

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3rd March 2010

AUTHOR/S: Executive Director (Operational Services)/
Corporate Manager (Planning and Sustainable Communities)

S/1803/09/F – WILLINGHAM

**Change of Use of Land for Siting of 1 Mobile Caravan, 2 Touring Caravans and a Dayroom/Utility Room (Part Retrospective)
at 6 Cadwin Field, Schole Road for Mrs Donna Smith**

Recommendation: Temporary Approval

Date for Determination: 9th March 2010

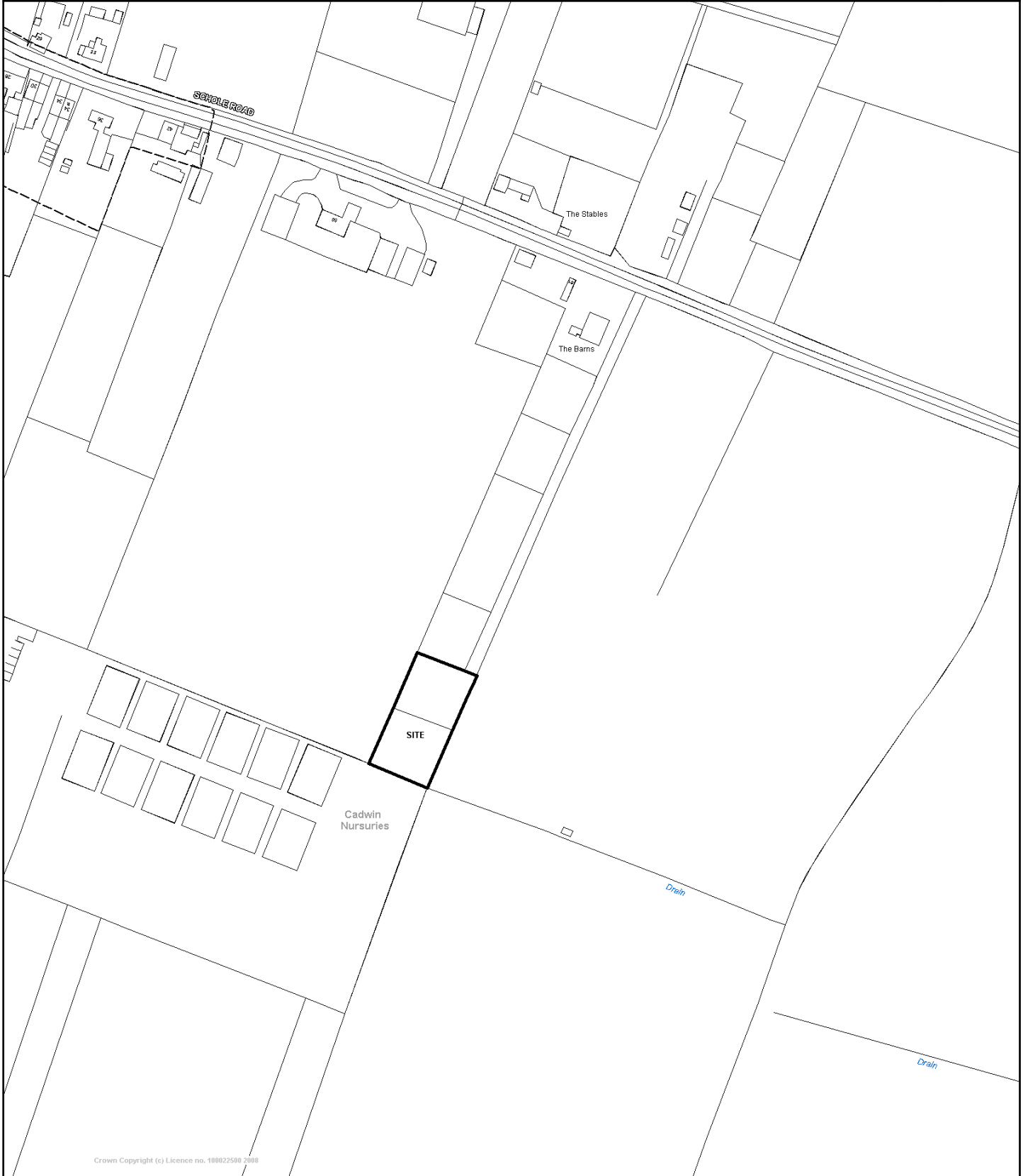
This Application has been reported to the Planning Committee for determination following a recommendation of refusal by the Parish Council that does not accord with the officer recommendation.

Site and Proposal

1. The site lies to the east side of the village of Willingham, and is outside the defined village framework, as identified in the South Cambridgeshire Local Development Framework 2007. The site measures approximately 54m by 28m, and is set back from Schole Road. Access is achieved from the north of the site, where an access track serves this and adjacent units. This plot is the last served by the access.
2. A 1.8m high fence runs along the east boundary of the site, beyond which is open countryside. There are some coniferous trees that screen this fence from the countryside. Further south into the plot, the fence becomes a post and mesh fence, with further trees providing screening. The south boundary is a continuation of the 1.8m high panel fence, which continues along the west boundary. There is again planting against both the south and west boundaries. The north boundary is also a continuation of the fence, beyond which is a further pitch.
3. The full application seeks consent for the change of use and siting of 1 mobile caravan, 2 touring caravans and a dayroom/utility block. The applicant has not stipulated any desire for a temporary consent. At the time of the officer's site visit, the mobile and one touring caravan were on site, although the dayroom was not erected. The application is therefore part-retrospective.

Planning History

4. Application **S/0788/06/F** was granted consent dated 30th October 2006 for temporary planning permission for three years for the siting of two gypsy caravans and a utility building. Condition 2 restricted the use until 4th October 2009, and gave a further 3 months for the land to be cleared. Condition 10 sought details of the utility block prior to its erection. There have been other planning applications made on the site, although these are not considered relevant to the determination of this consent.



Crown Copyright (c) Licence no. 100022500 2008



Reproduced from the 2008 Ordnance Survey mapping with the permission of the controller of Her Majesty's stationary office (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Scale 1/2500 Date 18/2/2010

Centre = 541231 E 269801 N

March 2010 Planning Committee

5. Members approved a temporary consent for change of use and one mobile home, one touring caravan and one toilet/bathroom block at 2 Cadwin Field (**S/1134/09/F**) at January 2010 Planning Committee which expires on 18th August 2012.
6. Members should be aware of a recent appeal decision relating to a site at 3 Cadwin Field, Willingham (**S/1919/08/F**). An application for temporary consent was refused by Members at the February 2009 Planning Committee, but allowed at appeal. The Inspector noted the need for sites in the District and stated that planning permission should only be for a temporary consent to enable a proper evaluation of all potential sites identified through the Development Plan Document process.

Planning Policy

7. **ODPM Circular 01/2006 (Planning for Gypsy and Traveller Caravan Sites)** provides guidance on the planning aspects of finding sites for gypsies and travellers and how local authorities can ensure that members of that community are afforded the same rights and responsibilities as every other citizen. It advises that where there is an unmet need and no alternative gypsy provision, but there is a reasonable expectation that sites will become available within a given time scale to meet that need, Local Planning authorities should consider granting a temporary permission for proposed sites. It does not say that temporary permission should only be considered where the site is already occupied.
8. Advice on the use of temporary permissions is contained in paragraphs 108-113 of **Circular 11/95, The Use of Conditions in Planning Permissions**. Paragraph 110 advises that a temporary permission may be justified where it is expected that the planning circumstances will change in a particular way at the end of the period of the temporary permission. Where there is unmet need but no alternative Gypsy and Traveller site provision in an area, but there is a reasonable expectation that new sites are likely to become available at the end of that period in the area which will meet that need, Local Planning Authorities should give consideration to granting a temporary permission. Such circumstances may arise, for example, in a case where a Local Planning Authority is preparing its site allocations DPD. In such circumstances Local Planning Authorities are expected to give substantial weight to the unmet need in considering whether a temporary planning permission is justified.
9. The fact that temporary permission has been granted on this basis should not be regarded as setting a precedent for the determination of any future applications for full permission for use of the land. In some cases, it may be reasonable to impose certain conditions on a temporary permission such as those that require significant capital outlay.
10. The **South Cambridgeshire District Council Gypsy and Traveller Development Plan Document** is currently under review. A consultation process has recently ended on 9th October 2009 to assess 20 potential sites that performed best against the site criteria agreed after consultation in 2006. Given the requirements of the East of England Plan, drawn up by the East of England Regional assembly (EERA), South Cambridgeshire requires at least 88 new permanent pitches by 2021.
11. The site is currently included within the Gypsy and Traveller Site Operations and Policies consultation in preparation for the Development Plan Document. The site is number 12 in the consultation, which is assessment for two pitches (combining with 5 Cadwin Fields to the north). The consultation document states "this existing temporary site is close to Willingham's services and facilities and is already meeting Gypsy and Traveller needs".

12. The relevant policies within the **Local Development Framework Development Control Policies 2007** are **DP/1** - Sustainable Development, **DP/2** - Design of New Development, **DP/3** – Development Criteria, **DP/7** – Development Frameworks, **NE/10** – Foul drainage – Alternative Drainage systems, and **NE/11** – Flood Risk.
13. Willingham is defined as a Minor Rural Centre under Policy **ST/5** of the **Local Development Framework Core Strategy adopted January 2007**.

Consultation

14. **Willingham Parish Council** recommend refusal of the application on the grounds set out in the Parish council's evidence to the District Council's current consultation on Gypsy and Traveller Site Options and stating that to grant permission at this stage would prejudice the said consultation process. There is a need to limit Traveller site numbers due to a disproportionate amount in the Parish which is putting undue pressure on all local amenities. The Parish Council cannot accept any increase or legislation of sites under these circumstances.

Representations

15. No comments have been received at the time of preparing this report.

Planning Comments – Key Issues

16. By virtue of the guidance set out in Circular 01/2006, I consider that the main planning issues to consider in this case are the need to provide residential accommodation on the site relative to the applicants needs, including their status as Gypsies/Travellers and the visual impact of the site. This should be balanced against the status of the Gypsy and Traveller Development Plan Document.

Need to Provide Residential Accommodation

17. The applicant remains the same as when temporary consent was granted for the site in application S/0375/06/F. During the course of this application, the applicant's identity as a defined Traveller was confirmed. In light of the definition of a Gypsy/Traveller as set out in Circular 01/2006, I consider the applicant is in need of appropriate gypsy accommodation. The tests set out in the Circular state the Local Planning Authorities are expected to give substantial weight to the unmet need of travellers locally when considering whether a temporary planning permission is justified. The site is occupied by the applicant, her husband and their four children, who have resided on the site for approximately five years. The children are all enrolled at schools, and the family are registered at the local Doctors Surgery.
18. The site is set to the south of existing plots. Given the recently expired temporary condition on the site and the consultation regarding the Development Plan Document, the site is considered as an acceptable site for a further temporary consent. This would allow the applicant to remain on site until the Development Plan Document is adopted, due in early 2012. At this time, the suitability of the site for a permanent consent will have been assessed, and the applicant can then re-apply as necessary. I recommend the consent be allowed until 18th August 2012 to match other temporary consents granted in recent times including for application S/1919/08/F determined at appeal and the likely timescale for the adoption of the DPD.

Visual Impact

19. The majority of the site is surrounded by panel fencing, although the southeast corner has a post and mesh fence. There is some good screening, particularly the row of conifers along the east boundary. The site is large, and there is a lot of open space within it. Given the small amount of proposed development and the level of screening afforded to the site, I am of the opinion that the proposal would not represent an unacceptable visual impact upon the character and setting of the countryside. Members should be aware the site scored well in the Gypsy and Traveller Development Plan Document Site Options and Policies report. This report states "due to extensive planting on site boundaries, wider landscape impacts from the Cadwin Lane pitches are limited". As my recommendation for the application is one of temporary consent, I do not consider a landscaping condition necessary at this point, given the potential capital outlay, and this has been the case for other recent applications. If the site were granted a permanent consent in the future, this would be the time for such a condition, to further strengthen the screening and introduce native species.

Other Matters

20. I note from the previous temporary consent on site that a foul water drainage condition was added. I am unfortunately unable to confirm as to whether this was formally discharged. The applicant has stated that soakaways would be used for surface water drainage, and a cesspit used for foul water drainage. The location of the cesspit is shown on plan. This information would meet the needs of the application, and therefore I have not recommended a repeat condition in this instance.
21. Members will be aware that at the January 2010 Planning Committee, two Traveller applications were approved subject to the addition of personal consents to the recommendation. Such a condition is again not suggested for this scheme as there are no personal circumstances that would differentiate the decision than if any other gypsy or traveller were the applicant.
22. Conditions restricting numbers of caravans, commercial activity, stationing of large vehicles and lighting were present at the previous consent, and these can be repeated here.
23. I note the comments from Willingham Parish Council regarding the proposal. The temporary consent is proposed to allow the development to be fully considered within the Gypsy and Traveller Development Plan Document. With regard to the time frame, The Inspector in the recent case at 3 Cadwin Fields (S/1919/08/F) took the view that the needs of the applicant were sufficient to justify a temporary consent to allow proper consideration of all the relevant factors in determining the appropriate site options. This application is similar to that won at appeal, and the application is supported in the short-term, with the date to tie in with that at no. 3 Cadwin Fields.

Recommendation

24. Approval for a temporary consent expiring 18th August 2012.

Conditions

1. The use, hereby permitted, shall be discontinued and the one mobile home, two touring caravans and the dayroom/utility block, hereby permitted, shall be removed and the land restored to its former condition on or before 18th August 2012 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

(Reason - In accordance with the advice in Circular 01/2006 Planning for Gypsy and Traveller Caravan Sites, the Council is preparing a Gypsy and Traveller Development Plan Document, and on a without prejudice basis to a permanent consent on this site, a time limited consent will enable the Local Planning Authority to properly assess the impact of traveller development on Willingham.)

2. The site shall not be occupied by any persons other than Gypsies and Travellers as defined in paragraph 15 of the ODPM Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites.
(Reason - The site is in a rural area where residential development will be resisted by Policy DP/7 of the adopted Local Development Framework 2007 unless it falls within certain limited forms of development that Government guidance allows for. Therefore the use of the site needs to be limited to qualifying persons.)
3. The residential use, hereby permitted, shall be restricted to the stationing of no more than one mobile home, two touring caravans and the dayroom/utility block at any time.
(Reason - To ensure there is no adverse pressure on local infrastructure such as local schools created by further people living on the site.)
4. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.
(Reason - In order to limit the impact of the development on the area's rural character and the residential amenities of neighbours in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
5. No commercial activities shall take place on the land, including the storage of materials.
(Reason - In order to limit the impact of the development on the area's rural character and the residential amenities of neighbours in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
6. No external lighting shall be provided or installed within the site other than in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.
(Reason - In order to limit the site's impact on the area's rural character in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
7. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan, Block Plan and Dayroom Elevation and Floor Plan.
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)

Background Papers: the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Development Framework Core Strategy and Development Control Policies 2007
- ODPM Circular 01/2006 (Planning for Gypsy and Traveller Caravan Sites)
- Circular 11/95: The Use of Conditions in Planning Permissions
- Gypsy and Traveller Site Consultation document July-October 2009
- Planning Files Ref: S/1803/09/F, S/1134/09/F, S/1919/08/F and S/0788/06/F

Contact Officer: Paul Derry - Senior Planning Officer
Telephone: (01954) 713159