

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

4th February 2009

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

S/1919/08/F - WILLINGHAM

**Change of Use of Land to Site Mobile Home and Amenity Portacabin
at 3 Cadwin Field, Schole Road for Miss E Loveridge**

Recommendation: Approval for 3 year Temporary Consent

Date for Determination: 12th January 2009

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 square parcel of land, measuring approximately 0.07 hectares, located on the south side of Schole Road, outside the development framework for Willingham, as identified within the South Cambridgeshire Local Development Framework 2007. Access is achieved via a single lane track from Schole Road.
2. To the north and south are four existing plots of land of a similar shape and size, currently with temporary permissions for the siting of mobile homes and associated infrastructure. To the east and west are landscape belts, measuring in excess of 2m in height, which serve to screen the site from Schole Road.
3. This full application, submitted on 17th November 2008, seeks consent to change the use of the site and allow for the siting of a single mobile home on the site, with an accompanying amenity block.

Planning History

4. **S/2330/06/F** – retrospective consent granted on a temporary basis to November 2011 for the siting of gypsy mobile home, touring caravan, kitchen / day room, utility / bathroom and haybarn / stable / tack room, at 5 Cadwin Field, Schole Road. Conditions included restricted use of site to gypsies only, specifically the applicants, and limited the number of items to be stationed on site.
5. **S/0788/06/F** – consent granted for the siting of 2 mobile homes and utility building on a temporary basis to 4th October 2009 at 6 Cadwin Field, Schole Road. Conditions included restricted use of site to gypsies only, and limited the number of items to be stationed on site.
6. **S/1654/05/F** – consent granted for the siting of 1 mobile home and 1 gypsy caravan on a temporary basis to 4th October 2009 at 2 Cadwin Field, Schole Road. Conditions

S-1919-08-F



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included restricted use of site to gypsies only, and limited the number of items to be stationed on site.

7. **S/1653/05/F** – consent granted for the siting of 1 mobile home and 1 gypsy caravan on a temporary basis to 4th October 2009 at 1 Cadwin Field, Schole Road. Conditions included restricted use of site to gypsies only, and limited the number of items to be stationed on site.
8. **S/2229/90/F** – consent refused for the siting of 2 caravans on land to the rear of The Barns, Schole Road on the basis that the development would be intrusive in the landscape and that adequate provision of traveller accommodation had been made at the time.

Planning Policy

9. **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.
10. 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.
11. 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.
12. 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.
13. **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.
14. **Policy DP/3 Development Criteria** outlines the requirements that development proposals must meet. In particular criteria k, l and m are relevant.

15. 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 ODPs guidance within the above circular. This document is yet to be formally adopted but is currently at the stage of review following consultation.
16. 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.
17. 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.
18. In addition to the above policies a number of injunctions preventing the stationing of caravans and mobile homes, without planning permission, on land in Schole Road and other land to the east of Willingham were served in November 2006, and October and December 2007. The injunction covering the application site was granted on 20th December 2007.

Consultation

19. **Willingham Parish Council** – recommends refusal and comments that “Willingham already houses a disproportionate ratio of caravans to permanent houses. This ratio is not only the highest in South Cambridgeshire, but also, it is believed, in the country as a whole. Approval would impose further strains on the infrastructure. Local knowledge informs the judgement that traveller children comprise around 11% of the pupils at Willingham Primary School. The School is over subscribed and there are currently six local families whose children cannot be accommodated.”
20. **SCDC Traveller Site Team Leader** – comments that the applicant has moved to the area to be closer to her partner’s family to benefit from their support and has outlined personal circumstances affecting the applicants. Further she has outlined her understanding that the applicant’s children are currently in school in Willingham and Over, has outlined the lack of available plots that could be offered to the family in the instance of the refusal of the current application and the detrimental impact that this would have on the family unit.
21. **SCDC Landscape Design Officer** – comments are currently awaited. Any update in this regard will be reported to members verbally at Committee.

Representations

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

Planning Comments

23. By virtue of the guidance set out in Circular 01/2006, 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 need to afford them access to services and facilities, and the visual impact of the proposals on the countryside.

Need to Provide Residential Accommodation

24. The applicant, Miss Loveridge has family located on the plots adjoining the application site. They were interviewed and a needs audit was undertaken in October 2008.
25. At the interview Miss Loveridge provided information in respect of her personal circumstances and the need to be near to members of her partner's family, who live on the adjoining plots in Cadwin Field. I would advise members that the Council's Traveller Site Team Leader has supported the applicant's desire to be near her family for support purposes.
26. Miss Loveridge has stated that her children are already in school in Willingham and Over, a comment that is also supported by the Council's Traveller Site Team Leader. Their demands on services and infrastructure are therefore existing. As such, this aspect of the scheme would not place any increase in the demand for such facilities.
27. 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 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.

Visual Impact

28. The site is positioned down a country lane, with strong boundary landscaping that offers substantial screening to the surrounding countryside. Whilst the landscape appears to be deciduous in parts, which would increase the potential for views into the site during winter months, it is mostly coniferous and 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, especially so given the plot's location between a number of existing, established plots. Notwithstanding this point, however, the comments of the Council's Landscape Design Officer have been sought in this regard and will be reported to members verbally at Committee.
29. If the Landscape Design Officer agrees with the above, 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. Therefore the grant of a temporary permission on this site would allow for that process to be progressed.

Other Matters

30. 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". The applicants were made aware of the terms of the injunction and vacated the site expediently

31. Subsequently, however, officers have become aware that the applicants have reoccupied the application site. The Authority is currently pursuing prosecution under the terms of the injunction, with action pending at the time of preparing this report. Members will be updated at the Committee meeting if any further developments have occurred.
32. Notwithstanding the pending prosecution action, however, the current planning application must be determined in accordance with relevant planning policies, on matters solely material to its determination. Determination of this application, 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. Approve the application for a temporary period to October 2009 on a personal basis to coincide with the length of consent outstanding for the adjoining parcels of land in Cadwin Field that are occupied by the applicant's extended family.

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
- Planning files Ref. S/1919/08/F, S/2330/06/F, S/0788/06/F, S/1654/05/F, S/1653/05/F, & S/2229/90/F
- Other documents: 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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