

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

1<sup>st</sup> November 2006

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

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### **S/0375/06/F – WILLINGHAM**

#### **Siting of two Gypsy Mobile Homes, at Plot 2, Longacres, The Paddocks, Meadow Road for Mrs. E. Webb**

**Recommendation: Temporary consent**

**Date for Determination: 26<sup>th</sup> April 2006**

#### **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 approximately 25 by 30 meters. Between the site and Meadow Road are several authorised sites.

#### **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 has been refused in the ninties for the use of the as a Gypsy caravan site with one of the main reasons being that, at the time, adequate provision was already made by the then open County Council site further along Meadow Road.
4. In addition enforcement appeals have also been dismissed on plots in the area.

#### **Planning Policy**

5. The relevant Development Plan comprises the approved Cambridgeshire & Peterborough Structure Plan 2003 and the adopted South Cambridgeshire Local Plan 2004.
6. **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.
7. **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.
8. **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.
9. **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.

10. **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.
11. **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.

12. Also relevant is **Circular 01/2006 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.
13. 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.

14. 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**

15. Consultants CDN Planning began working on this project in April 2006. The first draft Issues and Options 1 is now available for public consultation until 24 November 2006. 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**

16. Willingham Parish Council recommends refusal. This should be a retrospective application as the mobile homes are already on the site. In any event Willingham Parish council is opposed to any further increases in Traveller sites due to the very high number that the village already struggles to accommodate. The questions of proportionality and fair sharing of the load have to be raised on a number of occasions and answers to these questions are still awaited.

##### **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. This extended family, whom describe themselves as English Gypsies, have been in Cambridgeshire all their lives. This site provides a stable base enabling their three young children to attend school locally. Included in this family are the applicants parents, one of whom is disabled, this site allows for their continued care and support. This family previously lived in Cottenham but state they left due to neighbour disputes in 2003. Upon arriving at this site the family spent a significant period clearing the land of rubbish including over 20 abandoned vehicles.

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

20. The Board do not object from a drainage point of view.

##### **Environment Agency**

Further details required of foul water drainage.

#### **Representations**

22. Advertised in CEN 07/03/06.

23. None received.

#### **Personal Circumstances**

24. The applicant has submitted a statement in support of her proposal. She confirms she lives on the site with her 3 children aged 8, 6 and 18 months. The oldest children attend the local school and have been doing so continuously since they moved onto the site. The older children are in receipt of Special Needs education and this would not be possible if they had to back to living on the roadside
25. The family have strong local connections working in the past for local farmers.
26. In addition, her parents who are pensioners, and the Mother is disabled, are being cared for on the site

#### **Equal Opportunities Implications**

27. In line with general and specific statutory duties under the Race Relations Act 1976 and Race Relations (Amendment) Act 2000, the Council operates a Race Equality Scheme (RES). This was last revised and agreed by the Council in July 2006, with an update of the 2005 - 2008 action plan.
  - (a) The Council is committed to treating everyone fairly and justly, whatever their race or background.
  - (b) The Scheme gives priority to actions relating to Travellers as the biggest ethnic minority in the district (around 1.0% of the district's population).
  - (c) Planning is identified as being amongst the services most relevant to promoting race equality.
  - (d) The lead Cabinet Member for Race Equality, Councillor Edwards, is establishing an RES Member Working Group. This will highlight to the Cabinet and GTDPD Member Reference Group findings and recommendations from ODPM Circular 1/2006 and the Commission for Race Equality's "Common Ground" report, which may be appropriate to the Council's strategic approach to Traveller issues and the Gypsy and Traveller Development Plan Document.

#### **Planning Comments – Key Issues**

28. 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 01/2006 concerning temporary consent while councils such as South Cambs are preparing a Development Plan Document.
29. 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.
30. 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 authorised plots that front onto Meadow Road already have a significant visual impact.
31. 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.

32. There are no highway issues resulting from its use, nor are there any significant conservation, archaeological or wildlife issues.
33. 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.
34. 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 the last meeting, Officers have met with the Parish Council to discuss their general concerns and it was agreed that the Council would look at obtaining "hotspot" pre-emptive injunctions in Willingham to minimise additional sites in advance of the Development Plan Document.

### **Recommendation**

35. That temporary permission subject to conditions be granted for 3 years.

**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 01/2006
- Cambridge Sub-Region Traveller Needs Assessment 2006
- Gypsy and Traveller Development Plan Document

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