

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

6<sup>th</sup> December 2006

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

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### **S/1857/06/F - WILLINGHAM**

**4 Gypsy Mobile Homes, 4 Transit Caravans and 3 Toilet Blocks  
(Renewal of Planning Permission) at Fox's Meadow, Priest Lane for Mr B Coates.**

**Recommendation: Temporary Approval**

**Date for Determination: 23<sup>rd</sup> November 2006**

**This Application has been reported to the Planning Committee for determination because the recommendation of Willingham Parish Council does not accord with the officer recommendation.**

#### **Site and Proposal**

1. Priest Lane is an area of generally flat agricultural Fen land with few hedges beyond the eastern fringe of Willingham. From its junction with Church Street and Rockmill End to the west, Priest Lane has a width of 5 metres for a distance of some 150 metres. Thereafter it narrows to single-track width with one passing space close to the site. The application site itself is a rectangular plot measuring 50 by, on average, 60 metres.
2. At the time of the site inspection by the case officer, the site contained 3 mobile homes and 4 caravans, and toilet blocks. There are various stables and hay store buildings adjoining to the south of the site. The site has a tidy appearance and is bounded on all sides with mature hedging and fencing.
3. The application, received 28<sup>th</sup> September 2006, proposes use of land for the siting of 4 mobile homes, 3 toilet blocks and 4 transit caravans. The applicant is applying for a new planning permission to be granted that is not limited for a temporary period nor that is tied to him personally by condition. A supporting statement indicates that Mr Coates offers space on the site for temporary periods to his daughter and son-in-law, his grandson, and his two nephews, all of whom are road workers. The applicant (who is aged in his sixties) would like to be sure that, in the event of his demise, his daughter would be able to continue to offer the family accommodation on this land. He states that the previous owner, Mr S Chapman, lived on the site in a mobile home in the late 1980's. He then applied for planning permission for a working skip yard, which was granted. Since buying the site, Mr Coates states that it has improved in all aspects.

#### **Planning History**

4. Temporary planning permission was granted on a personal basis to Mr Coates for this development on 4<sup>th</sup> February 2003 (**S/2416/02/F**). Condition 1 of the consent requires the mobile homes, transit caravans and toilet blocks to be removed from the site on or before 31<sup>st</sup> December 2006. The applicant and his relatives were described as a gypsy family well known in Willingham who had historically provided local farms and fruit growers with seasonal labour. The family consisted of Bill Coates, his wife,

mother and father-in-law, daughter, sister-in-law and her two sons. Willingham Parish Council, by consultation response dated 6<sup>th</sup> January 2003, recommended approval of this application, subject to it being for a temporary period and made personal to the applicant.

5. Previously, planning permission was granted by Cambridgeshire County Council for a waste transfer station (**S/0674/98/F**). The permission was granted in 1999 for a three-year period.

### **Planning Policy**

6. The relevant Development Plan comprises the approved Cambridgeshire & Peterborough Structure Plan 2003 and the adopted South Cambridgeshire Local Plan 2004.
7. **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.
8. **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.
9. **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.
10. **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.
11. **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.
12. **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:
  - (a) The site is reasonably located for schools, shops and other local services.
  - (b) The site would have minimal impact on the amenities of existing local residents and adjoining land uses; concentration of sites will be avoided.
  - (c) 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.
  - (d) The site can be satisfactorily assimilated into its surroundings by existing or proposed landscaping; an approved landscaping scheme will be required.
  - (e) The use of the site would not give rise to unacceptable parking, highway access or service provision problems.

- (f) The site would not adversely affect any buildings of historic or archaeological importance, or sites of wildlife or nature conservation value.
  - (g) 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.
  - (h) The site has adequate infrastructural connections to local services including water supply.
  - (i) The use would not detract from convenient, safe and enjoyable use of a public right of way.
13. 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.
14. 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.
15. 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**

16. Consultants CDN Planning began working on this project in April 2006. The first draft Issues and Options 1 was 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.

### **Consultation**

17. **Willingham Parish Council:** Willingham Parish Council recommends refusal. The Parish Council states:

“Willingham Parish Council is conscious of the efforts being made by SCDC to improve relationships and facilities for the traveller population, and is happy to co-operate with this initiative.

Unfortunately, WPC finds itself already having to cater for a hugely disproportionate number of traveller families in relation to the settled population, the ratio in Willingham being one of the highest of both approved and illegal sites. The levels are such that the infrastructure within the village is struggling to cope.

On this basis, WPC has reluctantly found it impossible to sanction any more sites irrespective of individual merit. WPC believes that this issue will only be resolved when SCDC finds a way of spreading the load, setting realistic targets and taking action to remove illegal sites. Until this action is taken WPC must be consistent, and has no choice other than to reject all mobile home applications.”

18. **Chief Environmental Health Officer** – “The applicant should be able to demonstrate how it is proposed to comply with the conditions associated with permanent residential sites. He is interested to know how it is proposed to maintain a separation distance of 6 metres from any other caravan”.
19. **Travellers Liaison Officer** – To date, the Travellers Officer has only limited knowledge of the applicant, however he notes that the site is always very neat and tidy.
20. **Environment Agency** - The site lies within the Old West Drainage Board’s area and the Board’s byelaws apply. The Agency has made comments for the applicant’s attention, as in the consultation under S/2416/02/F. No objections are raised.
21. **Old West Internal Drainage Board** – No objection in principle. The Board wishes the applicant’s attention to be drawn to the requirement to keep the frontage ditch clean and free-flowing.
22. **Cambridgeshire Fire and Rescue Service** – Additional supplies for fire fighting are not required.

### **Representations**

23. Six letters of **support** have been submitted with the application from local farmers and businesses, including Councillor Ray Manning. The writers pay testament to Mr Coates’ good character and the tidiness of the site in his ownership.
24. The Occupier, 2 Mulberry Close, Cambridge - The writer has shared ownership of the adjoining land at 14, Priests Lane. He is in support for the proposal provided that the application is for a continuation of the existing facilities on the site, but not for additional vans. Mr Coates has proved to be a reasonable neighbour.
25. The Occupier, 8 Priest Lane, Willingham – The writer considers that it would be detrimental to allow further expansion in view of the past problems in the Council traveller site in Meadow Road and in view that no problems have occurred in this small family unit at Fox’s Meadow.
26. The Occupier, 15 Priest Lane, Willingham – Objection. Priest Lane is not suitable for existing, let alone increased traffic. Before the existing camp, there were about 10 vehicles a day. Now there are upwards of 200 cars/ vans day and night. The Lane is frequently used by the elderly and dog walkers, which is increasingly becoming more

difficult with speeding vehicles. There has been general pollution of the environment with rubbish thrown from vehicles. It would seem that the Planning Authority has a complete disregard for the properties in Cottenham and wishes to include that in Willingham as well.

27. The Occupier, 16 Priest Lane, Willingham - If this application is granted would there be more applications to follow? This new application would give more traffic in Priest Lane.
28. The Occupier, 25 Wilford Furlong, Willingham – No objection provided that the permission is limited to Mr Coates and his immediate family; that the permission is for another three-year period only; the consent should not be capable of being taken up by another future owner; that passing spaces should be provided due to increase of speeding traffic.

### **Equal Opportunities Implications**

29. 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**

30. The majority of responses to the application have been favourable and the concerns which have been expressed, including those of the Parish Council, have not been specific to the operation of this site.
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. 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.
32. I recommend the restriction of the permission to Mr Coates personally be lifted, as I consider that a limitation to occupation by genuine gypsies and travellers only would

be more in accordance with the objectives of Government policy and SCLP Policy HG23.

### **Recommendation**

1. The use hereby permitted shall be discontinued and the mobile homes, transit caravans and toilet blocks hereby permitted shall be removed and the land restored to its former condition on or before 31<sup>st</sup> December 2009 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.  
(Reason - In order that the impact of the use of the site on the countryside can be assessed).
2. This permission does not authorise use of the land as a caravan site by any persons other than Gypsies and Travellers as defined in Paragraph 15 of ODPM Circular No.01/2006 'Planning for Gypsy and Traveller Caravan Sites'.  
(Reason - Occupation by other persons would not amount special circumstances for permitting development in this location.)
3. The residential use hereby permitted shall be restricted to the stationing of no more than eight caravans at any time (of which no more than four may be static caravans or mobile homes).  
(Reason - To minimise the impact of the development on the surrounding area.)

### **Informatives**

Comments of Old West Internal Drainage Board - the applicant's attention is drawn to the requirement to keep the frontage ditch clean and free flowing.

Comments of the Environment Agency.

Comments of the Chief Environmental Health Officer.

### **Reasons for Approval**

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
  - **Cambridgeshire and Peterborough Structure Plan 2003:**  
**P1/2** (Environmental Restrictions on Development)  
**P5/4** (Meeting Locally Identified Housing Needs)  
**P7/4** (Landscape)
  - **South Cambridgeshire Local Plan 2004:**  
**SE8** (Village Frameworks)  
**EN1** (Landscape Character Areas)  
**HG23** (Gypsies and Travelling Show people)
2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
  - Highway safety
  - Impact upon the facilities and services in adjacent settlements

**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.
- Planning Files ref: S/1857/06/F; S/2416/02/F

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