

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee  
**AUTHOR/S:** Executive Director / Head of Services

4<sup>th</sup> October 2006

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**S/1653/05/F – WILLINGHAM**  
**Siting of 1 Mobile Home and 1 Touring Caravan, at Cadwin Lane off Schole Road  
for Mrs. E. Smith**

**Recommendation: Temporary consent**

**Date for Determination: 21st October 2005**

**Retrospective Application**

**Site and Proposal**

1. Schole Road is an area of generally flat agricultural Fen land with few hedges. The application site itself is a rectangular 24 metres wide and 28 metres deep. The plot is sited behind the property known as The Barns fronting onto Schole Road.

**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. The site does not have any relevant planning permission but has in the past been the subject of illegal dumping including cars

**Planning Policy**

4. The relevant Development Plan comprises the approved Cambridgeshire & Peterborough Structure Plan 2003 and the adopted South Cambridgeshire Local Plan 2004.
5. **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.
6. **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.
7. **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.
8. **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.

9. **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.
10. **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.

11. 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.
12. 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.

13. 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**

14. 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***

15. Willingham Parish Council recommends refusal, on the basis of proportionality (relating to the numbers of such sites already in Willingham), and consistency (with Parish Council's existing view on proportionality).
16. The question was also raised as to whether the site was within the village envelope, although that on its own would not have constituted an argument for rejection. N.B. site is outside the Village Framework

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

17. No objections.

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

18. 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**

19. 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. This family has a local connection with Cambridgeshire.

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

20. Has no comment from a drainage point of view.

## **Environment Agency**

21. In the eventuality of not being able to connect to the public foul sewer system, the suitability of any non-mains sewerage system needs to be demonstrated to the satisfaction of the LPA. Accordingly conditional permission is recommended.

## **Representations**

22. Notice on site posted 22/01/05.

### *Personal Circumstances*

23. The applicant has completed a Needs Audit in support of her proposal. She confirms that she previously lived on a rented site in Earith but had to leave because of on-going social problems, and she wanted to own her own site. There are 5 children ranging in age from 1 to 9 living on her site. Her main aim is to get the children to school locally so that they receive a proper education

### *Equal Opportunities Implications*

24. 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 with an update of the 2005 - 2008 action plan, gives priority to actions relating to Travellers, as the biggest single ethnic minority in the District (around 1.0% of the District's population). The Council is committed to treating everyone fairly and justly, whatever their race or background and the scheme gives priority to actions relating to Travellers. It also incorporates recommendations from the Commission for Racial Equality's "Common Ground" report.

## **Planning Comments – Key Issues**

25. 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.
26. 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.
27. In terms of the relevant criteria it is reasonably well located for schools shops and other local services. Indeed the applicant wants her children to attend 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.
28. The site is already well landscaped and the existing barn building on the adjacent site already has a significant visual impact. It follows that neither the applicant's proposal, nor the other two reported on this agenda, do not in themselves, have a significant impact on the landscape. If it is granted permission, I am confident that appropriate landscaping could take place to further reduce its impact.

29. There are no highway issues resulting from its use, nor are there any significant conservation, archaeological or wildlife issues.
30. There have been no adverse comments from any of the service providers, and drainage will be conditioned and subject to further approval. It would not adversely detract from the use of a public right of way.
31. 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 since this is one of the issues that the Council will be consulting on in preparing its G&TDPD.

### **Recommendation**

32. 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 subject to conditions including drainage.

**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
- Planning application file ref: S/1653/05/F

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