

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

7th October 2009

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

S/1098/09/F - RAMPTON

Temporary Change of use of land as a Gypsy Pitch and siting of mobile home at Land Adjoining 1 - 8 Primrose Meadow, Cow Lane, for Mr James Price.

Recommendation: Temporary Approval for three years

Date for Determination: 9th October 2009

Notes:

This Application has been reported to the Planning Committee as the Parish Council's recommendation of refusal differs to that of officers.

Site and Proposal

1. The application site comprises of part of an agricultural field situated outside of the Rampton village framework within the open countryside. The site is accessed off Cow Lane and is adjacent to an existing authorised traveller site and opposite two working farms (New Farm and Topfield Farm). Cow Lane is a rural road that alters in its width and surface when travelling north out of the village. At the section opposite the application site the road is wide enough for one vehicle and is hard surfaced with no public footpath. The field and lane is characterised by its high and dense hedgerows upon opposite sides of the lane.
2. The application, dated 4th August 2009 proposes the change of use of the southwest corner of the agricultural field (approx 600sq m) south of Primrose Meadow to a Gypsy pitch and the stationing of one mobile home.

Planning History

3. Appeal Decision APP/W0530/C/03/1136651 was allowed and enforcement action quashed with planning permission granted for 8 traveller pitches at Primrose Meadow on 7th September 2004.

Planning Policy

East of England Plan 2008:

SS1 Achieving Sustainable Development

South Cambridgeshire Core Strategy 2007

ST/7 Infill Villages

South Cambridgeshire Local Development Framework Development Control Policies
DPD, 2007:

DP/1 Sustainable Development



imrose Meadows

Nether Irams

5.7m

SITE

New Farm

4.9m

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Scale 1/1250 Date 21/9/2009

Centre = 542881 E 268863 N

October Planning Committee 2009

DP/2 Design of New development
DP/3 Development Criteria
TR/1 Planning for more Sustainable Travel

Consultation Draft Gypsy and Travellers DPD, July 2009. This comprises advice regarding the identification and selection of suitable sites for gypsies and travellers, including a matrix for scoring the suitability of proposed sites.

4. Planning **Circular 01/2006** - (Planning for Gypsies and Travellers Caravan Sites) – Intends to create and support sustainable, respectful, and inclusive communities where gypsies and travellers have fair access to suitable accommodation, education, health and welfare provision; where there is mutual respect and consideration between all communities for the rights and responsibilities of each community and individual; and where there is respect between individuals and communities towards the environments in which they live and work. 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.
5. 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). Paragraphs 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.
6. 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.

Consultation

7. **Rampton Parish Council** – notes that “the site is exemplary in its tidiness and standard of upkeep. We also note that the occupiers of the site have integrated well into the community. However, referring to the Gypsy and Traveller documents the proposal does not appear to satisfy the criteria outlined therein in relation to sustainable development in that it is not within 2000m of a primary school, doctor or shop. We are also concerned that if the application is granted it must be as an additional pitch to the existing site, and not as it is in a fresh field, viewed as a new site. We note that if granted the pitch will become number 9 of the existing site and we would point out that the recommendations state that there should be 10 pitches per site. We are concerned that if granted this should be made a condition of the consent.”

8. "The poor condition of the access road and the absence of passing places are a cause for concern that will be exacerbated by further development at the site. These issues about the road remain a concern irrespective of the outcome of the application. Also if granted we are concerned that the access gateway does not involve destruction of any existing hedgerow, and landscaping be applied as deemed necessary. We also note that it was a condition of the successful planning appeal that allowed the initial site to become settled that "it is necessary to limit the number of pitches to the 8 currently provided".
9. **Local Highway Authority** – Cow Lane is adopted Highway for its entirety. Any gates should be set back 5m from the near edge of the carriageway. The access should be a minimal width of 3m and should be laid out in accordance with the County specification. It is felt that the proposed access is suitable for one pitch but if any additional pitches are requested the existing access will need to be improved.
10. **Environmental Health** – The proposal would not result in a significant impact from an environmental health standpoint, subject to mobile home licensing requirements.
11. **Traveller Liaison Officer** – There are no more available pitches on the adjacent traveller site and the applicant (son of adjacent family the Price's) requires accommodation close to his existing family. Only one pitch is required and the remainder of the field shall be used as open green space only. The existing site is well maintained and the proposed site would not result in a detrimental outlook of the lane. The Price family was forced to leave authorised land in Cottenham some years ago following pressure to sell their land. As a result they had to settle without planning permission, which was later granted upon appeal. As a result the Price's wish to keep their son within close proximity for the security of his immediate family.
12. **Old West Internal Drainage Board (OWIDB)** – The Board wishes to see an adequate system for both surface and foul water drainage included in the development of this site should permission be granted. Ditches adjacent to the site may be the responsibility of the site owner for maintenance works. The design and layout of the site should consider any work required now or in the future to ensure all ditches remain free flowing.
13. **Landscape Design Officer** – Comments to be read verbally.

Representations

14. Four letters of objection have been received from and on behalf of residents of Top Farm, 18 Cow Lane and New Farm, the contents of which are summarised below:
 - (a) Increasing the size of the existing site would have a detrimental impact upon the amenities of the occupiers of Topfield Farm. At present its residence are kept awake by barking dogs and screaming children;
 - (b) Cow Lane is already busy due to the amount of vans and cars using the traveller site. This application would inevitably increase traffic flows;
 - (c) When permission was granted SCDC confirmed that it would not allow the site to be increased above 8 pitches;
 - (d) Conditions on the original approval required further planting to the site boundaries, this has been breached;
 - (e) The recent gypsy and traveller consultation process did not identify any suitable sites within Rampton;
 - (f) SCDC does not currently review the existing site to ensure that the correct residents occupy the site and that the conditions imposed by the inspector have

- been adhered too. Furthermore, the ongoing complaints of noise caused by travellers are not followed up;
- (g) If approved this pitch will act for a nucleus of another site;
 - (h) The proposal would leave possible extension for the whole field to become a new traveller site;
 - (i) The existing boundaries should be protected and cared for.

Planning Comments – Key Issues

15. This proposal needs to be determined in accordance with the three tiered site assessment process of the draft Gypsy and Traveller DPD, July 2009.
16. In addition the impact that the proposed development would have upon the character and openness of the surrounding countryside, highway safety, drainage and neighbour amenity will need to be taken into consideration in the determination of this application.
17. Circular 01/2006 states that, in the countryside, applicants will need to clearly demonstrate why there is a need for a site that cannot be met by lawful existing or planned sites in the region. In addition, it states that sites should be located in sustainable locations, near to villages that can provide a range of services and facilities, in particular school and medical facilities. One of the objectives of Circular 01/2006 is also to help to avoid gypsies and travellers becoming homeless through eviction from unauthorised sites without an alternative to move to.
18. The Consultation Draft of the Gypsy and Traveller DPD includes a three-tiered assessment process to assess the suitability of proposed sites. Tier 1, location constraints, identifies whether a location is acceptable in principle. It states sites should ideally be located within 1,000m of Cambridge or Northstowe, a Rural or Minor Rural Centre, or a better served Group Village. Sites should also have good access to key amenities of a doctor's surgery or medical centre, primary school and a food shop, within 2000m. Tiers 2 and 3 also consider infrastructure, visual impact and residential amenity issues.
19. In light of the above the only existing sites within Rampton to be tested are the temporary sites at Westside Farm and Cuckoo lane and permanent sites such as land fronting Rampton Road (Willingham) and land north of Ramphill. These were all rejected as options due to their location near to an Infill Village rather than to identified settlements since they do not meet the tests of Tier 1 for access to services and facilities. In light of these sites being evaluated and rejected the consultation on the options consider that Rampton is not a suitable or appropriate location for an allocation to meet additional general Gypsy and Traveller needs.
20. Draft Policy GT1 states that permission on unallocated land outside development frameworks will only be granted where: the council is satisfied there is a clear established need for the site in the district that cannot be met by a lawful existing or allocated site; the site is located in a sustainable location, well related to a settlement with a range of services and facilities; and that the number of pitches is appropriate to the site size and location. In particular, no pitches should generally be permitted in/adjoining Infill Villages.

21. Considering the application against the above criteria, the applicants do fall under the definition of gypsy/traveller, as defined in Circular 01/2006, and it is therefore accepted that they are in need of appropriate accommodation. The site proposed in the present application falls outside the defined village framework for Rampton, which, as a result of its limited services and facilities, is classified as an Infill Only Village. The village only has one public house, a village hall and a recreation ground. The nearest villages with a good range of services and facilities are Cottenham and Willingham, and both of these are in excess of 2000 metres away from the site. In such unsustainable locations, both Circular 01/2006 and the draft Gypsy and Traveller DPD resist the creation of new sites. Indeed, the application site was not even tested as a possible option for a future allocation on this basis.
22. Circular 01/2006 states that the provisions of the European Convention on Human Rights should be considered as part of any decision making process, and that the consequences of refusing or granting planning permission on the applicant's and local residents' rights, must be considered. In this instance, it has been accepted that the applicant is in need of appropriate accommodation and consideration therefore needs to be given to whether refusing the application would deprive the applicant, and his family, of this fundamental right.
23. Notwithstanding the above the Gypsy and Traveller DPD, July 2009 is a draft document and whilst providing useful detail to the assessment of traveller sites within the district it carries little weight until its formal adoption. Nevertheless based on the above it is apparent that the proposal would fail to meet the criteria as set out within Planning Policies DP/1 and TR/1 on the grounds that it would not adhere to the following:
 - (a) Minimise the need to travel and reduce car dependency;
 - (b) Make efficient and effective use of land by giving priority to the use of brownfield sites;
 - (c) Offer an appropriate choice of travel by public transport or other non-car travel mode.
24. The needs survey carried out by the applicant highlights the fact that their immediate family is located upon the adjacent land to the application site. The applicant currently lives with his mother and father upon the existing site and is due to marry in the New Year. Both the applicant and his partner wish to live alongside their family, as is their custom and they do not have any children, health or welfare issues. The applicant and his immediate family have been located in Rampton for over 7 years at Primrose Meadow and the family is well integrated within the existing community. The applicant works locally as a landscape gardener.
25. Primrose Meadow is a successfully run family site, providing accommodation for just Mr Price and his family and is kept in good order. The comments from the Parish Council confirm that the existing site and its occupants have fitted in well with the existing community. There are currently no vacant pitches within the existing site to house the applicant and his partner. The applicant does not wish to go into social housing, as he does not wish to be isolated from his family or his traditional way of living.
26. The Gypsy and Traveller DPD identifying new Gypsy and Traveller sites is still out for consultation and it will be sometime before new sites are properly identified and available. This means that there are currently no alternative options for the applicant within the close confines of this family. Considering the applicant's personal family connections with the neighbouring site and the limited impact that a single additional pitch would create it is considered that a personal temporary planning permission for a period of 3 years would allow the applicant to be housed whilst the DPD is fully reviewed. In this time alternative sites, which are suitable for the applicant's needs

may become available. A recent appeal decision in Willingham allowed a temporary 3-year consent for a traveller site to allow for the Development Plan Process.

27. It is considered that the pitch for one mobile home would not result in any adverse impact upon highway safety or neighbour amenity in accordance with Policies DP/2 and DP/3 on the grounds that a temporary pitch of the scale proposed would not be detrimental upon neighbour amenity, highway safety or the character and appearance of the area. The existing access meets the required width as requested by the Local Highway Authority and the site has a gated entrance as existing. Furthermore, conditions would be necessary to suitably address the retention and implementation of sufficient landscaping and drainage in order to accommodate the temporary use. The applicant has accepted the officer's recommendation of a temporary consent and is aware of the proposed conditions. The description of the proposal has been amended to address the temporary nature of the proposal.

Recommendation

28. Approve

Conditions

1. The use, hereby permitted, shall be discontinued and the mobile home hereby permitted, shall be removed and the land restored to its former condition on or before 31st October 2012 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority. (Reason - In accordance with the advice in Circular 01/2006 Planning for Gypsy and Traveller Caravan Sites, the Council is preparing a Gypsy and Traveller Development Plan document, and on a without prejudice basis to a permanent consent on this site, a time limited consent will enable the Local Planning Authority to properly assess the impact of Traveller development on issues in Policies DP/2, DP/3 and DP/7 of the adopted Local Development Framework 2007.)
2. The site and the mobile home, hereby permitted, shall not be occupied other than by Mr James Price, his immediate family and any dependant living with him. (Reason – James Price and his family are local travellers and the permitted use would not normally be granted on this site because it would be contrary to Policy DP/7 of the adopted Local Development Framework 2007. Occupation by other persons would not amount to special circumstances for permitted development in this location.)
3. The site shall not be used for any trade or business purpose other than as a home base for light vehicles (defined as under 3.5 tonnes) used by the occupants of the site for the purpose of making their livelihood off-site. In particular, no materials associated with such activities shall be stored in the open on the site. (Reason - In order to limit the impact of the development on the area's rural character and the residential amenities of the neighbours in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
4. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock. (Reason - To ensure the

development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)

5. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation. (Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
6. Prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority. (Reason - To reduce the risk of pollution to the water environment and to ensure a satisfactory method of foul water drainage in accordance with Policy NE/10 of the adopted Local Development Framework 2007.)
7. Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority. (Reason - To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding in accordance with Policies DP/1 and NE/11 of the adopted Local Development Framework 2007.)

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

- South Cambridgeshire Local Development Framework Core Strategy DPD and Development Control Policies DPD (adopted January 2007 and July 2007).
- Planning File S/1098/08/F.
- Planning Appeal Reference APP/W0530/C/03/1136651.
- ODPM Circular 1/2006 (Planning for Gypsy and Traveller Caravan Sites.)
- Issues and Options Report 1: General Approach, Gypsies and Traveller Development Plan Document.
- South Cambridgeshire Local Development Framework.
- Document. Draft Policies Site Option and Policies, 2009.

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