

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee

7<sup>th</sup> October 2009

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

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### **S/1191/09/F - WILLINGHAM**

**Change of Use of Land to a Permanent Gypsy Pitch for Siting of 6 Caravans,  
Toilet/Shower Block and Use of Existing Building for Domestic Storage  
(Renewal of Temporary Consent S/2010/04/F) at Beaumont Place, Meadow Road  
For Mrs Linda Brown**

**Recommendation: Delegated Approval**

**Date for Determination: 9<sup>th</sup> 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 set to the side and rear of an old agricultural /industrial building, set outside of the Willingham village framework as identified within the South Cambridgeshire Local Development Framework 2007. The site as a whole is approximately 65m by 70m. Access is achieved through old industrial gates to the front of the site, accessing onto Meadow Road.
2. To the east of the site is open agricultural land, the shared boundary of which is a mature 2m high hedge. To the south is an area of grassland, beyond which is a further 2m high hedge and agricultural land. To the west side are further traveller sites at Longacre. The shared boundary is a 1.8m high fence with planting.
3. The full application, submitted on 14<sup>th</sup> August 2009, seeks further consent for the siting of six caravans following a previously approved temporary consent. The application includes a Design and Access Statement. At the time of my site visit, not all six caravans were located on the site.

#### **Planning History**

4. Application **S/2010/04/F** granted temporary consent for three years for the siting of six gypsy caravans (part retrospective) and the use of the building for storage for personal use. Condition 1 restricted this to occupation by those defined as gypsies, and condition 2 stated the use shall cease on 6<sup>th</sup> September 2009 with all structures removed within three months.
5. There are various other applications relating to the site, none of which are considered relevant to the determination of this application.



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Scale 1/1250 Date 17/9/2009

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October 2009 Planning Committee

6. 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.

### **Planning Policy**

7. **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 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.
8. 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.
9. 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.
10. The **South Cambridgeshire District Council Gypsy and Traveller Development Plan Document** is currently under review. A consultation process is currently running to access 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.
11. The site is currently included within the Gypsy and Traveller Site Operations and Policies consultation in preparation for the Development Plan Document. The site is number 16 in the consultation, and the consultation document states "this existing temporary site is close to Willingham's services and facilities. Storage buildings are a prominent feature on the site, but the use of adjoining land for a pitch would have limited additional impact. The consultation period ends on 9<sup>th</sup> October.
12. 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.

13. Willingham is defined as a Minor Rural Centre under Policy **ST/5** of the Local Development Framework Core Strategy adopted January 2007.

#### **Consultation**

14. **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.
15. The **Old West Internal Drainage Board** states the Boards surface water receiving system has no residual capacity to accept increased rates of surface run-off in connection with new development proposals. Soakaways must be effective in the heavy clay soil. An effective foul water disposal method should also be used. Ditches adjacent to the site shall remain free-flowing.
16. The **Local Highways Authority** recognises the site is not ideal given the single track road and location in a rural area. Virtually all journeys will be by car, and ownership and movements are likely to be high.
17. 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.
18. 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**

19. 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**

20. 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, the visual impact of the site, highway safety and drainage. This should be balanced against the status of the Gypsy and Traveller Development Plan Document.

#### ***Need to Provide Residential Accommodation***

21. The applicant remains the same as when temporary consent was granted for the site in application S/2010/04/F. A needs survey has been carried out. The applicant lives in a mobile home on the site on her own, and has done so for six years. She is separated from her husband who occupies the adjacent plot (subject to application S/1073/09/F).

She is 58 years of age and is registered at Cottenham Doctors Surgery. She is employed in a local care home, and has two children, both in their 30's who live away. Also living on site are Lacey Brown, her husband Jess Brown and their five children. The children are Tia Brown (18) who is employed locally, Lacey Brown (17) who is employed locally, Jess Brown (14) who is tutored privately at home, Jolene Brown (12) who is tutored at privately at home, and Josh Brown who attends Over Primary School. It is intended he will progress from there to Swavesey Village College.

22. The Planning Enforcement Officer has confirmed the Gypsy status of the family has been accepted by the District Council and they have local connections. 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.
23. The applicant has been on the site since at least 2004. The demand on services and infrastructure is therefore existing. Of the children living on site, the needs assessment states only one child is educated at Over Primary School, whilst two are privately tutored at home.
24. The site is set to the east of existing plots. Given the temporary condition on the site and the consultation regarding the Development Plan Document, the site is considered as an acceptable site for a further temporary consent. I note the applicant has applied for a permanent consent. 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.

### ***Visual Impact***

25. There is a very good hedge around the north and east boundary of the site, restricting views from the surrounding countryside. The west boundary adjacent to the other plots has some good planting, further screening the site. It is however visible through the gates at its access. However, I am of the opinion that the proposal would not represent an unacceptable visual impact upon the character and setting of the countryside.

### ***Impact upon Highway safety***

25. I note the comments from the Local Highways Authority regarding the scheme. Meadow Road is narrow but does have passing places. Whilst the site is likely to cause reliance on the car, the use of the site to meet demand from the gypsy community is considered to outweigh the potential unsustainable nature of the site in this instance. This is echoed by the Development Plan Document consultation information which notes the site is close to existing facilities in the village.

### ***Drainage***

26. The applicant notes that foul sewage would be linked to a septic tank, whilst surface water will be drained through a soakaway. I note the comments from the Old West Internal Drainage Board on this matter. A condition was placed on the 2004 temporary

permission requesting details of schemes showing foul and surface water drainage works. It is necessary for the condition to again be added to the consent.

### ***Other Matters***

27. The site is excluded from the High Court injunction dated 20<sup>th</sup> December 2007. Further conditions would be required relating to prevention of further caravans being positioned on the site, storage of large vehicles, commercial activity and lighting. I do not consider a repeat condition regarding landscaping is now relevant given the screening now enjoyed by the site.

### **Recommendation**

28. 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 six caravans and toilet/shower block, hereby permitted, shall be removed and the land restored to its former condition on or before 31<sup>st</sup> 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 six touring caravans at any time (of which none shall be static caravans or mobile homes). (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 area's 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 area's 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 site's impact on the area's rural character.)
7. The use, hereby permitted, shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of any one of the following requirements not being met:
  - i) within 3 months of the date of this decision there shall have been submitted for the written approval of the Local Planning Authority a scheme for the provision of foul and surface water drainage of the site and the said scheme shall include a timetable for its implementation;
  - ii) within 11 months of the date of this decision, the drainage scheme shall have been approved by the Local Planning Authority or, if the Local Planning Authority fail to approve such a scheme, or fail to give a decision within the prescribed period, an appeal shall have been lodged and accepted by the First Secretary of State;
  - iii) In the event of an appeal being made in pursuance of requirement (ii) above, that appeal shall have been finally determined and the submitted drainage scheme shall have been approved by the First Secretary of State;
  - iv) all works comprised in the drainage scheme as approved shall have been implemented, and completed within the timetable set out in the approved scheme.

(Reason - To reduce the risk of pollution to the water environment, to reduce the risk of flooding and to ensure a satisfactory method of foul water drainage in accordance with Policy NE/10 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 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/1191/09/F, S/1073/09/F, S/1919/08/F and S/2010/04/F.

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