

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

6<sup>th</sup> September 2006

**AUTHOR/S:** Executive Director / Head of Planning Services

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### **S/2010/04/F – WILLINGHAM**

**Siting of 6 Gypsy Caravans (part retrospective), erection of toilet / shower block and use of existing building for storage for personal use, at Meadow Road for Mrs. L. Brown**

**Recommendation: Temporary consent**

**Date for Determination: 27<sup>th</sup> November 2004**

#### **Site and Proposal**

1. Meadow Road is an area of generally flat agricultural Fen land with few hedges. The application site itself is a rectangular plot with a 60-meter frontage widening to 70 meters at the rear boundary with a depth of 66 meters.

#### **Planning History**

2. The site is in an area where there are a number of existing sites some of which have the benefit of planning permission while others are unauthorised.
3. Planning permission was granted in 1984 for the use of an existing building on the site for agricultural engineering subject to conditions naming the user, and restricting its use to storage and repair of agricultural equipment only.
4. In 1994 this consent was relaxed to enable the building to be used for maintenance of company vehicles again to a personal user restriction.

#### **Enforcement**

5. In September 1990 an Enforcement Notice was issued relating to a breach of planning control which required;
  - a. Demolish Locker room
  - b. Remove fuel tank and pump
  - c. Remove portakabin and base
  - d. Remove hardcore, materials and equipment from the site

The notice was appealed.

6. In addition to the above it was noted that there was a material change of use of the land as a haulage yard and siting of a portakabin. The requirement of the notice issued was to:
  - a. Cease to use the land other than for agricultural use
  - b. Cease to use the land as a haulage yard and siting of a portakabin

This notice was also appealed.

7. In September 1991 a further enforcement notice was issued due to the premises not being used by the owner and the building was being used for purposes other than the storage and repair of agricultural equipment.

The notice was appealed.

8. The above three appeals were allowed

### **Planning Policy**

9. The relevant Development Plan comprises the approved Cambridgeshire & Peterborough Structure Plan 2003 and the adopted South Cambridgeshire Local Plan 2004.
10. **Policy P5/4** of the Structure Plan says that local plans should make provision to meet the locally assessed need for housing specific groups including Gypsies and Travellers.
11. **Policy P1/2** says, inter alia, that development will be restricted in the countryside unless the proposals can be demonstrated to be essential in a particular rural location.
12. **Policy 7/4** says that development must relate sensitively to the local environment and contribute to the sense of place, identity and diversity of the distinct landscape character areas.
13. **Policy SE8** of the Local Plan says that there will be a general presumption in favour of residential development within village frameworks and that residential development outside these frameworks will not be permitted.
14. **Policy EN1** relates to Landscape Character Areas, and in respect of this site, it is concerned with respecting, retaining and wherever possible, enhancing the Fens Landscape Character & Natural Area.
15. **Policy HG23** is a specific policy concerned with caravan sites for Gypsies and Travelling show-people. It indicates that proposals for caravans for Gypsies will only be considered when the need for a site is shown to be essential to enable the applicants to exercise a travelling lifestyle for the purpose of making and seeking their livelihood. Where the need is proven 9 criteria have to be met if planning permission is to be granted for such sites. The criteria in summary are as follows:

- (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 surroundings 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.

16. Also relevant is **Circular 1/2006 Planning for Gypsy and Traveller Caravan Sites and PPG3 Housing**. Circular 1/2006 confirms that the Government is committed to ensuring that members of the Gypsy and Traveller communities should have the same rights and responsibilities as every other citizen and provides updated guidance on the planning aspects of finding sites for Gypsies and Travellers and how local authorities and Gypsies and Travellers can work together to achieve that aim. The policies in this Circular apply throughout England.
17. Advice on the use of temporary permissions is contained in paragraphs 108 – 113 of Circular 11/95, *The Use of Conditions in Planning Permission*. 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 available 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.
18. 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 as a caravan site. In some cases, it may not be reasonable to impose certain conditions on a temporary permission such as those that require significant capital outlay.

### **Gypsy and Traveller Development Plan Document**

19. Consultants CDN Planning began working on this project in April 2006. The first draft Issues and Options report is currently subject to a Strategic Environment Assessment and Sustainability Appraisal SEA/SA. The Member Reference Group will consider the draft Issues and Options report and the SEA/SA on 14 September and they will go to Council on 28 September. Once any changes have been made it will be available for public consultation from mid October. This initial Issues and Options stage is looking at criteria for site location. A second Issues and Options report will be prepared following representations on the first, and this will specifically identify potential sites within South Cambs for Gypsy/Traveller sites using the criteria already agreed. At this stage we expect the second Issues and Options report to be consulted on in Summer 2007.

## **Consultations**

### ***Parish Council***

20. Willingham Parish Council recommends refusal. In response to a previous application for mobile homes, Willingham Parish Council stated that the village had reached the limit in the number of mobile homes that it could reasonably be expected to accommodate and that a consistent approach would be applied to future applications. Reference should be made to the comments returned on application S/0856/04/F.

### ***Cambridgeshire Fire & Rescue Service***

21. No objections.

### ***Chief Environmental Health Officer***

22. The application has been considered in respect of noise and environmental pollution and it is concluded that there are no significant impacts. It is recommended that if the application is successful, the applicant should be able to comply with the attached site license conditions relating to permanent residential caravan sites.

### ***Traveller's Liaison Officer***

23. The family and educational details set out later in this report are confirmed. If evicted, the family states that it would probably have to go back on the road. The applicant would like a stable base so that her family can continue with their education and so that she can care for her father.

### ***Old West Internal Drainage Board***

24. The Board do not object from a drainage point of view, and comment that providing all water is directed to adequately designed soakaways the proposal would not adversely affect the Board's surface water receiving system. However the soakaways must be of an adequate size/design to accommodate all surface water.

## **Representations**

25. Advertised in CEN 23/10/04
26. Letters of support have been received from three individuals. These letters commend the applicant's personal qualities and emphasise her local connections. In addition there has been a letter of support received from a class support worker at Willingham Primary School (Mrs Brown's grandchildren attend). Grave concerns are expressed in the letter about interruptions to their long-term education, if the children were unable to continue with their education.
27. A further letter of support has been received from the Head teacher at Willingham Primary School. This confirms that three children from the site attend the school and that they are all doing well after an initial period of integration. A settled future is commented on as being a prerequisite for good academic progress. It also confirms that Mrs Brown has always been co-operative and supports the children's education.

## **Personal Circumstances**

28. The applicant has submitted a statement in support of her proposal. She confirms that she works part time as a Housekeeper in a Cottenham Care Home, and that she lives on the site with her son (a gardener), his wife (they have 5 children attending local schools) and her daughter (seasonal farm labourer with two children). Her mother lived and worked in Willingham and the surrounding villages doing work on farms. Although she did attend school, the need to travel for work limited her time in education. Her two children were born in Cottenham, and their education followed the same pattern as her own.
29. Previously she lived on an approved pitch in Cottenham. However around 2002 her neighbours moved out having sold their plots, and this coincided with the death of her mother who she had been caring for on her plot. After the loss of her mother she became ill herself, and she found it impossible to stay on her land. At this time the opportunity occurred to buy this plot. She provides photographs that confirm that a considerable amount of rubbish was moved off the plot. Also, fly tipping stopped once they moved on. It was already hard surfaced and had basic services including water.
30. If consent is granted, they would like to put part of the site back to grass, gravel the hardcore to the front of the site and would use the building on the site to store her son's lorry and classic cars. Her grandchildren are at school and it's her aim that they complete their education and in doing so be the first generation of her family to do so.

## **Equal Opportunities Implications**

31. Under the Race Relations Act 1976 and the Race Relations (Amendment) Act 2000, the Council has a statutory duty to eliminate unlawful discrimination and to promote race equality and good race relations. The Race Equality Scheme, updated by the Council in July 2006, gives priority to actions relating to Travellers, as the biggest single ethnic minority in the district. It also incorporates recommendations from the Commission for Racial Equality's "Common Ground" report.

## **Planning Comments – Key Issues**

32. The key issue is conflict with countryside policies and policy for Gypsy caravan sites with regard to the need to limit impact on the landscape and rural character of the area, and having regard to the special circumstances that are argued here, together with the advice in circular 1/2006 concerning temporary consent while councils such as South Cambs are preparing a Development Plan Document.
33. From the evidence of the photographs, a considerable amount of fly tipping had taken place on the site, and it is now much tidier. Further the applicant has refrained from other improvements while their application has been determined.
34. In terms of the relevant criteria it is reasonably well located for schools shops and other local services. Indeed the children on the site are well established at local schools. The site does not impact on the amenities of neighbours and no letters of objection are on the file. It is seen in the context of the adjacent permitted and unauthorised Traveller sites, and to that extent it does add to the concentration of sites. However, I am not aware of any service provision issue, and the existing "industrial" style buildings on the site already have a significant visual impact.
35. It follows that the applicant's proposal does not in itself have a significant impact on the landscape. If it is granted permission, I am confident that appropriate landscaping

could take place to reduce its impact.

36. There are no highway issues resulting from its use, nor are there any significant conservation, archaeological or wildlife issues. The amenity block applied for is modest, and the established buildings on the site could be sensibly re-used.
37. There have been no adverse comments from any of the service providers and it would not adversely in itself detract from the use of a public right of way.
38. The consultation on the options for Traveller site provision within the district are proceeding and it seems to me that this is an entirely appropriate case to be considered for a temporary consent on a without prejudice basis. Such consent would enable the Parish Council's reasonable concerns about the cumulative impact of Traveller sites within the Parish to be properly considered.

### **Recommendation**

39. That the applicant be invited to amend the application to a temporary application for 3 years and if they do so, delegated authority be granted.

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

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Circular 1/2006
- Cambridge Sub-Region Traveller Needs Assessment 2006
- Gypsy and Traveller Development Plan Document

Documents referred to in the report including appropriate on the website only and reports to previous meetings.

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