

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

4th April 2007

AUTHOR/S: Executive Director / Corporate Manager - Planning and Sustainable Communities

S/2330/06/F – WILLINGHAM

**Siting of Gypsy Mobile Home, Touring Caravans, Kitchen/Day Room, Utility/Bathroom and Haybarn/Stable/Tack Room (Retrospective Application)
at 5 Cadwin Field, Schole Road for Mr and Mrs Smith**

**Recommendation: Temporary Consent for 3 Years
Date for Determination: 2nd February 2007**

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 plot measuring 32 by, on average, 22 metres forming part of a strip of land running south from Schole Road behind the property known as The Barns.
2. The application, received 8th December 2006, proposes residential use of the land by Gypsy travellers, involving one mobile home, one touring caravan, one portable kitchen/day room (5m x 4m), one utility/bathroom (5m x 2.4m) and one haybarn/stable/tackroom (6.8m x 2.4m).

Planning History

3. 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
4. The site does not have any relevant planning permission but has in the past been the subject of illegal dumping including cars.
5. The strip of land containing the site is divided into 6 plots running north to south. Members may recall granting temporary planning permission for three years for Plots 1, 2 and 6 at the October 2006 Committee Meeting. Plots 3 and 4 are subject to injunctive action to prevent further encroachment.

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.

S/2330/06/F



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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:

- (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.

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 Issues and Options Report was considered by the Member Reference Group on the 15th February 2007. The Member Reference Group recommended to Council that:
 - (a) The responses to representations on the GTDPD Issues and Options 1 Report and the Sustainability Appraisal at Appendix 3 be agreed.
 - (b) The list of Preferred Options at Appendix 2 be approved in order for stage 2, the site options search to begin.
 - (c) The actions put forward in Appendix 1 and summarised in Appendix 2 be addressed and taken forward into stage 2 of the Issues and Options process (Site options selection).
 - (d) The three-tier scoring matrix at Appendix 4 be used in the next stage of the GTDPD Issues and Options process.
 - (e) Authority be delegated to the Corporate Manager for Planning and Sustainable Communities, to make any minor editing changes necessary to the responses as set out in appendices 1 and 3 with any which involve a material change being delegated to the Planning and Economic Development Portfolio Holder.
17. A second Issues and Options report will be prepared, 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

Parish Council

18. Willingham Parish Council recommends refusal:
- (a) "Proportionality – relating to the number of traveller sites already within the village;
 - (b) Consistency with previous decision;
 - (c) Sustainability in relation to existing village infrastructure and services;
 - (d) The Parish Council wishes to re-state, yet again, that, Willingham is entirely willing to take its fair share of traveller sites, but wishes to maintain that the District Council should be working to ensure that traveller settlements are spread evenly among all the parishes in the District. Once again, the Parish Council requests an indication from SCDC of when the District Council will consider that Willingham has reached saturation point".
19. **Chief Environmental Health Officer**
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.
20. **Traveller's Liaison Officer**
Comments are awaited.
21. **Old West Internal Drainage Board**
The Board does not object from a drainage point of view.

Representations

22. None

Personal Circumstances

23. The application includes a statement of need. The applicants state that they are aged 75 and 73 and have been travelling for work in the South Cambridgeshire area nearly all of their working lives (more than 60 years ago). They have family and friends in the area and all of their grandchildren live in Willingham on plots 1, 2 and 6 Cadwin Lane and their great grandchildren all attend school in Willingham. Esther is now disabled and needs the fulltime care of her husband Stanley but increasingly it is important to remain with the rest of the family who also provide for her care. They state that they have cleaned up the site and just wish to remain with their family.

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.
27. In terms of the relevant criteria it is reasonably well located for schools, shops and other local services. Indeed the applicant's great grandchildren 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 in itself this proposal will not 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. 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.
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 temporary permission be granted for 3 years subject to conditions.

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 Files Ref: S/2330/06/F, S/1653/05/F, S/1654/05/F and S/0788/06/F

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