

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

13th January 2010

AUTHOR/S: Executive Director (Operational Services)/
Corporate Manager (Planning and Sustainable Communities)

S/1568/09/F - WILLINGHAM
Use of Land for One Gypsy Pitch for the Stationing of Mobile Home
(Retrospective Application)
at 1 Longacre, Meadow Road, for Mr Michael Wenman

Recommendation: Approval

Date for Determination: 22nd December 2009

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 parcel of land measuring approximately 24m by 27m, located directly to 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 direct from Meadow Road, and an adjacent track leads to the south, where further pitches are located. On site are a mobile home, and two small amenity blocks.
2. The land to the east has recently been granted temporary consent for six caravans, but had applications for a further two caravans refused at December Planning Committee. The shared boundary between the two is a 2.5m high hedge. The southern boundary is a 1.8m high fence, beyond which are further traveller pitches. The east boundary is a mixture of fencing and hedging, whilst the front boundary along Meadow Road is a 1.8m high fence and a hedge.
3. This full retrospective application, submitted on 27th October 2009, seeks consent to change the use of the land for one gypsy pitch for the stationing of a permanent mobile home. The application contains a Design and Access Statement.

Planning History

4. The site has a long planning history of traveller applications, the most important of which, for the determination of this application, is **S/0860/95/F**, approved 8th August 2005. This consent granted permission for two mobile homes and one touring caravan and renewed previous consent **S/0946/93/F**. However, condition one gave a personal consent for Mr T Buckley and family, and there was no time limitation. Mr Buckley was granted a further consent on the land north of Meadow Road for the siting of two gypsy mobile homes (**S/1243/08/F**). This was a temporary consent and runs until 30th September 2011.
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



Crown Copyright (c) Licence no. 100022500 2008



Reproduced from the 2008 Ordnance Survey mapping with the permission of the controller of Her Majesty's stationary office (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Scale 1/2500 Date 14/12/2009

Centre = 541248 E 270782 N

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

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. The Circular also aims to significantly increase the number of gypsy and traveller sites in appropriate locations with planning permission in order to address under-provision over the next 3-5 years. Sites may be found in rural areas, and rural settings are acceptable in principle.
7. **Circular 11/95 – The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects. Advice on the use of temporary permissions is contained in paragraphs 108-113. It states “a temporary permission will normally only be appropriate either where the applicant proposes temporary development, or when a trial run is needed in order to assess the effect of the development on the area”.
8. The **South Cambridgeshire District Council Gypsy and Traveller Development Plan** Document is currently under review. Given the previous planning consent, it is defined as an authorised permanent gypsy and traveller site in the Technical Annex, and therefore is not up for further consideration in the document.
9. 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.
10. Willingham is defined as a Minor Rural Centre under **Policy ST/5 of the Local Development Framework Core Strategy**, adopted January 2007.

Consultation

11. **Willingham Parish Council** recommends refusal of the application. The applicant is not Mr Buckley, and Willingham already accommodates four times the District ratio of settled to gypsy/traveller parishioners. Willingham Primary School includes 12% of gypsy/traveller children, and there is a high demand at the Medical Practice. 408 caravans are currently located to the north of the A14, with only 58 to the south. Proposals to make permanent, temporary and illegal sites and create new sites simply exacerbate Willingham's already intolerable situation. Granting permission would also prejudice the Development Plan Document process.
12. The **Enforcement Officer** has carried out a Needs Audit for the site. The applicant lives on site with his wife and daughter, and two grandchildren, both of whom attend Willingham Primary School. The whole family are registered with the local medical Practice. They are considered to meet the description of gypsies and travellers, and have lived on the site for the last six years.

13. The **Planning Policy Officer** has confirmed the site is considered as a permanent site through the Gypsy and Traveller Development Plan Process.

Representations

14. No further representations were received regarding the proposal.

Planning Comments – Key Issues

15. 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.
16. A Needs Audit has shown the residents have been on site for six years. The Enforcement Officer states that the family are culturally English travellers. 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.
17. The applicant has been on the site since at least 2004. The family are all registered with the local Willingham Medical Practice, and both children living on the site attend Willingham Primary School. As a result, there would be no further additional demand on local services than already exists.
18. As stated above, planning consent S/0860/95/F granted a personal consent on the site for two mobile homes and one touring caravan for Mr Buckley. Mr Buckley has left the site, and now resides on the northern side of Meadow Road through application S/1243/08/F. Members should be aware that the application site has been reduced, which may lead to an extra pitch on land to the south. However, this is not considered to prejudice the determination of this planning application.
19. The determination of application S/0860/95/F did not include a time limit, and therefore Mr Buckley has a permanent consent on site. In 1995, the site was therefore assessed and considered appropriate for a permanent site, although it is noted that planning policy and the landscape of the area have changed since this decision. The site is physically established in this countryside location, with some good green screening, especially along the east boundary.
20. The site has not been considered within the consultation process for the Gypsy and Traveller Development Plan Document, as it was considered a permanent site. Members should be aware that the land to the south and the east are both part of the consultation process. These are considered close to Willingham's services and facilities, and are not considered to negatively impact upon the landscape in the area.
21. Mr Buckley and family could move back onto the site without any further consent if they so wish. It is considered appropriate in this instance to support a permanent consent for the site. Circular 11/95 advises temporary permission may be justified where it is expected that the planning circumstances will change in a particular way at the end of the temporary permission. Given the situation on site and the nature of the Development Plan Document consultation, I do not consider that a temporary consent could be justified on this site, where a permanent condition is more suitable. The application allows a condition to be added stating that only gypsies or travellers can

occupy the site. Standard conditions regarding storage of vehicles, external lighting and commercial activities can be added.

Recommendation

22. Approval, subject to conditions

1. 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.)
2. The residential use, hereby permitted, shall be restricted to the stationing of no more than one touring caravan and one mobile home 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.)
3. 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.)
4. 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.)
5. 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.)

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

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework 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 Development Plan Document Site Consultation document July-October 2009
- Planning Files: S/1568/09/F, S/1243/08/F, S/1919/08/F, S/0860/95/F and S/0946/93/F

Contact Officer: Paul Derry – Senior Planning Officer
Telephone: (01954) 713159