

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3rd September 2008

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

**S/1243/08/F - WILLINGHAM
Siting of 3 Gypsy Mobile Homes (Part Retrospective)
at The Oaks, Meadow Road for Mr and Mrs T Buckley**

**Recommendation: Delegated Approval for 3 Year Temporary Consent
if Amended To Two Mobile Homes**

Date for Determination: 12th September 2008

Notes:

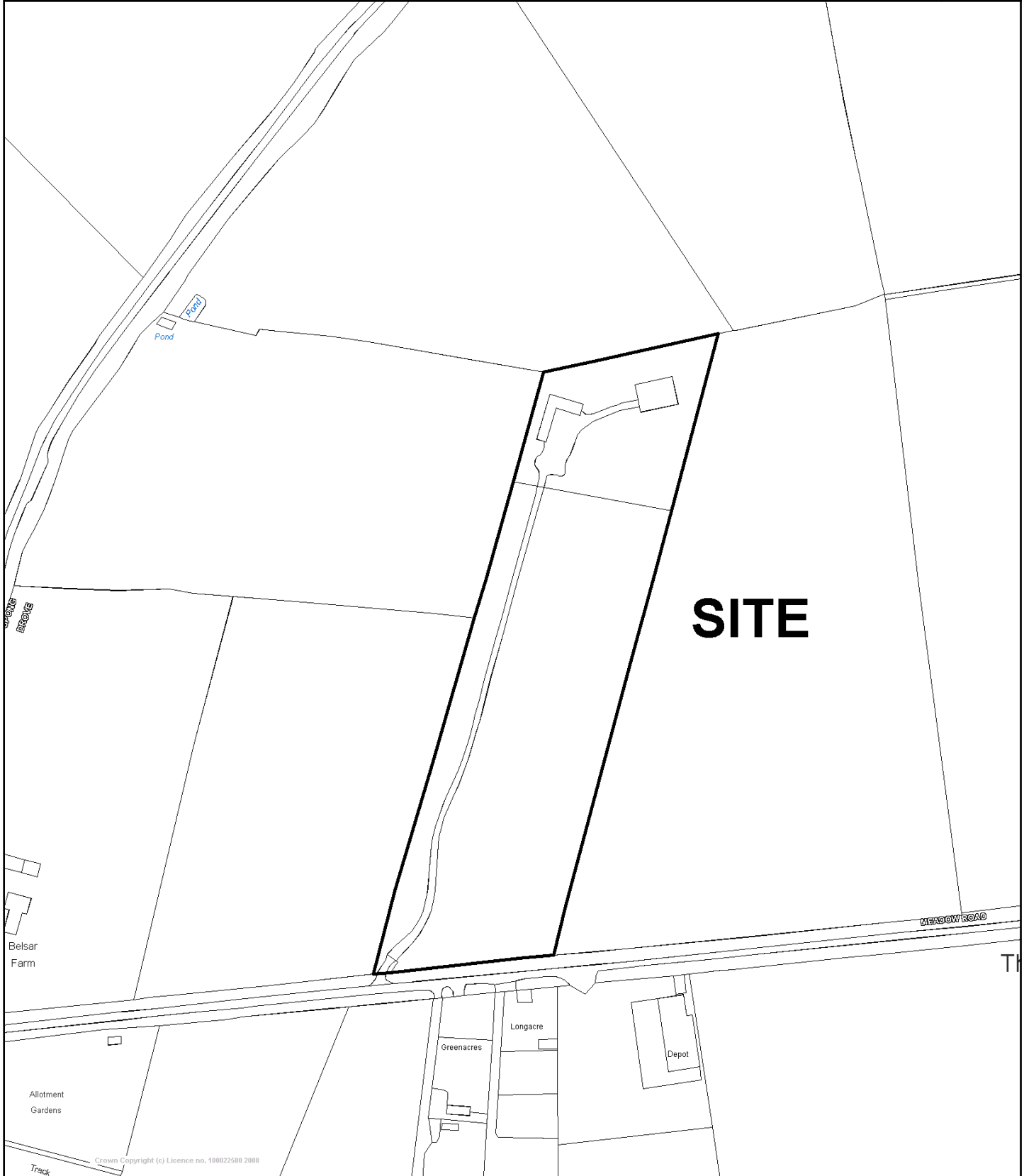
The application has been reported to the Planning Committee for determination on the basis that the Parish Council recommendation of refusal does not accord with the officer recommendation.

Site and Proposal

1. The site is a rectangular parcel of land, measuring approximately 6 ha, located on the north side of Meadow Road, outside the development framework for Willingham, as identified within the South Cambridgeshire Local Development Framework 2007. At present two touring caravans are located towards the rear of the site, along with a range of stables surrounding a "courtyard". Access is via a single lane tarmaced road from Rockmill End.
2. The site is surrounded by dense mature hedgerows, measuring in excess of 2m in height, which serve to screen the site from Meadow Lane. A gravelled driveway pierces the frontage hedgerow and extends to the structures at the rear of the site.
3. A number of further plots housing permitted mobile homes are located along the southern side of Meadow Road, similarly surrounded by mature landscape boundaries. Towards the eastern end of Meadow Road is a former Council operated traveller's site which has fallen into disrepair.
4. This full application, submitted on 18th July 2008, seeks part retrospective consent to locate three mobile homes on the site. Two of the mobile homes are the existing caravans located towards the rear of the site. A third caravan would be located towards the front of the site, within the perimeter hedgerow.

Planning History

5. **S/2311/02/F** – Application for the siting of a single mobile home on the site refused for the following reason:



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Scale 1/2500 Date 18/8/2008

Centre = 541242 E 270996 N

September 2008 Planning Committee

“The siting of a mobile home on the northern side of Meadow Drove in flat fenland landscape is unacceptable because:

1. It would adversely affect the rural character and appearance of the area and could not be satisfactorily assimilated into its surroundings by an appropriate landscaping scheme. As such it would be contrary to Policy HG29 of South Cambridgeshire Local Plan No. 2 (Proposed Modifications: October 2002) Criteria 3 and 4 and Policy SP12/1 of the 1995 Cambridgeshire Structure Plan which restricts uses in the countryside to essential prescribed categories.
2. The proposal is contrary to Policy HG26 of South Cambridgeshire Local Plan No. 2 (Proposed Modifications October 2002) which seeks to resist dwellings in the countryside associated with the on-site security of horses, stabling and ancillary uses unless there is an essential functional and financial need. There is no evidence submitted or apparent of a horse related business being run from the site; the stables and other buildings appear to relate primarily to the applicant's daughter's interest in horses.
3. Notwithstanding the above, siting a mobile home on the northern side of Meadow Drove would set an unfortunate precedent in an area with a traditionally high level of gypsy occupation.”

An enforcement notice for the removal of the mobile home and cessation of the residential use of the site was upheld at appeal in November 2003, although amended to allow for an extended period for compliance with its full terms. The enforcement notice remains extant.

Planning Policy

6. **ODPM Circular 01/2006 (Planning for Gypsy and Traveller Caravan Sites)** provides guidance on the planning aspects of finding sites for gypsies and travellers and how local authorities can ensure that members of that community are afforded the same rights and responsibilities as every other citizen. It advises that where there is an unmet need and no alternative gypsy provision, but there is a reasonable expectation that sites will become available within a given timescale to meet that need local planning authorities should consider granting a temporary permission for proposed sites. It does not say that temporary permission should only be considered where the site is already occupied.
7. 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.
8. 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 be

reasonable to impose certain conditions on a temporary permission such as those that require significant capital outlay.

9. The **South Cambridgeshire Local Development Framework (LDF)** comprises a suite of Development Plan Documents (DPD) one of which, Development Control Policies, was adopted in July 2007. Policy DP/7 of the LDF states that outside urban and village frameworks, only development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside will be permitted.
10. **Policy DP/1 Sustainable Development** outlines the sustainable criteria with which development proposals must comply. In particular criteria b, l, m, and p are relevant.
11. **Policy DP/3 Development Criteria** outlines the requirements that development proposals must meet. In particular criteria k, l and m are relevant.
12. Other Development Plan Documents are **Core Strategy, (Adopted January 2007)**, and **The Gypsy and Travellers Development Plan Document (GTPD)**, which has been derived from the ODPMs guidance within the above circular. This document is yet to be formally adopted but is currently at the stage of review following consultation.
13. 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.
14. The GTPD specifically identifies potential sites within South Cambridgeshire for Gypsy/Traveller sites. Willingham is identified as a Minor Rural Centre in the Core Strategy document and Meadow Road 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.
15. The GTPD comprises advice regarding the identification and selection of appropriate sites for gypsies and travellers, including a matrix for scoring the suitability of proposed sites.
16. In addition to the above policies a number of injunctions preventing the stationing of caravans and mobile homes, without planning permission, on land in Meadow Road and land to the east of Willingham were served in November 2006, and October and December 2007. The injunction covering Mr and Mrs Buckley's plot was granted on 20th December 2007.

Consultation

17. **Willingham Parish Council** – recommends refusal and comments that “Willingham already houses a disproportionate share of such homes. Approval would increase the drain on already oversubscribed facilities. Approval would also increase the drain on the already overburdened infrastructure.”
18. **Old West Internal Drainage Board** – comments awaited (members will be updated on any comments received at the committee meeting).

19. **Anglian Water** - comments awaited (members will be updated on any comments received at the committee meeting).

Representations

20. No comments received at time of preparing the report (members will be updated on any comments received at the committee meeting.)

Equal Opportunities Implications

21. 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

22. The reasons for the refusal of the earlier application for a mobile home on the site, pre-dated the publication of Circular 01/2006, which has materially changed the emphasis when considering such applications.
23. By virtue of the guidance set out in Circular 01/2006, therefore, I consider that the main planning issues to consider in this case are the need to provide residential accommodation on the site relative to the applicants needs, including their status as Gypsies/Travellers and the visual impact of the proposals on the countryside.

Need to Provide Residential Accommodation

24. The applicants, Mr and Mrs Buckley and their daughter, are known locally, and are understood to have lived in the area for approximately 25 years, the last 8 years of which I am lead to believe they have inhabited the current site. They were interviewed and a needs audit was undertaken in August 2008.
25. At the interview Mr Buckley stated that he and his wife earn a living through landscape gardening, dog breeding and riding lessons. In addition his daughter is a promising three-day eventer and point-to-point jockey, who travels around the country training horses. For that purpose the applicants wish also to keep two touring caravans on site.
26. In light of the definition of a gypsy/traveller, as set out in Circular 01/2006 I consider that they are in need of appropriate gypsy accommodation. The appeal inspector at the time of considering the merits of the enforcement notice, while noting that they no longer lived a nomadic lifestyle, did not dispute that the Buckleys were from gypsy stock and were brought up in the Romani culture. The tests set out in the Circular state that local planning authorities are expected to give substantial weight to the unmet need of travellers locally when considering whether a temporary planning permission is justified. At the time of granting temporary permission for a site for Mr and Mrs Lee earlier this year, under reference S/2183/06/F, the Authority held that there is a shortfall of available sites in Willingham. No further provision of permanent gypsy sites has been established since the grant of this permission to alter that view.

27. Given that Mr and Mrs Buckley, and their daughter, are already in residence in Willingham on the application site, their demands on services and infrastructure are existing. As such, this aspect of the scheme would not place any increase in the demand for such facilities. Furthermore, the Authority would not normally carry out such an assessment for all new dwellings in Willingham and therefore should not undertake such an assessment in this case. The comments of Anglian Water and the Internal Drainage Board have been sought to ensure that the site is currently adequately catered for, and to establish whether conditions regarding appropriate connexions to the relevant systems are necessary. Members will be updated with any responses at the meeting.
28. I do, however, have some concerns regarding the siting of the third mobile home for a groom to relocate to the site. No evidence of need and no information has been provided as to whom this person is, for example whether they descend from gypsy stock and whether they currently reside locally or not. In the absence of information to the contrary, in order to ensure the proper planning of the area and consistency with planning policies regarding the location and need for new dwellings, I must presume that they do not benefit from the same need as the Bucleys. In this regard I would suggest to members that should they consider the Bucleys to be in need for a temporary consent for accommodation on the site, that an amendment be sought to remove the third mobile home from the scheme on the basis of the above. It is my understanding that the applicants have indicated a willingness to accept such an amendment prior to the application being submitted, although no formal response has been received in respect of this point at the time of preparing this report.

Visual Impact

29. The site is positioned down a country lane, with a strong boundary hedgerow that offers substantial screening to the surrounding countryside. Whilst the hedgerow appears to be deciduous, which would increase the potential for views into the site during winter months, I am of the view that the proposal will not represent an unacceptable visual impact upon the character and setting of the countryside, within which it is set. Whilst I note the comments of the appeal inspector, who commented that "the residential use is particularly intrusive because of the location in the midst of this area of open, flat fields, the site has matured in the intervening five years to offer a greater degree of screening than was afforded previously.
30. On this basis the site would score highly in relation to the proposed three tier scoring matrix within the Gypsy and Traveller DPD, which was approved in March 2007 at Full Council, to be used in the next stage of the preparation process of the GTDPD to identifying site options within the District. Circular 01/2006 advises that where there is an unmet need and no alternative gypsy site provision, but there is a reasonable expectation that sites will become available within a given timescale to meet that need local authorities should consider granting a temporary permission to allow such sites to come forward. As part of the Gypsy and Traveller DPD identification process a number of sites may come forward locally. Therefore the grant of a temporary permission on this site would allow for that process to be progressed.

Other Matters

31. Noting the imposition of the injunctions, these 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".

32. Since the service of the injunctions there have been no new enforcement cases of traveller sites in the Willingham area. It would appear clear, therefore, that this action has been effective in preventing the establishment of new travellers sites. The Local Planning Authority remains in a strong position to resist any further incursions. Determination of this application, subject to the proposed amendment to delete the proposed additional unit, on the basis that the existing occupants have been residing on the site previously for the last 8 years, would be consistent with the Local Planning Authority approach in granting temporary planning consent on a without prejudice basis for retrospective-planning applications of this type, as members will be aware has occurred on a number of similar sites.

Recommendation

33. Delegated powers to approve the application for a temporary period of three years provided that an amendment is received to reduce the number of units proposed to two, with standard conditions limiting the use to gypsy and traveller use only with a stipulation that the mobile homes be removed and the land restored; or, should the applicants be unwilling to delete the third mobile home from the scheme, refuse the application on the basis that the scheme fails to demonstrate that all of the mobile homes proposed are required to service an identified need for gypsy /traveller accommodation.

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 and Core Strategy 2007
- Planning files Ref. S/1243/08/F, S/2183/06/F, & S/2311/02/F
- Other documents: DOE Circular 11/95: The Use of Conditions in Planning Permissions, ODPM Circular 01/2006 (Planning for Gypsy and Traveller Caravan Sites) & Issues; & Options Report 1: General Approach (Report on Consultation), Gypsies and Traveller Development Plan Document.

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