

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

13<sup>th</sup> January 2010

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

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### **S/1134/09/F - WILLINGHAM**

**Use of Land as Gypsy Pitch for Permanent Siting of 1 Mobile Home, 1 Touring Caravan and 1 Toilet and Bathroom Block at 2 Cadwin Field, Schole Road for Mrs Louise Holmes.**

**Recommendation: Temporary Approval**

**Date for Determination: 28<sup>th</sup> December 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.**

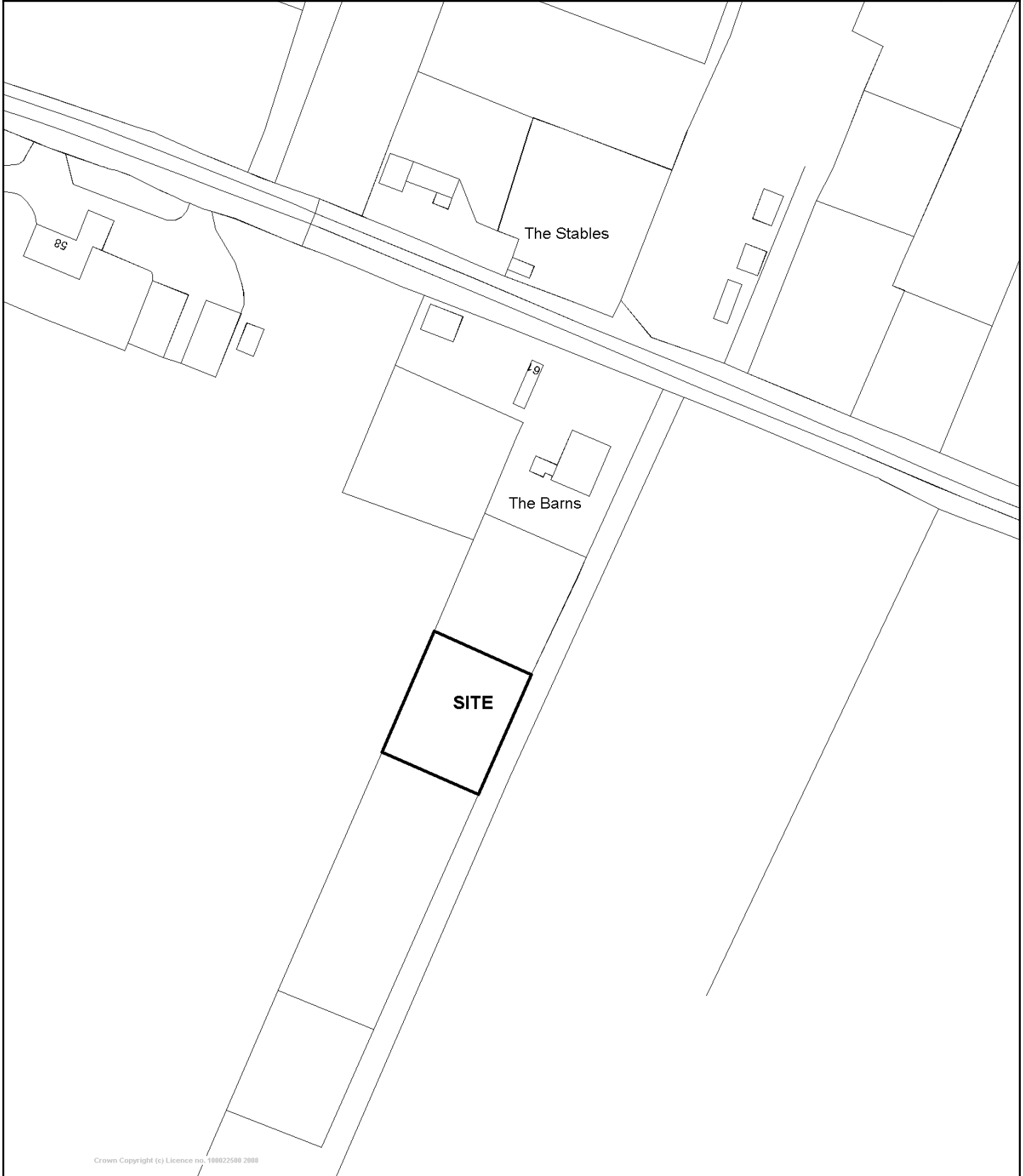
#### **Site and Proposal**

1. The site lies to the east side of the village of Willingham, and is outside of the village framework, as identified within the South Cambridgeshire Local Development Framework 2007. The site as a whole is approximately 30m by 23m, and is set back from Schole Road, which is a Public Bridleway. Access is achieved to the east side of the site along the existing access track.
2. The north boundary of the site is a 1.8m high fence, beyond which is a further pitch. The boundary fence wraps around the west boundary, where there is also some coniferous planting, beyond which is open agricultural land. The southern boundary is a further 1.8m high fence, beyond which is a further traveller pitch. The land to the east is open agricultural land, although there is a large coniferous tree belt along the access parallel with the site.
3. The full application, validated on 2<sup>nd</sup> November 2009, seeks permanent consent for the stationing of one mobile home, one touring caravan and an amenity block. These are already on the site. The application includes a Design and Access Statement.

#### **Planning History**

4. Application **S/1654/05/F** granted temporary consent for the siting of one mobile home and one gypsy caravan on the site. Condition 1 of the approved consent restricted this to occupation by those defined as gypsies, and condition 2 states the use shall cease on 4<sup>th</sup> October 2009, with the land cleared a maximum three months later.
5. Members should be aware of a recent appeal decision relating to a site at 3 Cadwin Field, Willingham (**S/1919/08/F**) directly to the south of the site. 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

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Scale 1/1250 Date 15/12/2009

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evaluation of all potential sites identified through the Development Plan Document process.

### **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 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 has recently ended on the 9<sup>th</sup> October 2009 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 Operations and Policies consultation in preparation for the Development Plan Document. The site is number 10 in the consultation, and is combined with plot 1 Cadwin Field to the north to form an assessment for two pitches. The consultation document states, "this existing temporary site is close to Willingham's services and facilities and is already meeting Gypsy and Traveller needs".
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 the application. The current temporary consent on the site should form part of the current Gypsy and Traveller site consultation, and granting permanent consent 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.
15. The Council's **Scientific Officer (Contaminated Land)** states aerial photographs indicate a previous use that may pose a risk to site users when coming into direct contact with the soil, although at present this does not appear to be a risk given the hardstanding on site. As this can be removed, an informative is recommended regarding potential contamination.
16. The **Enforcement Officer** has completed a Needs Audit for the application. The applicant is a cultural English traveller and has resided mainly at Cadwin Field for the last five years. She lives on the site with her eight children, of whom, three are tutored at home, one attends Cottenham Village College, and four attend Willingham Primary School. The whole family are registered with Willingham Doctor Surgery.

## **Representations**

17. No comments have been received at the time of preparing the report.

## **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. The applicant for the application differs from the previous scheme. However, a Needs Audit has taken place and shows there is a need on site. The Enforcement Officer has confirmed the Gypsy status of the family has been accepted by the District Council. 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.
20. The applicant has been on the site since 2005. The demand on services and infrastructure therefore exists. Of the children living on site, the Needs Audit states one child attends Cottenham Village College, four attend Willingham Primary School, whilst three are privately tutored at home. All are currently registered with Willingham Doctors Surgery.
21. The site is set between two existing gypsy/traveller plots. Given the recently expired 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, but this is not

considered appropriate at this time of the Development Plan Document process, as agreed by the Planning Inspector for application S/1919/08/F. 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 and is in line with the Planning Inspector's decision for application ref S/1919/08/F.

### ***Visual Impact***

22. The site has good screening along its east and west boundaries, giving visual screening from these open agricultural areas. The Development Plan Document Technical Annex states the site does not detract from the use of the Public Bridleway of Schole Road. The character of the development away from Schole Road and the surrounding planting means the pitch has a low impact on the wider landscape, although there is potential for improvement through the use of native species rather than conifers. I am of the opinion that the proposal would not represent an unacceptable visual impact upon the character and setting of the countryside. If the scheme were granted permanent consent, then a landscape condition to further assimilate the site into the countryside with native species should be added.

### ***Other Matters***

23. I note the comments from the Local Highways Authority regarding the access, and the Scientific Officer regarding potential land contamination. An informative can be added as requested regarding the latter. It is also considered necessary to tie the date of the expiration of the consent with the land to the south at 3 Cadwin Fields, which expires on 18<sup>th</sup> August 2012. If approved, the description of the application would be altered to add "temporary" into the title.
24. Willingham Parish Council has real concerns regarding the distribution of sites across the District. Similar comments have been submitted in connection with the site options exercise, on the basis that the distribution could perpetuate a settlement pattern that denies Travellers the option of living to the south of the District. The Inspector in the recent case at 3 Cadwin Fields (S/1919/08/F) took the view that the needs of the applicant were sufficient to justify a temporary consent to allow proper consideration of all the relevant factors in determining the appropriate site options. This application is similar to that won at appeal, and the application is supported in the short-term.

### **Recommendation**

25. Approval for a three-year temporary consent.

### **Conditions**

1. The use, hereby permitted, shall be discontinued and the mobile home, touring caravan and toilet/bathroom block, hereby permitted, shall be removed and the land restored to its former condition on or before 18<sup>th</sup> August 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 one mobile home, one touring caravan and the existing toilet and bathroom block 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 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 in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
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 in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

### **Informatives**

Aerial photographs (1998 and 2003) indicate a previous scrap yard/storage area for old vehicles. Whilst the site is covered in hardstanding, this is unlikely to pose a risk to site users. However, should the hardstanding be removed for any reason, soil samples should be collected and analysed for contaminants to check the site is suitable for use.

**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/1134/09/F, S/1919/08/F and S/1654/05/F

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