

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

4th April 2007

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

S/1631/06/F - Cottenham

Use of Land as a Gypsy Caravan Site – 5 pitches (retrospective application) Plots 5, 5A, 6, 10 & 11 Orchard Drive, Smithy Fen for M O'Brien, N O'Brien, M O'Brien, N Slattery & M Heggerty

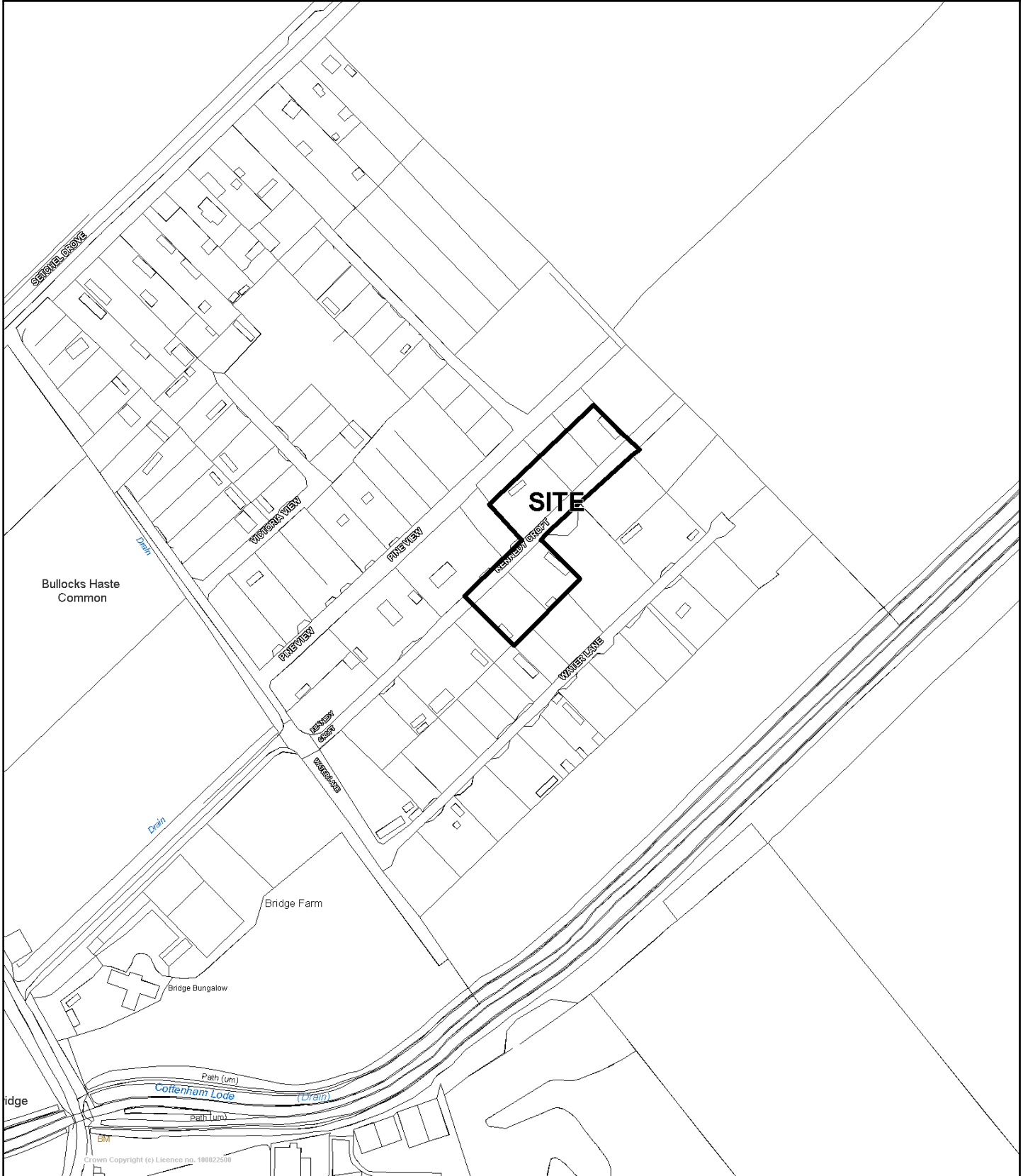
Recommendation: Refusal
Date for Determination: 3rd October 2006

Site and Proposal

1. Smithy Fen is an area of generally flat agricultural Fen land with few hedges. Setchel Drove joins Lockspit Hall Drove to the west and this road meets Twenty Pence Road, The B1049, to the southwest. Smithy Fen Bridge takes Lockspit Hall Drove over a Watercourse, Cottenham Lode, which is edged by public footpaths on embankments. Lockspit Hall Drove provides access to several homes and farmsteads. Cottenham has a comprehensive range of facilities including food shops, multi-purpose shops, a post office, library, play school, primary school, village college and doctors' surgeries.
2. Plots 5,5A & 6 are to the north of what has been called Kennedy Croft. Plot 5 has a frontage of approximately 30 metres and a depth of 10, while 5A and 6 have the same depth of 10 metres but have half the frontage at 15 metres.
3. Plots 10 and 11 are to the south of Kennedy Croft and they each have a frontage of 22.5 metres and a depth of 25.

Planning History

4. The application, received 8th August 2006, proposes the retention of use of land as a residential caravan site for a temporary period of 4 years. The 5 plots are occupied by members of the extended O'Brian family, who have lived on these plots for the past 4 years. Three of the five families have children attending local schools.
5. 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. Smithy Fen is part of the countryside to the northeast of Cottenham. A rectangular tract of land within Smithy Fen, approximately 7.5ha in extent, has seen extensive caravan development. The map accompanying this report shows the extent and location of the development. There are two areas of approved Gypsy Caravan Sites in the rectangle, separated by land in between without planning permission. In the northern sector of the rectangle there are 22 approved plots, most gaining access from Setchel Drove. In the southern sector of the rectangle there are 15 plots gaining access from Water Lane and Orchard Drive.
6. There has been some subdivision of these plots resulting in there now being some 48 plots on the approved gypsy caravan land. The existing permissions allow for a minimum of 63 caravans to be on the approved plots.



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Scale 1/2500 Date 23/3/2007

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April 2007 Planning Committee

7. Most of the northern sector of Gypsy occupation, plots 2-12 Setchel Drove and 'Park Lane', Setchel Drove and the southern sector are long-standing. However, in 2003 planning permission was granted, on appeal, for a 4 plot Gypsy Caravan Site, 'Pine Lane', which is to the south of the Park Lane plot and in the western part of the land between the northern and southern sectors. A large part of the land between the northern and southern sectors, 'Pine View', was occupied by Gypsies in 2003, with their caravans, without planning permission. On 11 March 2005 the First Secretary of State dismissed 12 appeals concerning the gypsy occupation of this land. Further, on 7th December he also dismissed 6 appeals on land at Victoria View. Other land within the rectangle, including land to the rear of the approved 2-12 Setchel Drove plots, is occupied by gypsies without planning permission.
8. The site formed part of a larger area that was refused planning permission for 4 caravans under application **S/0248/F** in 1992.
9. The site remained free of caravans until July 2002, when the Council became aware that hardcore was being laid and caravans were being parked. Travellers on the site were advised that occupation was in breach of the enforcement notice. An application for a 34 pitch Travellers' site was received on 17th July and refused by the Council's Development and Conservation Control Committee on 2nd October 2002. A second round of applications were submitted on an individual basis and supported by statutory declarations in most (but not all) instances on 23rd April 2003. This confirmed that most of the appellants had purchased a plot in June 2002. The applications were refused on 13th June 2003.
10. Enforcement notices were served on the land in June 2005. Appeals against the notices served on plots 5, 5A, 6 and 10 were lodged and the decisions made in May and June 2006. They were all dismissed and the grounds of appeal included that planning permission should be granted. Hence in coming to his decision, the Inspector had to consider all the issues that are now for the Council to weigh in coming to a balanced decision.

Planning Policy

11. The relevant Development Plan comprises the approved Cambridgeshire & Peterborough Structure Plan 2003 and the adopted South Cambridgeshire Local Plan 2004.
12. **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 Travellers and Gypsies.
13. **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.
14. **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.
15. **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.
16. **Policy EN1** relates to Landscape Character Areas, and it is concerned with respecting, retaining and wherever possible, enhancing landscape character.

17. **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 relevant to this application are as follows:

- (1) The site would have minimal impact on the amenities of existing local residents and adjoining land uses; concentration of sites will be avoided.

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.

- (2) The site can be satisfactorily assimilated into its surroundings by existing or proposed landscaping; an approved landscaping scheme will be required.

Also relevant are 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.

- (3) 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.

18. 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

19. Consultants CDN Planning began working on this project in April 2006. The Member Reference Group on the 15th February considered responses to the consultation on the first Issues and Options Report and was asked to agree the approach to the next phase (site options). 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.

20. Arising out of the meeting, the following changes were recommended to Council and accepted at their meeting on the 22nd February:

Page/Policy	Action
APPENDIX 3	
Page 140 rep 19095	Remove the word “authorised” as any site should be considered regardless of planning status.
Page 125 Rep 19572	Amend in the Council assessment column “county” to “region”.
Pages 98 and 99 Reps 18695, 18591 and 19529	Typo - need to add “no” in between 'be' and 'more' in the Council assessment column to correct typing error and be consistent with the approach proposed.
APPENDIX 2	
GT2	Amend proposed policy wording to: “New Gypsy and Traveller pitches will be proportionately distributed throughout the district to promote integration and assist equal access to services.
GT17A	Amend proposed policy wording from “half hourly” to “hourly” to better reflect the approach selected.
GT33	Final policy wording needs to reflect the different needs of Travelling Show People.
GT44A	Amend policy wording from “county” to “region”. The DPD should include a clear definition of what constitutes a transit site.
GT48	Amend policy wording to: “SCDC will support and encourage programmes and initiatives to regenerate SCDC managed Gypsy and Traveller sites at Whaddon and Blackwell if they remain in use following this GTDPD.
GT49	Option should not be pursued through a policy in the DPD, but instead should be explored through the new Community Strategy.

Page/Policy	Action
APPENDIX 4	
	Remove reference to 'Gypsy Preference Areas' from scoring matrix.

Powers under section 70A of the Town and Country Planning Act 1990 to decline to determine the application

21. Counsel has stated in a written opinion that the application made for temporary permission does not fall within the ambit of section 70A, and it would not be reasonable, proper or lawful for the Council to decline to determine it under these powers.

Attached Reports

22. These provide information to Members on counts of Travellers, site provision and planning applications. They provide background information to inform Members when they come to a decision.

Consultation

Advertised 29th August 2006

Parish Council

23. Strongly recommends that these planning applications go undetermined or be refused for the reasons set out below:

1. Determination – Our records, based upon information given by SCDC, show that pitches 4* and 5 were refused planning permission in January 2002; plots 6* and 7* were refused in December 2002; plots 10 and 11 were refused in February 2006 (*Highlighted for the relevance of their proximity to the appeal pitches).

In any event on the 4th May and 8th June 2006 enforcement appeals for plots 5, 5A, 6 and 10m were dismissed with appeal pertaining to plot 11 having been withdrawn.

This Council is, therefore, of the belief that SCDC should decline to determine these applications under the powers granted by the ODPM Circular 08/2005 sections 1-17 (a precedent for the use of these powers would appear to be the refusal to determine similar retrospective planning applications at Moor Drove, Histon once Enforcement appeals had been dismissed).

2. This Council presented its Statement of Case covering Enforcement appeals for plots 5, 5A, 6 and 10 through solicitors Taylor Vintners in November 2005 and sees no reason to change the basis of its objections to occupation of these pitches.

The summary of this statement states “The Parish Council feels strongly, therefore, that the appeal proposal is contrary to both national and Development Plan Policies (and supports the views of the Local Planning Authority in that regard), indeed there are additional material considerations indicating that the proposal should not be permitted (such as the unacceptable nature of the

impact on community services, which is unfair to local residents, and the effect of s. 17 of the Crime & Disorder Act 1998), and accordingly these appeals should be dismissed.

SCDC has the full statement on file (we can provide a further copy if necessary) and we ask that a copy be appended to S/1631/06/F.

3. Legislation & Government Guidance – This Council acknowledges that there have been changes to the law, and/or planning guidance, since November 2005.

The Planning & Compulsory Purchase Act 2004, now fully functional, requires that the Regional Planning Board for the East of England keeps under review the Regional Spatial Strategy for its region. The intention of the Act, and ultimately the Secretary of State, is that a regularised planning system is cascaded down to the Local Planning Authorities which then, amongst other things must secure plans for the current and future accommodation of the Gypsies and Traveller in, and resorting to, their areas. The Act is supported by various Policy statements and particularly the ODPM Circular 1/2006 with its express “code of conduct”.

It is this Council’s belief that the May and June appeal decisions (regarding pitches 5, 5A, 6 & 10) together with the June 2006 decisions of Mr Justice Silber (the Pine View injunctions) are unequivocally supportive of SCDC’s Gypsy and Traveller Policy- “as is” and “is evolving” – indicating as they do that there is no evidence of any breach of 1/2006b guidelines.

Conclusions

- a) SCDC need not determine these planning applications (and especially not that of plot 11) by virtue of the powers vested in it by Circular 8/2005.
- b) Should SCD decide that it must determine the planning applications then this Council repeats its objections as detailed in the Taylor Vintners Statement of Case made on its behalf in November 2005 (as is on record at SCDC).

Environment Agency

24. No objections, Conditions relating to surface and foul water drainage are recommended.

County Highways

25. Has raised no objection to the proposal from a highway point of view.

Chief Environmental Health Officer

26. Any consent will be subject to a Caravan Site Licence and comply with the condition of the licence. This relates to the need for an investigation of the site to establish the nature and degree of contamination and any remedial works to deal with any contamination that may be identified.

Old West Internal Drainage Board

27. This application is within the Old West Internal Drainage District. The Board’s surface water receiving system has no residual capacity to accept increased rates of surface water run-off created from development. The Board are concerned that an effective means of surface water disposal is incorporated into any development within its District.

28. The application states that surface water will be discharged to adjacent watercourses. All run-offs should be attenuated prior to discharge to any watercourse in this area. A consent is required directly from the Board to discharge surface water to any watercourse within the district thereby increasing the arte of flow.
29. The application states that foul sewage will be directed to “*mains sewer*”. The comments of the Environment Agency should be sought in respect of foul water disposal. The Board expect that an effective means of foul water disposal is incorporated into any development within this area to protect the surface water receiving system from pollution.
30. There is a surface water land drainage pipe that passes through the area, the subject to this application. This pipe provides land drainage for a considerable area of land upstream to which third parties have drainage rights. Would you please ensure that the future function and maintenance of this pipe is safeguarded in any consent that your authority may issue. There should be no buildings/construction over this pipe work and no direct connection to it for any form of drainage.

Travellers Officer

31. Comments are awaited.

Cottenham Village Design Group

32. The Design Group is seriously concerned by the continuing applications of this type in Smithy Fen. Despite some development, this area, which is outside the village framework, is still essentially rural character with locally distinctive open view of fen edge landscape.
33. We also note that developments in this area do not conform to the essentially nuclear settlement pattern established within the parish and are likely to integrate poorly with the village and its facilities. In addition, we do not believe that caravans and mobile homes fulfil the high architectural standards and respect for locally distinctive building forms and materials that the Design Statement promotes.
34. We do not consider that these concerns are lessened at all by the temporary nature of this application. “*This is a landscape of wide views and open spaces*” (Cottenham Village Design Statement p.10).
35. “*Settlement patterns are a key to the distinctive nature of the village. New developments need to be integrated with the village and form part of linked overall pattern*” (Design Statement p.12).

Representations

36. A letter of objection from a neighbour in which the following comments were made:
 - (a) The Council should use its powers under Circular 08/2005 to refuse to determine these applications. Otherwise it is making a mockery of planning law if we are no further forward;
 - (b) Enforcement appeals were heard earlier this year for these pitches and were dismissed with the appellants being given 3 months to comply. This period has now passed;
37. Further a letter the Cottenham Residents Association has been submitted in which the following comments are made:

- a. Mr Heggerty of 11 Orchard Drive withdrew his appeal at the beginning of 2006 and since has been in breach of his enforcement notice
- b. That plots 5, 5A, 6, and 10 were determined post 2nd February when Circular 1/2006 was issued and thus Inspector McKay will have taken into consideration the Government's new guidelines.
- c. That the applicants were given the opportunity to give further comment in view of the new circular to the Inspector prior to the determining of the enforcement appeal; they made no such representation
- d. There has been no appeal against the Planning Inspector's decision
- e. The appellants were granted by Inspector McKay 3 months to cease occupation and return the land to its original agricultural state. This period has now expired and the applicants are therefore in breach of the original enforcement notices
- f. The Council should use its powers under Circular 08/2005 to refuse to determine these applications.
- g. These flagrant breaches of the original enforcement notices should be swiftly dealt with

38. Comments are made by the applicants' agent in a letter accompany the application and it is stated that:
- i. That the planning merits of these plots has not been considered at appeal;
 - ii. That the 5 plots are an extended family, and that this is a material; consideration; supported on appeal as it represents a traditional way of life;
 - iii. All the occupants were born in England and have chosen to adopt a more settled life to put their children to school – 3 of the 5 having children at school locally;
 - iv. Through the planning process there is a reasonable expectation that alternative sites will be available in 4 years time, and that where there's unmet need and a lack of alternative sites, serious weight should be given to granting a temporary consent;
 - v. They should not be moved from land they own where they have access to mains services, health and education until there is some lawful alternative place for them to move to;

NB as stated earlier in the report, the enforcement appeal for 4 of the 5 plots considered the arguments that planning permission should be granted.

Personal Circumstances

39. It is understood that they wish to live together in extended family groups for care and support in accordance with Traveller tradition, and gain access to healthcare and education. These personal circumstances are material considerations and the grant of personal planning permissions for the occupants to remain would bring clear and substantial benefits to the persons concerned.

Equal Opportunities Implications

40. 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

- 41. The key issues are:
 - a. Whether the development is in accord with countryside policies and policy for gypsy caravan sites with regard to the impact on the landscape and rural character of the area,
 - b. Impact on the amenities of existing residents,
 - c. Concentration of sites,
 - d. Sustainability and highway safety
 - e. Personal needs and circumstances
 - f. Alternative sites
 - g. Overriding need
 - h. Human rights
- 42. **Countryside Policies** - There is a clear breach of policies designed to protect the countryside. The development is beyond any village framework and so conflicts with Policy SE8. The appearance and character of this caravan development, with its motley assortment of touring and static caravans, sheds, fencing, hard surfacing and parked vehicles, is unsympathetic to the countryside. It relates most insensitively to the local rural environment and contributes nothing positive to the sense of place, identity or diversity of the distinctive fenland landscape character of the locality.
- 43. **Conformity with Gypsy Policy (HG23)** - The policy sets out clear, realistic criteria for gypsy sites. Many of the criteria have been met, and this has been established on appeal in connection with other cases in the immediate area. However, this is not the case in respect of criteria 3 & 4 i.e. "effect on the rural character and appearance of the surroundings".
- 44. The possibility of crime and anti-social behaviour has been argued in respect of other decisions in the area. However, the very recent Court of Appeal case Smith v. FSS and Mid-Bedfordshire DC held that a gypsy site is not inherently a use that must cause concern, particularly if those fears are not based on evidence as to the characteristics of future occupants. There was no evidence that could be linked to the occupation of this plot.
- 45. Smithy Fen has "a historic atmosphere". It is inherently difficult for such a sensitive fenland landscape to assimilate gypsy caravans without harm to the rural character and appearance of the locality. The lawful areas of caravans have already caused harm and it would be undesirable to add to it. Any further addition to the approved plots should be resisted. Screening of development would look unnatural.
- 46. The cumulative impact of traffic, particularly along Lockspit Hall Drove would be partly responsible for inconvenience to other road users, although not sufficient to materially conflict with the policy

47. In conclusion, the proposals fail to comply with Policy HG23 (3) and (4) – visual impact. The remaining criteria are complied with.
48. **Precedent** is an important consideration. There is a considerable demand from gypsies to live at Smithy Fen. Much of this is from extended family groups. It is highly likely that the grant of planning permission would set a precedent. It would encourage the Pine View and Victoria View residents to remain on their sites and encourage others to settle. Ultimately, the justification for retaining the gap between authorised sites would become less and less. The consequences would lead to considerable conflict with criteria designed to protect the rural character of the area, to restrict the volume of traffic and the safe and convenient use of rights of way.
49. The ‘Smith’ judgement does not support increased fears re crime and anti-social behaviour. Neither was there any direct evidence from the services themselves, that health and education services would be adversely affected.
50. **Personal circumstances** - The personal circumstances of the occupants are little different from those that are often pleaded. This issue was considered as recently as June 2006 and the Inspector concluded in all the cases that they were not significant. The circumstances of those on pot 11 are not materially different. They should not carry very much weight in this case. It’s also important to note that a decision on an adjacent site in January 2007, an Inspector dismissed an appeal where the appellants argued at some length their personal circumstances.
51. **Alternative sites** - There has been no search by the occupants for alternative sites. Nonetheless, there remains a real and serious problem in finding alternative sites. There is an undisputed need for further gypsy sites. Approval would contribute to meeting the general need for sites. However there are compelling reasons as outlined above and detailed below in this case as to why consent should not be granted here.
52. **Overriding Need** - The development is not in accord with development plan policies and would materially harm the character and appearance of the surrounding countryside. No personal circumstances have been put forward that weigh significantly in the balance of the harm that would be caused to them as opposed to the legitimate planning aims. The cumulative effect of consent and elsewhere in the immediate area would cause serious harm. The harm is such that a temporary consent would not be appropriate.
53. **Human Rights** - Refusal of this application would interfere with the applicants’ home, private and family life. In particular it could lead to the loss of their homes without satisfactory alternative. However the applicants started living on the land without obtaining prior planning permission and so it has been established unlawfully. Nevertheless, the interference with and the rights of the applicants must be balanced against the wider public interest in pursuing the legitimate aims of the planning system. The harm caused is serious and a refusal would be an appropriate proportional response. On balance, a refusal would not have a disproportionate effect on the appellants in terms of their human rights.

Conclusion

54. There are no material considerations that either individually or cumulatively, demonstrate an overriding need for the development, sufficient to outweigh the harm to the rural area and the policy conflict.

55. I have considered the possibility of a temporary planning permission given the advice in Circular 01/2006, I have considered that the damage to amenity is unacceptable even for a temporary period. As resources allow the Council will continue to enforce against the continued breach of control.

Recommendation

56. A Refusal on the following grounds:
1. Cottenham lies on the edge of the Fens. The landscape is typically flat with wide open and long distance views and with little natural screening. The establishment of additional caravan sites at Orchard Drive would further consolidate the area covered by existing lawful caravan sites at Setchel Drove and Water Lane, making them more obtrusive in the landscape. The use of the sites has a significant adverse effect on the rural character and appearance of the area in that the former openness of the site and the contribution that it made to the gap between existing authorised sites has been eroded. The importance of the open area between existing authorised sites was recognised in both the "Pine View" appeal decision in March 2005 and the "Victoria View" appeal decision in December 2005. Further in the context of individual enforcement appeals in respect of plots 5, 5A, 6 and 10 in June 2006, the Inspector concluded that, "*the development would be harmful to the distinctive character and appearance of this open flat fenland landscape*". The site cannot be satisfactorily assimilated into its surroundings by existing or proposed landscaping. This, too, has been confirmed by Inspectors at appeal most recently in June 2006 when the Inspector commented "*I do not believe that the site could be satisfactorily assimilated into its surroundings by existing or additional landscaping*". Significant landscaping would also be contrary to the generally open landscape character of the surrounding area.

As such the development would not relate sensitively to the local environment or the distinctive landscape character of the area. The proposal is therefore contrary to Policies P7/4 of the Cambridgeshire and Peterborough Structure Plan 2003 and criteria 3 and 4 of HG23 and EN1 of the South Cambridgeshire Local Plan 2004.
 2. Approval of the site cannot be considered in isolation from its potential impact on the longer-term development of Smithy Fen. There are currently a number of other unauthorised sites on adjoining and nearby land. Approval of this application would create a precedent that planning permission should be granted for all of these unauthorised plots at Smithy Fen. This would be undesirable given the adverse impact on the character and appearance of the countryside already caused by existing lawful development. The Inspector in the context of his decision in June 2006 commented that "*if planning permission was granted contrary to development plan policy it would be likely to encourage other gypsies to the Smithy Fen area and could lead to pressure to develop gypsy plots across the whole 7.5 ha rectangle of land at Smithy Fen. The cumulative impact of such developments would*

be seriously harmful to the character and appearance of the surrounding landscape.”

3. The Council is unaware of any personal circumstances that are sufficient to outweigh the non-compliance with the development plan and the potential cumulative impact of the appeal site on the future development of Smithy Fen. The Council has had regard to the advice in Circular 11/95 paragraph 109 in respect of temporary permission and has concluded that the harm would be significant even for a temporary period and therefore such a permission cannot be justified. This was the same conclusion that the Inspector arrived at in June 2006.

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

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