerned at the cumulative effect of the additional mobile units on the rural character of the area adjacent to a public Bridleway and unacceptable means of highway access. The proposal is therefore considered to fail to conform with Policy HG23, particularly at criteria (3), (4), (5) and (9).

**Background Papers:** the following background papers were used in the preparation of this report: Planning application S/0856/04; Cambridgeshire and Peterborough Structure Plan 2003; South Cambridgeshire Local Plan 2004.

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