



Report to: South Cambridgeshire District
Council Planning Committee

10 November 2021

Lead Officer: Joint Director of Planning and Economic Development

S/2442/19/FL – The Piggery, Haden Way, Willingham

Proposal: The use of land for the stationing of caravans for residential purposes for 1 no. gypsy pitch together with a day room ancillary to that use

Applicant: Joseph Rooney

Key material considerations: Principle of Development
Compliance with Local Plan Policy H/22
Character / Visual Amenity
Biodiversity
Flood Risk and Drainage
Highway Safety and Parking
Residential Amenity
Site Design
Other matters

Date of Member site visit: None

Is it a Departure Application?: No (advertised 28 August 2019)

Decision due by: 18 September 2019

Application brought to Committee because: Willingham Parish Council requests the application is determined by Planning Committee; referred to the Planning Committee through the Council's Planning Delegation Meeting.

Officer Recommendation: Approval

Presenting Officer: Michael Sexton

Executive Summary

1. The application seeks full planning permission for the use of land for the stationing of caravans for residential purposes for 1 gypsy pitch together with a day room ancillary to that use at The Piggery, Haden Way, Willingham.

2. The site is located outside of the development framework boundary of Willingham.
3. The Government's Planning Policy for Traveller Sites requires that Local Planning Authorities set targets for the provision of Gypsies and Traveller pitches and Travelling Showpeople plots which address the likely site accommodation needs of travellers in their area, working collaboratively with neighbouring Local Planning Authorities.
4. As part of the evidence base for the adopted Local Plan, the Council jointly commissioned a Gypsy and Traveller Accommodation Assessment, completed in 2016. The Assessment identified no need for Gypsy and Traveller pitches during the plan period, taking account of existing available supply, for those meeting the definition of a traveller for the purposes of planning in the Government's Planning Policy for Traveller Sites. The Local Plan therefore did not propose any further allocations.
5. However, the Local Plan acknowledges that it was not possible to determine the travelling status of several households. In response, criteria-based policies were included in the Local Plan to allow any proposals for sites in the district to be considered. The applicable policy in this instance being Policy H/22 of the Local Plan which deals with proposals for Gypsies, Travellers and Travelling Showpeople sites on unallocated land outside development frameworks.
6. The Council is unable to identify any lawful existing or available allocated sites which could meet the needs of the applicants.
7. Officers attribute significant weight to the fact that the proposal is for a single pitch and thus, in the absence of firm evidence to suggest otherwise and the conclusions of a recent appeal decision in Harston, could fall within an existing need. Significant weight is also attached to the best interests of the children. Both factors weigh in favour of the proposal.
8. On balance, taking into account all material considerations and the absence of clear material harm arising from the proposal, officers conclude that the proposal would comply with relevant national and local planning policy and guidance.
9. The scheme has therefore been recommended for approval subject to planning conditions.

Relevant planning history

10. S/1935/17/FL – Proposed Bungalow to replace the piggery – Refused; Appeal Dismissed.
11. S/0920/17/FL – Proposed new dwelling to replace the piggery – Withdrawn.

Planning policies

National Guidance

12. National Planning Policy Framework 2021
National Planning Practice Guidance
National Design Guide 2019
Planning Policy for Traveller Sites 2015

South Cambridgeshire Local Plan 2018

13. S/1 – Vision
S/2 – Objectives of the Local Plan
S/3 – Presumption in Favour of Sustainable Development
S/7 – Development Frameworks
S/9 – Minor Rural Centres
HQ/1 – Design Principles
NH/2 – Protecting and Enhancing Landscape Character
NH/4 – Biodiversity
H/20 – Provision for Gypsies and Travellers and Travelling Showpeople
H/22 – Proposals for Gypsies, Travellers and Travelling Showpeople Sites on Unallocated Land Outside Development Frameworks
H/23 – Design of Gypsy and Traveller Sites, and Travelling Showpeople Sites
SC/9 – Light Pollution
TI/2 – Planning for Sustainable Travel
TI/3 – Parking Provision

South Cambridgeshire Supplementary Planning Documents (SPD):

14. Cambridgeshire Flood and Water SPD – Adopted November 2016
Landscape in New Developments SPD - Adopted March 2010
District Design Guide SPD – Adopted March 2010
Biodiversity SPD – Adopted July 2009

Other Guidance

15. Gypsy and Traveller Accommodation Assessment 2016

Consultation

16. **Willingham Parish Council** – Objection.

Comments received 25 October 2021

Willingham Parish Council Object for the following reasons:

- The land added in the application does not appear to be owned by the applicant, has always been used as a public access and is an unlit and rutted road.
- The site still remains in an unsustainable location as detailed by SCDC in their refusal in 2017 (S/1935/17/FL) and the planning appeal inspectorate dismissal in 2018 (APP/W0530/2/18/3198751).
- The applicants support letter mentions children accessing the site and the Council have concerns for their safety given its location and access.
- The application is for an additional gypsy/traveller site. Willingham already has more than an adequate supply of sites in the village and the most recent of which (Alwyn Park) had three pitches approved and does not appear to be fully occupied. Alwyn Park is located approximately 200 metres from the site.
- The site is located outside of the village envelope and separate from other established sites located on the East side of the village. The Parish Council and SCDC have always objected to sites located on the West side.
- The covering letter states that the land has been previously developed. This is not the case; the land has only ever been used for agriculture.
- The Council would request that this application is passed to SCDC committee for consideration.

Comments received 18 September 2019

Willingham Parish Council object to the application on the following grounds:

- There is no mains drainage on the site.
- The site is situated on an unmade road with no footpath which would be dangerous especially as the application states there will be children on the site.
- The site is within an agricultural area and the development would represent creeping urbanisation.
- A previous planning application for a traveller site on a neighbouring field was refused.
- The site is a long way from village amenities.
- Under the new Local Plan there is not a pressing need for traveller pitches within the District.

The Council request that the application is passed to committee for the above reasons

17. **Over Parish Council** – No comments to offer.

Comments received 13 October 2021

Further to the Parish Council meeting held last night the Council asked me to comment that they will defer their opinion in favour of Willingham Parish Council as this development is based in Willingham.

Comments received 06 February 2020

Further to your email the PC have decided that this application rests in Willingham and so they will defer any comments to Willingham PC as the development will impact more on Willingham than on Over.

Comments received 11 September 2019

Further to the Parish Council meeting held last night the Council asked me to comment that they would like to defer to Willingham Parish Council as this application will have more impact on the Village of Willingham than it will in Over.

18. **Contaminated Land Officer** – No objection, recommend conditions requiring a detailed desk study and site walkover, recording of contamination and remediation objectives, remediation method statement, verification report and identification of any unexpected contamination not previously identified.
19. **Ecology Officer** – No objection, recommends conditions for a Natural England licence, lighting design strategy for biodiversity, works relating to trenches or culverts, restrictive timings on removal of hedgerows, trees and shrubs and a biodiversity enhancement scheme.
20. **Environmental Health** – No objection, recommends a condition for no burning of waste or other materials and an informative for a demolition notice.
21. **Local Highways Authority** – No objection.
22. **Sustainable Drainage Engineer** – The development is acceptable subject to a condition for surface and foul water drainage.

Representations from members of the public

23. Five representations have been received raising objection to the proposed development. Full redacted versions of these comments can be found on the Council's website. In summary the following concerns have been raised:
 - Additional traffic in the village.
 - As an application for a Gypsy pitch is it probable that a light good vehicle will be used (application for states parking for two cars).
 - Concerns over boundary treatment required.
 - Green belt land and should be maintained.
 - Inappropriate outside of Willingham envelope, precedent for development in the countryside.
 - Land has been used for grazing horses for many years and its use has been agricultural.
 - Object to inclusion of the track within the site, impacting on free use of the track to access land.
 - Previous gypsy site was declined a little further along the track, this one site will multiply into as many as the space will allow.
 - Previous temporary permission for a caravan was temporary period only (expiring 31 December 1976)

- Site is not connected to the main sewer nor is there an existing drainage system; concern for groundwater contamination.
- The application has been made under the parish of Over but the site was included in Willingham after the Community Governance Review.
- Two previous applications (one withdrawn one refused) and situation has not changed.
- Willingham already has at least 13 gypsy/traveller sites within its boundaries, which is enough for one rural location.

The site and its surroundings

24. The site is located outside of the Willingham development framework boundary and in the countryside, to the south west of the main village. The site is located off Haden Way which turns into an unmade road and provides access to the eastern boundary of the site. The site contains several piggery buildings and hardstanding and benefits from existing trees and fencing along several of its boundaries. The site lies within flood zone 1 (low risk).

The proposal

25. This application seeks full planning permission for the use of land for the stationing of caravans for residential purposes for 1 no. gypsy pitch together with a day room ancillary to that use.

Planning Assessment

26. The key issues to consider in the determination of this application are the principle of development, compliance with Local Plan Policy H/22, character / visual amenity, biodiversity, flood risk and drainage, highway safety and parking, residential amenity, site design and other matters

Principle of Development

27. The site is located outside of the development framework of Willingham.
28. Policy S/7 of the Local Plan states that outside development frameworks, only allocations within Neighbourhood Plans that have come into force and development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside or where supported by other policies in this plan will be permitted.
29. There are no Neighbourhood Plans in force which would be applicable to the application.
30. Policy H/22 of the Local Plan deals with proposals for Gypsies, Travellers and Travelling Showpeople sites on unallocated land outside development frameworks and is therefore the key Local Plan policy in terms being 'supported by other policies in this plan', as set out by Policy S/7.

31. Policy H/22 of the Local Plan states that planning permission for Gypsy and Traveller caravan sites and sites for Travelling Showpeople (as defined in the Government's Planning Policy for Travellers) on unallocated land outside development frameworks, and outside the Cambridge Green Belt, will only be granted subject to 9 criteria.
32. The site is not located within the Cambridge Green Belt and therefore those elements of Policy H/22 are not applicable in this instance.
33. The Supporting Statement submitted with the application details that the site complies with Policy H/22 of the South Cambridgeshire Local Plan where applicable but offers little assessment or analysis of compliance with the individual criteria. Nonetheless, officers have considered each element of Policy H/22 in turn, with reference to recent appeal decisions.

Compliance with Local Plan Policy H/22

The Need for and Supply of Gypsy Sites

34. The Government's Planning Policy for Traveller Sites (PPTS) requires that Local Planning Authorities set targets for the provision of Gypsies and Traveller pitches and Travelling Showpeople plots which address the likely site accommodation needs of travellers in their area, working collaboratively with neighbouring Local Planning Authorities.
35. The PPTS sets out that in assembling the evidence base necessary to support a planning approach, Local Planning Authorities should use a robust evidence base to establish accommodation needs to inform the preparation of local plans and make planning decisions.
36. The PPTS further details that Local Planning Authorities should, in producing their Local Plan, identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of sites against this target.
37. The PPTS establishes that the existing level of provision and need for sites, the availability (or lack) of alternative accommodation, and the personal circumstances of the applicant are material considerations when considering planning applications.
38. The PPTS states that if a Local Planning Authority cannot demonstrate an up to date five year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission.
39. As part of the evidence base for the adopted Local Plan, the Council jointly commissioned a Gypsy and Traveller Accommodation Assessment (GTAA), completed in 2016. The Assessment considered local needs by interviewing Gypsies and Travellers to establish whether they meet the planning definition in the PPTS. This approach established that there were 11 Gypsy or Traveller households identified in South Cambridgeshire that meet the new definition, 194

'unknown' households that may meet the new definition and 81 households that do not meet the new definition (paragraph 1.24).

40. The GTAA found that the 11 households identified would generate a further need for 20 additional pitches over the plan period, mainly from concealed households and teenage children requiring a pitch of their own in the future (paragraph 1.25). However, the 'unknowns' could generate a need for up to 68 additional pitches for Gypsies and Travellers if they all meet the PPTS definition (paragraph 1.26); the GTAA suggests that only 10% of the 'unknowns' are likely to meet the definition based on evidence from 1,500 surveys (paragraph 3.25). The GTAA acknowledges that if the national average of 10% were applied this could result in a need for 7 additional pitches (paragraph 1.26).
41. The GTAA identified 29 vacant pitches and therefore concluded that the known need for 20 pitches could be met, leaving 9 vacant pitches to aid in any additional demand, such as the 7 additional pitches derived from the 'unknowns'.
42. The PPTS requires Councils to maintain a five year supply of Traveller sites, in a similar way to housing, and identify deliverable sites to meet the needs identified for the first five years. The GTAA identified no need for Gypsy and Traveller pitches during the plan period, taking account of existing available supply. The Local Plan therefore did not propose any further allocations. However, the Local Plan also acknowledges that it was not possible to determine the travelling status of several households, and a proportion of these may meet the definition provided in the PPTS. In response, criteria-based policies were included in the Local Plan to allow any proposals for sites in the district to be considered.
43. In setting out the potential support for sites the first criterion of Local Plan Policy H/22 states that the Council is satisfied that the applicant has adequately demonstrated a clear need for a site in the district, and the number, type and tenure of pitches proposed, which cannot be met by a lawful existing or available allocated site (criterion a).
44. In respect of need, officers acknowledge the conclusions of a recent appeal decision in Harston from March 2020 (appeal reference APP/W0530/W/19/3242317). In summary, the Inspector took the view that although uncertain, given the scale of the 'unknowns' there could be a significant unmet need, and with the lack of an up-to-date list of vacant pitches/sites, gave significant weight to a lack of a five-year supply of travellers sites and allowed an appeal for the siting of an additional 3 mobile homes at an existing site.
45. In terms of a clear need for a site in the district, officers acknowledge that recent appeals have taken the view that, when tested, there is still a need. Furthermore, officers acknowledge that the evidence base is now over five years old (fieldwork base date of February 2016, publication date of October 2016). A new assessment is due to inform the Greater Cambridge Local Plan, but the delivery of this new study has been impacted by the Covid-19 pandemic.

It should also be noted that Policy H/22 is not limited in its operation to those who meet the definition of a Gypsy and Traveller given in the PPTS.

46. The application is for a single pitch, which can be secured by condition, and has been described as the use of land for the stationing of caravans for residential purposes for 1 no. gypsy pitch together with a day room ancillary to that use. The Supporting Statement details that the applicant is seeking planning permission for a single residential gypsy pitch to meet a recognised need for such facilities in the area to facilitate a gypsy lifestyle.
47. The Supporting Statement also sets out that the site layout has been determined to best meet the applicant's requirements and has been designed with reference to the standards defined in 'Planning for Travellers Sites March 2012'.
48. Based on the information provided, officers consider it reasonable to impose a condition that any permission does not authorise use of the land as a caravan site by any persons other than gypsies and travellers as defined in Annex 1: Glossary of Planning policy for traveller sites (August 2015) as part of any consent.
49. The Supporting Statement also details that there will be children living on the site and as such any decision taken by the Council should be made having considered the best interests of the children on the site. No further information has been provided (i.e., the number of children, whether they would be attending local schools, or any other relevant information). The absence of such further information does not, however, persuade officers that a different conclusion to merits of the proposal should be reached.
50. Officers acknowledge that for the purposes of Section 70 of the Town and Country Planning Act 1990, "material considerations" include any article 8 rights that are engaged. Article 8 of the European Convention on Human Rights provides that:

Everyone has the right to respect for his private and family life, his home and his correspondence.

There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

51. Where the article 8 rights are those of children, they must be seen in the context of article 3 of the United Nations Convention on the Rights of the Child (UNCRC), which requires the child's best interests to be a primary consideration. Thus, the interests of the child or of children must be at the "forefront" of the decisions maker's mind and any balance must be such as to achieve a proportionate outcome.

52. The Council is unable to identify any lawful existing or available allocated sites which could meet the needs of the proposed development as presented.
53. Officers acknowledge that Willingham Parish Council comment that Alwyn Park does not appear to be fully occupied.
54. In 2013 an appeal was allowed pursuant to planning application S/0825/13/FL for the change of use of land to gypsy and traveller site (3 pitches). The permission included a Section 106 agreement requiring payments towards the provision of open space, community space and household waste receptacle and a monitoring fee.
55. The Council's Section 106 Team has confirmed that no payments have been received.
56. Furthermore, condition 8 of the appeal decision requires that no development shall take place until details of a 1.8 metre wide footway between the pedestrian access into the site and the western side of Haden Way had been submitted and agreed, with installation to take place prior to any occupation of the site.
57. There are no records of a discharge of conditions application being submitted and determined and the footpath has not been installed on site.
58. Based on the information available, officers do not consider that the 2013 appeal decision has been implemented, hence the appearance of vacancies on the site.
59. Overall, officers attribute significant weight to the fact that the proposal is for a single pitch, which can be secured by condition, and thus, in the absence of firm evidence to suggest otherwise and the conclusions of the recent appeal decision, a single pitch could fall within an existing need. Significant weight is attached to the best interests of the children. Both factors weigh in favour of the proposal.
60. On balance, taking into account all material considerations, officers conclude that the proposal for one gypsy pitch would accord with Policy H/22(a) of the Local Plan.

The Location of the Site

61. Policy H/22 of the Local Plan requires sites to be located in a sustainable location (criterion b), that the needs of residents of the site can be appropriately met by local facilities and services (criterion c), that the number and nature of pitches is appropriate to the site size, location and need (criterion d), to not present unacceptable adverse or detrimental impact on the occupiers (criterion e) and to not have an unacceptable adverse impact on public rights of way (criterion h).
62. The site is located to the south west of Willingham, approximately 190 metres from the edge of the development framework boundary. The site is accessed by

an unmade road which connects to the public highway of Haden Way through to the main village. The site is relatively enclosed, with the application proposing additional screening within the site and along the northern, eastern and southern boundaries.

63. Willingham is identified as a Minor Rural Centre within the Council's settlement hierarchy under Policy S/9 of the Local Plan. The supporting text to Policy S/9 sets out that Minor Rural Centres have a lower level of services, facilities and employment than Rural Centres, but a greater level than most other villages in South Cambridgeshire, and often perform a role in terms of providing services and facilities for a small rural hinterland. When considering proposals for residential development within framework boundaries, a maximum scheme size of 30 dwellings is used as a guideline figure to indicate the upper limit of housing development likely to be suitable.
64. The location of the site relative to the village, together with the scale of development being for a single pitch is considered to comply with the requirements of Policy H/22(b), (c) and (d).
65. Officers note that Willingham Parish Council comment that the site remains in an unsustainable location as detailed by the Council in their refusal in 2017 (S/1935/17/FL) and the planning appeal inspectorate dismissal in 2018 (APP/W0530/2/18/3198751).
66. The 2017 application sought planning permission for a bungalow to replace the existing piggery, which is a materially different scheme being an application for a market dwelling in a countryside location, subject to assessment against different adopted planning policies, which did not provide in-principle support for the proposed development.
67. The conclusions of the 2017 application and 2018 appeal are therefore not considered to have a direct impact on the assessment of the current application.
68. The site is not considered to result in any significant adverse harm to the occupiers of the site given its location and surroundings, therefore complying with Policy H/22(e) and would not have an unacceptable adverse impact on the effectiveness and amenity of existing or proposed public rights of way, in accordance with Policy H/22(h).

Cumulative Impact

69. Policy H/22 of the Local Plan requires that sites, or the cumulative impact of sites (existing or planned), respect the scale of, and not dominate, the nearest settled community (criterion f) and to not have an unacceptable adverse impact on the amenity of surrounding land uses, the countryside and landscape character, village character, on heritage or biodiversity interests, or from traffic generated (criterion g).

70. There are several existing sites to the east of the village of Willingham, specifically 14 permanent pitches along Meadow Road, three permanent pitches along Priest Lane and nine permanent pitches along Schole Road.
71. To the north of the application site there was a permission for a further three permanent pitches on Alwyn Park, Over Road. However, as noted above, this does not appear to have been implemented.
72. When considering the scale of Willingham, officers note that Cambridgeshire County Council's mid-2018 dwellings stock estimates, published in May 2020, sets Willingham with a dwelling stock of 1,800. In addition, as set out above, Willingham is identified as a Minor Rural Centre within the Council's Local Plan, one of the Districts larger and more sustainable locations.
73. Officers consider that the proposed addition of a further pitch on the edge of Willingham, noting that the site is to the south west of the village, would respect the scale of the village and would not result in a development which would result in an unacceptable or dominant nature.
74. In terms of the visual impact of the proposed development, the site is surrounded by fields on all sides and is relatively enclosed, noting that the application proposes additional screening within the site and along the northern, eastern and southern boundaries. The layout plan illustrates how the site would arrange the proposed mobile home, touring caravan and dayroom with associated hardstanding.
75. The Supporting Statement notes that the site has been designed with reference to the standards defined in PPTS while the proposed caravan will conform to the definition within Section 29(1) of the Caravan Sites and Control of Development Act 1960 and Section 13(1) of the Caravan Sites Act 1968.
76. Given the nature / use of surrounding land and the existing and proposed natural screening around the site, the proposal for a single pitch is not considered to result in significant harm to surrounding land uses, the open countryside, landscape character or village character.
77. In terms of potential impact on heritage, the site is located a significant distance from the nearest identified heritage asset (more than 500 metres). The nature of development is not an invasive one and thus is considered to have a low potential impact for any archaeological potential within the site, although no such interest has been identified. The proposal is therefore considered acceptable in heritage terms.
78. In terms of biodiversity impact, the application is supported by a Bat Roost Characterisation Report (Midland Ecology, May/June 2021) and has been found acceptable, in consultation with the Council's Ecology Officer (detailed later in this report).

79. The provision of a single pitch is unlikely to result in significant harm to highway safety, noting that the Local Highways Authority has been formally consulted and raised no objection to the proposal.
80. For the reasons set out above, the proposal would accord with Policy H/22(f) and (g).

Travelling Showpeople

81. Policy H/22(i) of the Local Plan requires that sites for travelling showpepole must also be suitable for the storage, maintenance and testing of items of mobile equipment.
82. The application has not been identified as a site for travelling showpeople and therefore does not conflict with Policy H/22 in this regard.

Character / Visual Amenity

83. As noted above, the proposed development is considered to have a limited impact on the character of the area given its location and the presence of existing mature landscaping. The proposal seeks to enhance existing boundary treatments, a detail which can be secured by condition. Overall, the proposal is not considered to result in significant harm to the visual amenity of the area.
84. Subject to the imposition of a landscape condition, the proposal is considered to accord with Policy HQ/1 of the Local Plan.

Biodiversity

85. The application, as amended, is supported by a Bat Roost Characterisation Report.
86. The report sets out that the building contains a confirmed bat roost with bat activity levels on the site found to be moderate-high. As the proposal results in the removal of an existing building(s) the roost would be destroyed with potential for direct harm to bats during works and any increased lighting levels on the area to have the potential to disrupt bat foraging and/or commuting routes.
87. The report therefore recommends that a European Protected Species Mitigation Licence (EPSML) from Natural England will be required in order to legally carry out the proposed works. Officers consider it appropriate to include an informative in this regard as part of any consent for the information of the applicant.
88. The report also sets out that the current Bat Mitigation Guidelines classify day roosts for both common and soprano pipistrelle as 'low conservation status' roosts and, given the species and roost type, mitigation be provided by a bat

box mounted at a suitable location and that any lighting design follows relevant protocols.

89. The application has been subject to formal consultation with the Council's Ecology Officer, who raises no objection to the proposal, recommending conditions for a Natural England licence, lighting design strategy for biodiversity, works relating to trenches or culverts, restrictive timings on removal of hedgerows, trees and shrubs and a biodiversity enhancement scheme.
90. Officers consider the conditions to be reasonable and necessary as part of any consent to ensure the development accords with Policy NH/4 of the Local Plan.

Flood Risk and Drainage

91. The application site is in Flood Zone 1 and is therefore considered as having a low probability of flooding. The site is not identified as an area at risk from surface water flooding.
92. The application has been subject to formal consultation with the Council's Sustainable Drainage Engineer, who recommends a condition relating to the disposal of surface water and foul water drainage that can be maintained for the lifetime of the development.
93. Given the rural location of the development and proposed end use, officers consider such a condition to be reasonable and necessary to ensure the development accords with Policies CC/7, CC/8 and CC/9 of the Local Plan.

Highway Safety and Parking

94. The site is located off Haden Way which turns into an unmade road and provides access to the eastern boundary of the site and provide an acceptable means of access to and from the site. The application seeks permission for a single gypsy pitch and is not considered to give rise to significant additional traffic in the village.
95. As noted above, the application has been subject to formal consultation with the Local Highways Authority who raise no objection.
96. The proposal would not result in significant harm to highway safety.
97. Officers acknowledge the comments of Willingham Parish Council who refer to children accessing the site and having concerns for their safety given its location and access.
98. The application site is accessed from an unmade road which connects to the public highway of Haden Way, approximately 190 metres from the site entrance, with Haden Way providing a footpath and lighting that connects to the main village. However, the unmade road (track) does not provide vehicular access for any residential properties or units beyond the application site,

forming an L-shape track that connects to Station Road to the west of the main village. Officers note that the track does connect to Bushel Box Farm Shop (Station Road) but is not the primary point of vehicular access to that site.

99. The number of vehicular movements along the unmade road are therefore likely to be minimal. Furthermore, the access arrangements are not dissimilar to other access arrangements for similar uses elsewhere in the district. Additionally, as noted above, no objection has been raised by the Local Highways Authority.
100. Officers therefore do not consider that the access arrangements are unacceptable in this instance.
101. In terms of parking provision, there is sufficient space within the site for the parking of vehicles associated to the occupation of the site.

Residential Amenity

102. The application site is set a reasonable distance from nearby residential properties. The nature of the proposed development, together with the degree of separation, is such that the proposal is not considered to result in significant harm to the amenities of nearby residential properties.
103. The occupation of the site may result in some additional noise and disturbance, but this would be domestic in nature and therefore not out of place.
104. The proposal would accord with Policy HQ/1(n) of the Local Plan.

Site Design

105. Policy H/23 of the Local Plan deals with the Design of Gypsy and Traveller Sites, and Travelling Showpeople Sites.
106. Policy H/23 of the Local Plan states that proposals for Gypsies and Traveller sites and Travelling Showpeople sites will only be granted planning permission where they are of a good design layout, have regard to government good practice guidance, and where 9 criteria are considered and met.
107. The proposal sets out the site and pitch arrangements alongside landscape and boundary treatment arrangements (secured by condition as noted above), takes account of the needs of the residents, provides safe access with necessary utilities having the potential to be available, in accordance with Policy H/22 a) to d).
108. The site is not formally identified as being contaminated and would be capable of amelioration if required, avoids unacceptable adverse impact on the residents or the site or neighbours, comprises limited development in the countryside and is of an appropriate scale for the size and number of caravans to be accommodated, in accordance with Policy H/22 e) to h).

109. Criteria i) is not relevant as the application is for a single gypsy pitch.
110. Officers do not consider that the proposal conflicts with Policy H/23 of the Local Plan.

Other Matters

Contaminated Land

111. The application has been subject to formal consultation with the Council's Contaminated Land Officer, who notes that the site has a potentially contaminative historical usage from the former piggery and is being redeveloped into a sensitive end use. Conditions relating to a detailed desk study and site walkover, the investigation and recording of contamination and remediation objectives, a remediation method statement, verification report and the potential for unexpected contamination have been recommended.
112. However, the use of the site is non-invasive, being for the siting of caravans which are to be siting on existing hardstanding. Therefore, officers do not consider the conditions to be necessary in this instance and therefore have not been attached to the recommended consent.

Parish Council Objection

113. Willingham Parish Council has raised objection to the proposal on several grounds as noted above, several of which have already been addressed. The remaining concerns are addressed as follows.
114. The Parish Council sets out that the land added in the application does not appear to be owned by the applicant and has always been used as a public access and is an unlit and rutted road.
115. The red line site boundary was amended to ensure it included land required for access to the site from a public highway, as required by relevant planning legislation / guidance, with relevant notice served on the revised application certificate. The granting of planning permission would not impact on any existing rights of access over the track or its ownership.
116. The Parish Council disagree with the statement of the covering letter that the land has been previously developed and has only ever been used for agriculture. Whether the land is previously developed land or not does not form one of the criteria within Policy H/22 of the Local Plan.
117. Willingham Parish Council refers to a previous planning application for a traveller site on a neighbouring field which was refused (also referred to in third party comments). The comment relates to planning application S/1237/13/FL which sought planning permission for "Use of land as Gypsy site comprising 5 no. double pitches each comprising 2 no. mobile homes 2 no touring caravans and 2 dayroom/utility blocks and 1 no. single pitch comprising 1 no. mobile home 1 no. touring caravan and 1 no. dayroom/utility block for use by an

extended Romany Gypsy family construction of access road hardstandings provision of sewage treatment plant erection of boundary fences and landscaping”.

118. The 2013 application was located to the south of the current application, approximately 150 metres further along the track. The application was refused by the Council and dismissed at appeal on the grounds of adverse effect on the character and appearance of the area, including in the event of a temporary permission.
119. The proposed development is materially different to the 2013 application and has been considered on its own merits against current adopted planning policy and associated guidance as set out above; the 2013 refusal has no direct impact on the assessment or determination of the current application.

Third Party Comments

120. The comments made in third-party representations are noted, with many points already considered in the report. The remaining matters raised are considered below.
121. Concerns are raised that the development is inappropriate outside of Willingham envelope, on agricultural land, and would set a precedent for development in the countryside.
122. As noted above, Policy S/7 of the Local Plan allows for certain types of development outside of development frameworks, including where such development is supported by other policies in the Plan, in this instance Policy H/22. Each application is assessed on its own merits and this report has considered the particular details and impact of the proposed development; it would not set a precedent for development in the countryside that is not already permissible under adopted planning policy.
123. One representation objects to the inclusion of the track within the site. As noted above, the red line boundary was amended to ensure it included land required for access to the site from a public highway; the granting of planning permission would not impact on any existing rights of access over the track or its ownership.
124. Concern is raised that the granting of permission would result in the site multiplying in occupation. As noted above, the application is for a single pitch and a restricted condition is recommended as part of any consent restricting the use / occupation to that which has been proposed and assessed.
125. The previous temporary permission for a caravan on the site which expired in 1976 is not relevant to the current application. Similarly, the more recent planning history is not directly applicable given the proposed end use of those applications and their consideration against the relevant adopted planning policies at the time.

126. Reference is made to the Parish of Over. Both Over Parish Council and Willingham Parish Council have been formally consulted at all relevant stages of the application.

Planning balance and conclusion

127. The Council is unable to identify any lawful existing or available allocated sites which could meet the needs of the proposed development.

128. Officers attribute significant weight to the fact that the proposal is for a single pitch and thus, in the absence of firm evidence to suggest otherwise and the conclusions of a recent appeal decision in Harston, a single pitch could fall within an existing need. Significant weight is also attached to the best interests of the children. Both factors weigh in favour of the proposal.

129. On balance, taking into account all material considerations and the absence of clear material harm arising from the proposal, officers conclude that the proposal would comply with relevant national and local planning policy and guidance.

130. For the reasons set out in this report, officers consider the proposed use of land for the stationing of caravans for residential purposes for 1 gypsy pitch together with a day room ancillary to that use to be acceptable.

Recommendation

131. Officers recommend that the Planning Committee approves the application subject to conditions.

Conditions

a) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

b) The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Plans to be listed:

18_987_01 (Site Location Plan 21/09/2021)

18_987_03 (Proposed Site July 2019)

18_987_05 (Utility/Day Room Plans)

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

- c) Demolition shall not in any circumstances commence unless the Local Planning authority has been provided with either:
- i) a licence issued by Natural England pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead; or
 - ii) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To prevent injury or death to bats which may roost on the site in accordance with Policies HQ/1 and NH/4 of the South Cambridgeshire Local Plan 2018.

- d) The site shall not be occupied until a scheme for the disposal of surface water and foul water drainage that can be maintained for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory method of surface water and foul drainage and to prevent the increased risk of flooding in accordance with Policies CC/7, CC/8 and CC/9 of the South Cambridgeshire Local Plan 2018.

- e) The site shall not be occupied until a scheme of biodiversity enhancement has been submitted to and approved in writing by the Local Planning Authority. The scheme must include details as to how a positive net gain in biodiversity has been accomplished. The approved scheme shall be fully implemented within an agreed timescale unless otherwise agreed in writing.

Reason: To conserve and enhance ecological interests in accordance with Policies HQ/1 and NH/4 of the South Cambridgeshire Local Plan 2018.

- f) The site shall not be occupied until details of hard and soft landscaping scheme, including the species, plant sizes and proposed number and densities of planting including measures for their protection, maintenance and retention and boundary treatment details have been submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details.

Reason: To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies HQ/1 and NH/4 of the South Cambridgeshire Local Plan 2018.

- g) No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe culverts are in place. The measures may include:

- i) Creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day.
- ii) Open pipework greater than 150 mm outside diameter being blanked off at the end of each working day

Any works shall be carried out in accordance with the approved details.

Reason: To conserve and enhance ecological interests in accordance with Policies HQ/1 and NH/4 of the South Cambridgeshire Local Plan 2018.

- h) No works to or removal of hedgerows, trees or shrubs, brambles, ivy and other climbing plants if appropriate or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and the 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.

Reason: To avoid causing harm to nesting birds in accordance with their protection under the Wildlife and Countryside Act 1981 and in accordance with Policies S/3, HQ/1 and NH/4 of the South Cambridgeshire Local Plan 2018.

- i) No external lighting shall be provided or installed other than in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried as approved and shall be retained as such.

Reason: To minimise the effects of light pollution on the surrounding area and to protect biodiversity interests in accordance with Policies SC/9 and NH/4 of the South Cambridgeshire Local Plan 2018.

- j) The use, hereby permitted, shall be limited to 1 pitch and comprise 1 mobile home and 1 touring caravan, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, and a dayroom only.

Reason: To protect the visual amenity of the area and minimise the visual intrusion on the countryside and to ensure the number of pitches provided is appropriate to the site in accordance with Policies HQ/1 and H/22 of the South Cambridgeshire Local Plan 2018.

- k) This permission does not authorise use of the land as a caravan site by any persons other than gypsies and travellers as defined in Annex 1: Glossary of Planning policy for traveller sites (August 2015).

Reason: The site is an area where planning permission has only been granted given the specific needs of gypsies and travellers in accordance with Policy H/22 of the South Cambridgeshire Local Plan 2018.

- l) The site shall not be used for any trade or business purpose other than as a home base for vehicles not exceeding 3.5 tonnes used by the occupants of the site for the purpose of making their livelihood off-site.

Reason: To protect the visual and residential amenity of the area in accordance with Policies HQ/1 and H/23 of the South Cambridgeshire Local Plan 2018.

Informatives

- a) The applicant is advised that, as set out in the submitted Bat Roost Characterisation (May/June 2021), a European Protected Species Mitigation Licence (EPSML) from Natural England will be required in order to legally carry out the proposed works.

Background Papers

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- South Cambridgeshire Local Plan 2018
- Gypsy and Traveller Accommodation Assessment 2016
- Planning Policy for Traveller Sites 2015
- South Cambridgeshire Supplementary Planning Documents (SPDs)
- Planning File References: S/2442/19/FL, S/1935/17/FL, S/0920/17/FL and S/1237/13/FL.

Report Author:

Michael Sexton – Principal Planner
Telephone: 07704 018467