

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

---

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

4<sup>th</sup> October 2006

---

**S/0788/06/F – WILLINGHAM**  
**Siting of Two Gypsy Caravans and Utility Building, at Cadwin Lane off Schole Road  
for Mrs. D. Smith**

**Recommendation: Temporary consent**

**Date for Determination: 19th June 2006**  
**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 28 metres wide and 54 metres deep. The plot is sited 114 metres behind the property known as The Barns fronting onto Schole Road, and at the end of what is being called Cadwins Lane.

### **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 following grounds:
- (a) The site is outside the village envelope.
  - (b) Willingham PC has a great concern as to the effects of such settlements, should they continue to be allowed, on the local facilities and especially on the school. Willingham Primary School already has about 10% Traveller children, with enough additional educational needs to impact adversely on the school's ability to give adequate resources to all its pupils.
  - (c) There is no such road as "Cadwin Field" – the PC does not recognise this as a valid address.
  - (d) Willingham PC has repeatedly requested guidelines from SCDC on Traveller settlements. They are extremely concerned that such settlements are very unevenly spread across the villages within S Cambridgeshire. They are perfectly willing to accept a fair share of such sites, but only proportionally and within reason. They are not prepared to approve any more sites until SCDC has given clear guidance about proportionality.

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

16. No objections.

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

17. 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**

18. 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**

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

### **Environment Agency**

20. 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**

21. 5 letters of objection have been received and the following comments have been made in them against the proposal:
- (a) The land is outside the development framework and hence any development is contrary to the Plan Policies that seek to limit development in these areas to essential development.
  - (b) While it is the Council's responsibility to ensure that there are sufficient sites to meet Travellers' needs, Willingham has enough already and the village school is experiencing problems accommodating the children of Travellers.
  - (c) No further consents should be given until the Council has some definitive procedures in place in respect of Traveller sites.
  - (d) The Council should ensure its decisions are adhered to.
  - (e) The area is Green Belt where such development should not be permitted – NB the land is not in the Green Belt.
  - (f) There could be 40 caravans on this site and the associated land.
  - (g) Site has been used for burning all manner of combustible materials, and this has been reported to the police.
  - (h) Site has been used for vehicle breaking.
  - (i) Since the site has been used there has been a general increase of local nuisance including trespass, dogs roaming off lead.
  - (j) Although circumstantial it is also claimed that there has been a general increase in the level of crime in the area.
22. In response to these comments the Council's Enforcement Officer has stated the following;

Having checked computer records from 2003 there has not been any complaints registered with Councils Environment team with regards to burning/ bonfires at the above premises or at any other plots within Cadwin Field. Both the Enforcement team and the Travellers Officer have also not received complaints relating to the burning of materials at this location.

The Cadwin Field site (plots 1 to 6) historically had been subject to vehicles and other material being burnt and deposited on site however since the change of ownership to the Smith family. Cadwin Field has been cleared of all abandoned vehicles and vehicle parts along with general rubbish. The site since their occupation has been

dramatically improved. However further investment in completing its transformation is currently on hold pending the outcome of the planning application.

With regards to fire damaged fir trees there is no current evidence of burning on plots 1, 2 and 6 however there is a little damage on plot three which is currently unoccupied and relates to fires that had been made prior to the Smiths purchase of the land.

The Site since the change of ownership has not been used for vehicle breaking.

With regards to children at plot 6 there are currently four boys living on the site aged between 2 and 12 of which three attend schools in both Cottenham and Willingham – Additionally Plot 1 has five children (3 in school) aged between 1 and 9 living on site and plot 2 has 4 children aging from 5 to 11 years old - Enforcement and the Travellers Officer are not aware of any incidents or complaints involving the children and or pet dogs.

Finally with regards to livestock at plot 6 all dogs and chickens have been sold and Officers were advised that they are unlikely to be replaced.

### **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 South Cambs but left because she wanted to own her own site. As well as her, there are 4 children ranging in age from 2 to 12. Her main aim has been 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's children attend local schools. 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 screened 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 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. Concerns have been raised by neighbours about the development of this site in the countryside. However, as set out in the policy section, the principle of Travellers' sites in the countryside are acceptable. There is nothing intrinsically wrong about this site's relationship with the other properties in the area since it is some distance from any other residential property, and the use of the access would not affect residential amenity. The other issues are not planning matters and should not be taken into account when the decision is made since they are dealt with under different legislation. However I can say that the Council is undertaking work to improve relationships between the Travelling and settled communities and this work has, and will involve Willingham Parish Council.
32. While there have been issues of car breaking and burning in the past, these by and large pre-date the current residential use.
33. 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**

34. 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/0788/06/F

**Contact Officer:** G.H.Jones – Head of Planning  
Telephone: (01954) 713151