

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

4th June 2008

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

S/2183/06/F - WILLINGHAM

Siting of 1 Gypsy Mobile Home, 2 Touring Caravans and 1 Portable Utility Building at 7 Belsars Field, Schole Road for Mr and Mrs Lee

Recommendation: 3 year Temporary Consent

Date for Determination: 9th January 2007

Site and Proposal

1. The application relates to a plot of land 23m x 25m on the north side of Schole Road. The site is currently vacant and set back some 40m from the road frontage. The site is partially surfaced with hardcore. Access is via an unmade track from Schole Road. The plot is marked by post and wire fencing save the western boundary where a close-boarded fence has been partially erected. Between the application site and Schole Road is a vacant plot of land.
2. To the west of the track, on the front part of the site adjacent to Schole Road are two authorised residential caravans and a wash block (S/1953/91). Refusal of permission on the rear of the site for four mobile homes for Mr Bibby was dismissed on appeal (S/0856/04/F).
3. To the south east of the site fronting the road planning permission for the siting of 2 caravans, utility block and mobile chalet/Medical unit for a disabled person for Mr and Mrs Brown, was allowed at appeal. (S/2502/04/F).

Planning History

4. S/0313/90 Stationing of 3 mobile homes – Refused.22 March 1990

Planning Policy

5. The relevant development plan for this application is the **South Cambridgeshire Local Development Framework (LDF)**.
6. The LDF comprises a suite of Development Plan Documents (DPD) one of which, Development Control Policies was adopted in July 2007. Other Development Plan Documents are Core Strategy, (Adopted January 2007), and the Gypsy and

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Travellers Development Plan Document (GTPD). This document is now at the stage of review following.

7. In addition to these policies two injunctions preventing the stationing of caravans and mobile homes on land in Schole Road and land to the east of Willingham were served in November 2006 and October 2007. The injunction covering Mr Lees plot was granted on 15 November 2006.

Consultation

8. **Willingham Parish Council** – recommends refusal on these grounds:
Proportionality – relating to the numbers of Traveller sites already within the village.
Consistency – with Willingham P.C.'s previous decisions on Traveller sites.
Sustainability in relation to existing village infrastructure and services.
9. **South Cambridgeshire Travellers Officer:** Location – Will this land be considered as part of the GTDPD process? Should this be taken into account? The application would appear to have a minimal impact and meet a need.
10. **Old West Internal Drainage Board** - The application for development is outside the Old West Internal Drainage District but in an area that drains into it. The Boards surface water receiving system has no residual capacity to accept increased rates of surface water run-off in connection with new development proposals. The application states that surface water will be disposed of to "drainage ditch". All surface water should be disposed of via infiltration methods or attenuated on site prior to discharge to any watercourse to prevent increased flows within the District. Will you please ensure a condition is attached to any consent that your Authority may issue to protect the Boards surface water receiving system?
11. The Board are also concerned to ensure that there is an adequate foul water disposal system incorporated into any proposal that drains in the District, to protect water quality within the District
12. **Definitive Map Officer** - No objection to the proposed development but would point out that Schole Road is registered as Public Bridleway No.7, Willingham. The applicant should ensure that they have lawful authority to drive over this public right of way, as it is an offence under S.34 of the Road Traffic Act to drive on a public bridleway without lawful authority. .

Representations

13. **Cambridge Group of Ramblers** – We would wish to register our usual concerns:
 - a) That the surface of the bridleway should not be unduly disturbed during any development work
 - b) That materials etc should not be stored/dumped on the RoW
 - c) Vehicles. Visiting the site should not impede the safe passage of pedestrian
 - d) Any fp signs are not obscured or removed during development work.

Planning Comments

14. This application is one of two remaining undetermined applications, which were submitted prior to the service of the injunctions. The other application is S/2048/06/F for the siting of 1 Gypsy mobile home, 2 touring caravans and amenity block at Meadow Road for Mrs Smith is also on the Agenda for determination by this Committee.
15. The injunctions were used as a method of controlling the increasing number of sites in the area whereby travellers had moved onto a site and then applied for retrospective planning consent. It was felt that Willingham had reached saturation point and that further encroachment would distort attitudes of the community and prejudice the proper formulation of the Gypsy and Traveller Development Plan Document "GTDPD".
16. Since the service of the injunctions there have been no new enforcement cases of traveller sites in the Willingham area. It is clear that this action has been effective in preventing the establishment of new travellers sites. The Local Planning Authority is in a strong position to resist any further incursions. Determination of these last two applications will ensure that a line can be drawn on the undetermined traveller applications in Willingham in the knowledge that an injunction is in place.
17. In this interim period prior to the publication and adoption of the GTPD (and the service of the injunctions) members will be aware that Local Planning Authority has granted temporary planning consent on a without prejudice basis for retrospective-planning applications of this type.
18. One of the considerations in granting temporary consent has been that of outlay costs for establishing the site in terms of infrastructure, services, hard core and accommodation. Mr Lee already has his living accommodation. I understand that water and electricity are available on the site and the hardcore is partly laid. Drainage would be conditioned and subject to further approval. This would include a requirement to demonstrate that connection to public foul water sewer is not available. There would be no additional costs incurred on the applicant by granting planning consent on this site in line with the consideration of the other retrospective applications in the area.
19. This application differs from S/2048/06 in that Mr and Mrs Lee have not moved onto the site prior to applying for planning permission. They have however been living in the area on an unrecognised site and reliant on the good will of a friend in Meadow Drove for the temporary stationing of their touring van. A consideration of this case is that should the current application fail then the Local Planning Authority will need to regularise the position, which has enforcement implications. Any retrospective application for another site would have to be considered on the same basis as the other retrospective applications and the temporary granting of planning consent on a without prejudice basis is the likely recommendation from your officers.
20. Willingham Parish Council have concerns regarding the impact that Mr and Mrs Lee will have on the local services and infrastructure. An assessment of Mr and Mrs Lees needs reveals that the couple have no school age children and that they have been registered with the local doctor for some time. Indeed if a reason for refusal of the application was to be based on an increase in the demand for local services then this assessment should be carried out for all new dwellings in Willingham. Clearly this is

not the case. I am satisfied that approval of this application would not result in special needs or demands on the local medical or educational infrastructure.

21. Should this application be refused, and an appeal is lodged, the Council would have to demonstrate that approval of this application would place an unacceptable burden on village services. This would be over and above that generated by existing gypsy sites. There is no evidence of this; particularly as the Lee family is already resident in the village. In these circumstances, the appellant could well succeed in an award of costs against the Council.
22. In March 2007 Full Council approved the basis of a 'three tier scoring matrix' to be used in the next stage of the preparation process of the GTDPD to identifying site options.
23. An assessment of the site in relation to parts 1 and 2 of this Matrix is attached as an appendix to this report.
24. It can be seen that the application site scores quite highly when assessed against this matrix and I am of the view that it is likely to be considered as one of the site options within the GTDPD.
25. However in the absence of this document the site lies beyond the defined limit of development and a consideration must be the impact of the proposal on the wider landscape and this edge of village position. The site is set well back from the road and screened from the south by a close-boarded fence. It is well screened from the north by an established conifer hedge. When viewing the site from the east the site has no boundary treatment but I am satisfied that the site can be appropriately landscaped to reduce the impact of the development in the landscape.

Recommendation

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

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

- South Cambridgeshire Local Development Framework Development Control Policies Development Plan Document 2007
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning files Ref. S/2183/06/F, S/1953/91, S/0856/04/F, S/2502/04/F, S/0313/90 & S/2048/06/F

Issues and Options Report 1: General Approach (Report on Consultation), Gypsies and Traveller Development Plan Document.

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