

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

7th October 2009

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

S/1073/09/F - WILLINGHAM

**Change of Use to One Gypsy Pitch for Siting of Mobile Home, One Touring Caravan, Utility Building, W.C. and Associated Car Parking (Retrospective Application)
At Long Acre, Meadow Road for Mr A Brown**

Recommendation: Delegated Approval for 3 year temporary consent

Date for Determination: 23rd October 2009

Notes:

This Application has been reported to the Planning Committee for determination following a recommendation of refusal by the Parish Council that does not accord with the officer recommendation.

Site and Proposal

1. The site is a rectangle parcel of land measuring approximately 27m by 19m, located on the south side of Meadow Road. The site is outside of the Willingham village framework as identified within the South Cambridgeshire Local Development Framework 2007. Access is achieved via a single track lane from Meadow Road.
2. The land to the north and south is divided into plots of similar shapes and sizes, again accessed from Meadow Road, and these plots all appear occupied. The northern boundary of the site is a 1.8m high fence with some planting along it, and the southern boundary is a post and rail fence. To the east is a further plot, subject to current application S/1191/09/F, and the shared boundary is a 1.8m high fence with planting against it. To the west, beyond the access, further pitches are located, the boundary being a 1.8m high fence.
3. This full retrospective application, submitted on 28th August 2009, seeks consent to change the use of the site to allow for the siting of the mobile home, a touring caravan and associated facilities. All structures currently are situated on the land. The application contains a Design and Access Statement.

Planning History

4. The site has a long planning history of traveller applications, the last being in 1995. Applications have been both approved and refused on the site, with approvals temporary and with personal consents for the then occupier.
5. Members should be aware of a recent appeal decision relating to a site at 3 Cadwin Field, Willingham (**S/1919/08/F**). An application for temporary consent was refused by Members at the February Planning Committee, but allowed at appeal. The Inspector noted the need for sites in the District and stated that planning permission should only be for a temporary consent to enable a proper evaluation of all potential sites identified through the Development Plan Document process.



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Planning Policy

6. **ODPM Circular 01/2006 (Planning for Gypsy and Traveller 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 time scale 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 **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 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. 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 District Council Gypsy and Traveller Development Plan** Document is currently under review. A consultation process is currently running to assess 20 potential sites that performed best against the site criteria agreed after consultation in 2006. Given the requirements of the East of England Plan, drawn up by the East of England Regional assembly (EERA), South Cambridgeshire requires at least 88 new permanent pitches by 2021.
10. The site is currently included within the Gypsy and Traveller Site Options and Policies consultation in preparation for the Development Plan Document. The site is number 15 in the consultation, and the consultation document states "the site is already occupied, but does not have planning permission. It is close to Willingham's services and facilities and is already meeting Gypsy and Traveller needs". The consultation period ends on 9th October.
11. The relevant policies within the **Local Development Framework Development Control Policies 2007** are **DP/1** - Sustainable Development, **DP/2** - Design of New Development, **DP/3** – Development Criteria, **DP/7** – Development Frameworks and **TR/1** - Planning for More Sustainable Travel.
12. Willingham is defined as a Minor Rural Centre under Policy **ST/5** of the Local Development Framework Core Strategy, adopted January 2007.

Consultation

13. **Willingham Parish Council** recommends refusal of a permanent consent, and states that the current temporary consent should be extended for the period of one year. This (and similar) applications are part of the current gypsy and traveller consultation being carried out by the District Council, and to grant permission for a permanent site would prejudice the consultation process.
14. The **Local Highways Authority** states that no significant adverse effect upon the Public Highway should result from this proposal, should it gain benefit of planning permission.
15. The **Planning Policy Officer** notes the Gypsy and Traveller DPD is at the Issues and Options stage, the beginning of the plan making process, and can therefore only be given limited weight in planning decisions. The site performed well against the criteria developed to test sites following the consultation in 2006. A recent Inspector report took the view that any planning permission should only be for a temporary period to enable a proper evaluation of all potential sites through the DPD process so the most suitable sites can be allocated to meet the identified need and this would appear a sound approach.
16. Comments have not yet been received from the **Traveller Site Team Leader**. Members will be updated on any comments received at the Committee meeting.

Representations

17. No comments have been received at the time of preparing the report. Members will be updated on any comments received at the Committee meeting.

Planning Comments – Key Issues

18. 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 visual impact of the site. This should be balanced against the status of the Gypsy and Traveller Development Plan Document.

Need to Provide Residential Accommodation

19. A needs survey was undertaken in September 2009 regarding the applicant. He is a 65 year old man who has been living on the site for the last 7 years. He has suffered from a stroke and is wheelchair bound and requires 24 hour care. Outside carers from Bar Hill call twice a day. His ex-wife Linda Brown lives on the adjoining site and spends time with the applicant, as does his two children who are in their thirties and live away from the site. His ex-wife lives on the adjacent plot, subject to application S/1191/09/F. The touring caravan is used by the children when they stay the night. The Design and Access Statement states the site has been occupied for the last 18 years, although an application for a Certificate of Lawfulness has not been submitted.
20. The application includes a letter from the Willingham Medical Practice where the applicant is registered. It states his condition is going to be a permanent disabling condition and the applicant is going to be permanently dependable on others.
21. The Design and Access Statement states the Gypsy status of the family has been accepted by the District Council and they have local connections. This has been confirmed by the Planning Enforcement Officer. In light of the definition of a Gypsy/Traveller as set out in Circular 01/2006, I consider the applicant is in need of

appropriate gypsy accommodation. The tests set out in the Circular state the 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.

22. As stated, the applicant has been on the site for the last 7 years. His demand on services and infrastructure is therefore existing.
23. The site is located adjacent to other existing plots. It is therefore considered a logical addition if the surrounding sites were allocated. As noted, the site is under consideration for the Gypsy and Traveller Development Plan Document. The site therefore has scored positively in environmental, economic and social tests. Given the comments by the Planning Inspector when allowing application S/1919/08/F and the Council's Planning Policy Officer, I do not consider that a permanent consent could be given at this time. A temporary consent however, would be more appropriate. A three year time period would allow the applicant to remain on site until the Development Plan Document is adopted. At this time, the suitability of the site for a permanent consent will have been assessed, and the applicant can then re-apply as necessary. I note the Parish Council recommends only a one-year temporary consent, but I feel three years is a much more reasonable time frame, to match other temporary consents granted in recent times and the likely timescale for the adoption of the DPD.
24. The agent, in an e-mail dated 14th September 2009 requested that if permanent consent could not be given, then the applicant would accept a personal consent. This is considered unacceptable as it again may conflict with the aims of the Development Plan Document. A further e-mail also dated 14th September 2009 states that if a personal consent were not considered acceptable, then a temporary consent for three years would be acceptable. In this instance, I consider it necessary for a temporary consent to be given.

Visual Impact

25. The plots as a whole are surrounded by developing vegetation, giving good screening, especially from Meadow Road. The amenity blocks are in place and are sensitively located on the site, reducing their impact upon the surrounding countryside. I am of the opinion that the proposal would not represent an unacceptable visual impact upon the character and setting of the countryside. This is especially the case given the surrounding plots.

Other Matters

26. The site is excluded from the High Court injunction dated 20th December 2007. Further conditions would be required relating to prevention of further mobile homes or caravans being positioned on the site, storage of large vehicles, commercial activity and lighting.

Recommendation

27. Delegated approval for 3 year temporary consent, subject to comments from the Traveller Site Team Leader, and other representations that may be received.

Conditions

1. The use, hereby permitted, shall be discontinued and the mobile home, touring caravan, utility buildings and W.C, 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 Willingham.)
2. The site shall not be occupied by any persons other than Gypsies and Travellers as defined in paragraph 15 of the ODPM Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites.
(Reason – The site is in a rural area where residential development will be resisted by Policy DP/7 of the adopted Local Development Framework 2007 unless it falls within certain limited forms of development that Government guidance allows for. Therefore the use of the site needs to be limited to qualifying persons.)
3. The residential use, hereby permitted, shall be restricted to the stationing of no more than 1 mobile caravan and 1 touring caravan at any time.
(Reason – To ensure there is no adverse pressure on local infrastructure such as local schools created by further people living on the site.)
4. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site
(Reason – In order to limit the impact of the development on the areas rural character and the residential amenities of neighbours in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
5. No commercial activities shall take place on the land, including the storage of materials.
(Reason – In order to limit the impact of the development on the areas rural character and the residential amenities of neighbours.)
6. No external lighting shall be provided or installed within the site other than in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.
(Reason – In order to limit the sites impact on the areas rural character.)

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

- South Cambridgeshire Local Development Framework Core Strategy and Development Control Policies 2007
- ODPM Circular 01/2006 (Planning for Gypsy and Traveller Caravan Sites)
- Circular 11/95: The use of conditions in Planning Permissions
- Gypsy and Traveller Site Consultation document July-October 2009
- Planning Files: S/1073/09/F, S/1191/09/F and S/1919/08/F

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