

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

6 February 2008

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

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### **S/2048/06/F - WILLINGHAM**

**Siting of 1 Gypsy Mobile Home, 2 Touring Caravans and Amenity Block at 2 The Willow rear of Green Acre, Meadow Road for Mrs C Smith**

**Recommendation: Temporary Approval**

**Date for Determination: 18<sup>th</sup> December 2006**

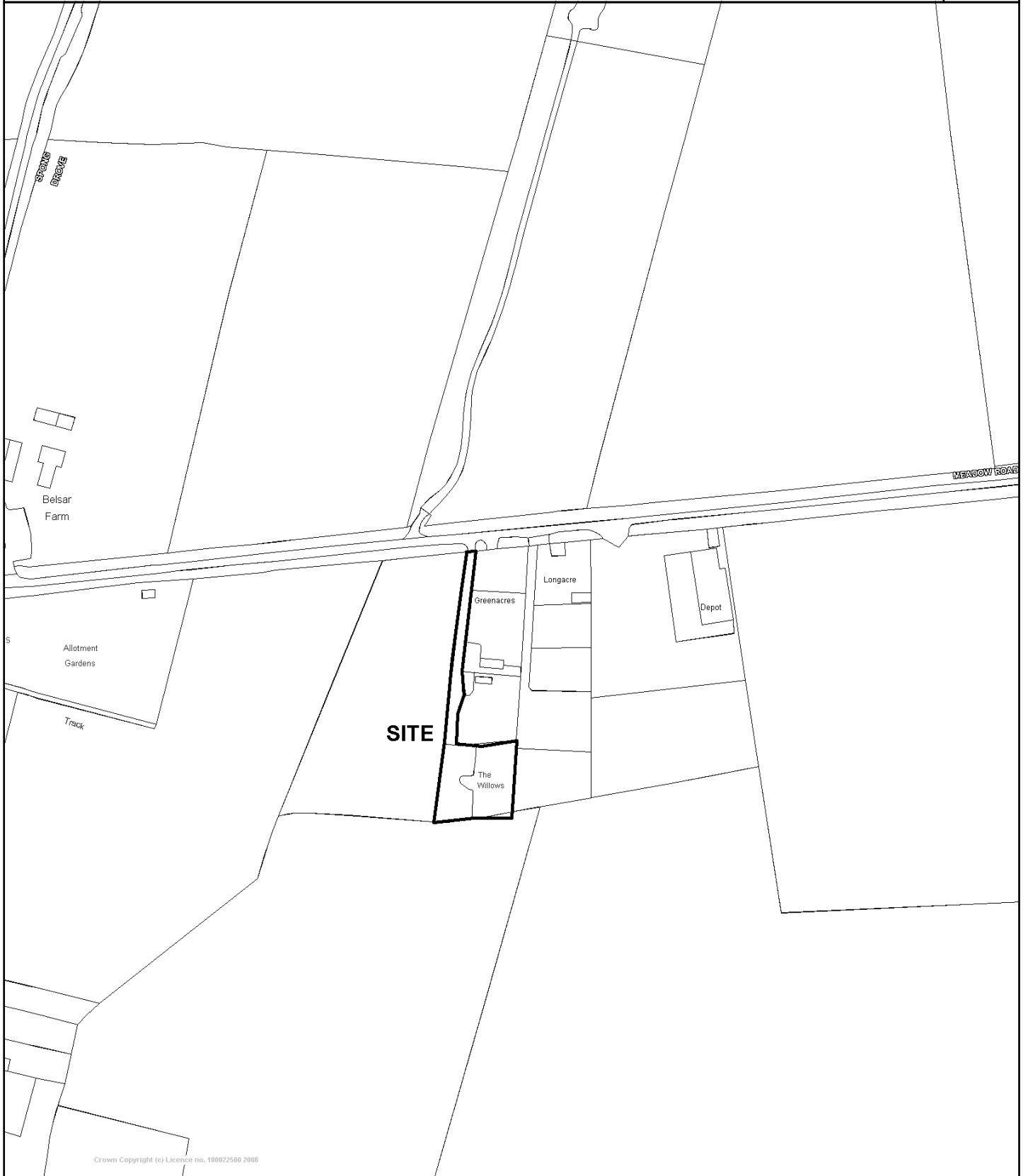
**This Application has been reported to the Planning Committee for determination because the recommendation of Willingham Parish Council does not accord with the Officer recommendation.**

#### **Site and Proposal**

1. The site occupies the south western plot of a group to the south of Meadow Road. The plot measures 35m by 32m, and is accessed from a narrow shared private drive. The exposed southern and western boundaries are marked with mature hedgerows and some close boarded fencing. The internal boundaries are also fenced.
2. The application dated 18<sup>th</sup> October 2006, seeks partly retrospective planning permission for the siting of a mobile home, two touring caravans and a temporary amenity block.
3. Hard standing for two vans, a touring caravan and amenity block has been erected within the site.

#### **Planning History**

4. The site has a long planning history with planning permission being refused in the nineties for the use of the site as a Gypsy caravan site, one of the main reason being that, at the time, adequate provision was already made by the then open County Council site further along Meadow Road. Two enforcement appeals have been dismissed on this plot.
5. More recently temporary planning permission has been granted IMMEDIATELY to the north of this site for Mrs E Webb for a temporary three-year period for the siting of two Gypsy Mobile Homes (**S/0375/06**)
6. To the east of the application site (Plot 5) temporary planning consent was granted for Mr Tom Webb in November 2006 for 2 gypsy mobile homes 2 touring caravans and an amenity block (**S/0402/06**).



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Scale 1/2500 Date 23/1/2008

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7. Temporary planning permission was granted on nearby land to the northeast fronting Meadow Road, at a former depot site, for 3 years for the siting of 6 Gypsy caravans (part retrospective) and use of existing building for storage for personal use **(S/2010/04/F)**.

### **Planning Policy**

8. The relevant Development Plan is the Local Development Framework, (LDF) which includes a number of Development Plan Documents (DPD), Supplementary Planning Documents (SPD) and Area Action Plans (AAP). Currently the adopted DPD's are Core Strategy January 2007 and Development Control Policies (July 2007).
9. Following the consultation carried out on issues and options in November 2006 of The Gypsy and Traveller Development Plan Document (GTDPD), work is progressing on identifying potential site options. As an interim measure the Council applied for Policy HG/23 Gypsies and Travelling Show people to be saved under the Planning and Compulsory Purchase Act 2003 however this was not included in the schedule of policies saved by the Government Office for the East of England.
10. The GTPD specifically identifies potential sites within South Cambs for Gypsy/Traveller sites. Willingham is identified as a Minor Rural Centre in the Core Strategy document and Meadow Lane is likely to be considered under the GTPD site options report. However until such time as its adoption the relevant Policy documents are Development Control DPD policies, Government Circulars and advice.:
11. Policy DP/1 that outlines the sustainable criteria with which development proposals must comply. In particular criteria b, l m, p are relevant.
12. Policy DP/3 Development Criteria outlines the requirements that development proposals must meet. In particular criteria k, l and m are relevant.
13. Also relevant is Circular 1/2006 Planning for Gypsy and Traveller Caravan Sites and PPS3 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 aspect of finding sites for Gypsies and Travellers and how local authorities and Gypsies and Traveller 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 the Circular 11/95, *The Use of Conditions in Planning Permissions*. 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 Member Reference Group considered the Issues and Options Report on the 15<sup>th</sup> 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 are agreed;
  - (b) The list of Preferred Options at Appendix 2 is 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 is used in the next stage of the GTDPD Issues and Options process; and
  - (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 I expect the second Issues and Options report to be consulted on early in the New Year.

### **Consultation**

18. **Willingham Parish Council** – recommends refusal:
- (a) Proportionality: Willingham already has a substantially larger, and still rapidly increasing, number of Traveller sites than other SCDC parishes.
  - (b) Village services, in particular Willingham Primary School, with currently one of the highest proportions of Traveller children in the country, is already struggling to maintain an adequate service to both the Traveller and the settled community.
  - (c) The Parish Council has drawn SCDC's attention before to the effect of subdividing existing sites and the resulting increase in de facto sites.
  - (d) As stated many times before, Willingham is entirely willing to take its fair share of Traveller sites, but maintains that SCDC should be working to ensure that Traveller settlements are spread evenly among all the parishes in the District. WPC would like an indication from SCDC of when the District Council will consider that Willingham has reached saturation point.

19. **Old West Internal Drainage Board** - Some ditches/watercourses adjacent to the development site may be the responsibility of the applicant. These should be kept clear and free flowing to ensure the proper drainage of the District.
20. **Chief Environmental Health Officer** - It is recommended that if the application is successful, the applicant should be able to comply with the site licence conditions relating to permanent residential caravan sites.
21. **Travellers Liaison Officer** – I have known Mrs C Smith since she returned to her land in June of 2006, shortly after contacting myself to begin preparation for the submission of this planning application. I am aware that she has a genuine local connection to the area through a historical planning application for this land and relatives residing in the area. I understand that her original application was refused partly due to the then existing provision of the now closed Local Authority site in the village.

### **Representations**

22. Advertised in Cambridge Evening News 07/11/06 – None received.

### **Personal Circumstances**

23. Mrs C Smith has lived in the South Cambridgeshire area all her life and her children born and raised in the area. Her Grandfather is buried in Willingham Church Graveyard and Great Grandfather buried in Cottenham Church Graveyard. She has family on neighbouring plots in Meadow Road and Schole Road Willingham and many relatives in the area.
24. Having lost her appeal to the High Court she finally moved off this plot in 1998 and since that time has been living on the roadside in various places, which has disrupted the children's education and taken its toll on the health of the family. There is consistent stated desire for a settled lifestyle in Willingham where the children are doing well and happy with their school.

### **Equal Opportunities Implications**

25. Under the Race Relations Act 1976 and 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**

26. The key issues are:
  - 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,

- Changes in circumstances since the decisions in the High Court on this site and in particular advice in Circular 1/2006 concerning temporary consent while councils such as South Cambs are preparing a Development Plan Document.
  - The special circumstances that are argued here,
27. The site is currently well screened from the south by an established hedge. The site is situated well back from the road via a long driveway, which is fenced. The plots between the application site and Meadow road are occupied with fences giving some screening to the site however the current touring van is visible from Meadow Road. Plot 2 has not been created by subdivision of an adjacent plot. The applicant has indicated that she is willing to comply with any condition the authority would wish to impose to reduce the impact of the structures on the site in the countryside and I am confident that appropriate landscaping within the site could take place to reduce its impact.
28. There have been no adverse comments from any of the service providers, and drainage will be conditioned and subject to further approval. This would include a requirement to demonstrate that connection to public foul water sewer is not available.
29. Following Government advice in Circular 1/2006, as set out in the Policy section the principle of locating Travellers' sites in the countryside is acceptable. Although the site is adjacent to existing permitted Traveller sites and could be considered to add to the concentration of sites it is located to the south of the existing group and does not visually extend the site frontage to Meadow Road. It is also reasonably well located for schools, shops and other local services, indeed the applicant wants her children to continue to attend local schools. 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 properties.
30. 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. *An injunction has been obtained to cover other sites in Willingham to minimize additional sites in advance of the Development Plan Document but in view of the GTDPD it has not been appropriate to pursue enforcement action against this site.*
31. The applicant has strong local connections, as evidenced in paragraph 21, 23 and 24 above.

### **Recommendation**

32. That temporary permission is granted for 3 years subject to conditions including a requirement to provide proper landscaping and drainage.

**Background Papers:** The following background papers were used in the preparation of this report:

- Government Circulars 11/95 and 1/2006
- PPS3 Housing

- Local Development Framework Core Strategy and Development Control Policies 2007
- South Cambridgeshire Local Development framework Gypsy and Traveller Development Plan Document Issues and Options Report October 2006.
- Cambridge Sub-Region Traveller Needs Assessment 2006
- Planning Application Files Ref S/2048/06/F, S/0375/06/F, S/0402/06/F and S/2010/04/F

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