

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3rd February 2010

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

S/1720/09/F - WILLINGHAM

**Change of Use of Land for the Siting of Two Gypsy Mobile Homes, Two Touring Caravans and Shed (Temporary Three-Year Consent, Retrospective)
At Plot 5 Longacre, Meadow Road for Miss M Wenman**

Recommendation: Approval

Date for Determination: 20th January 2010

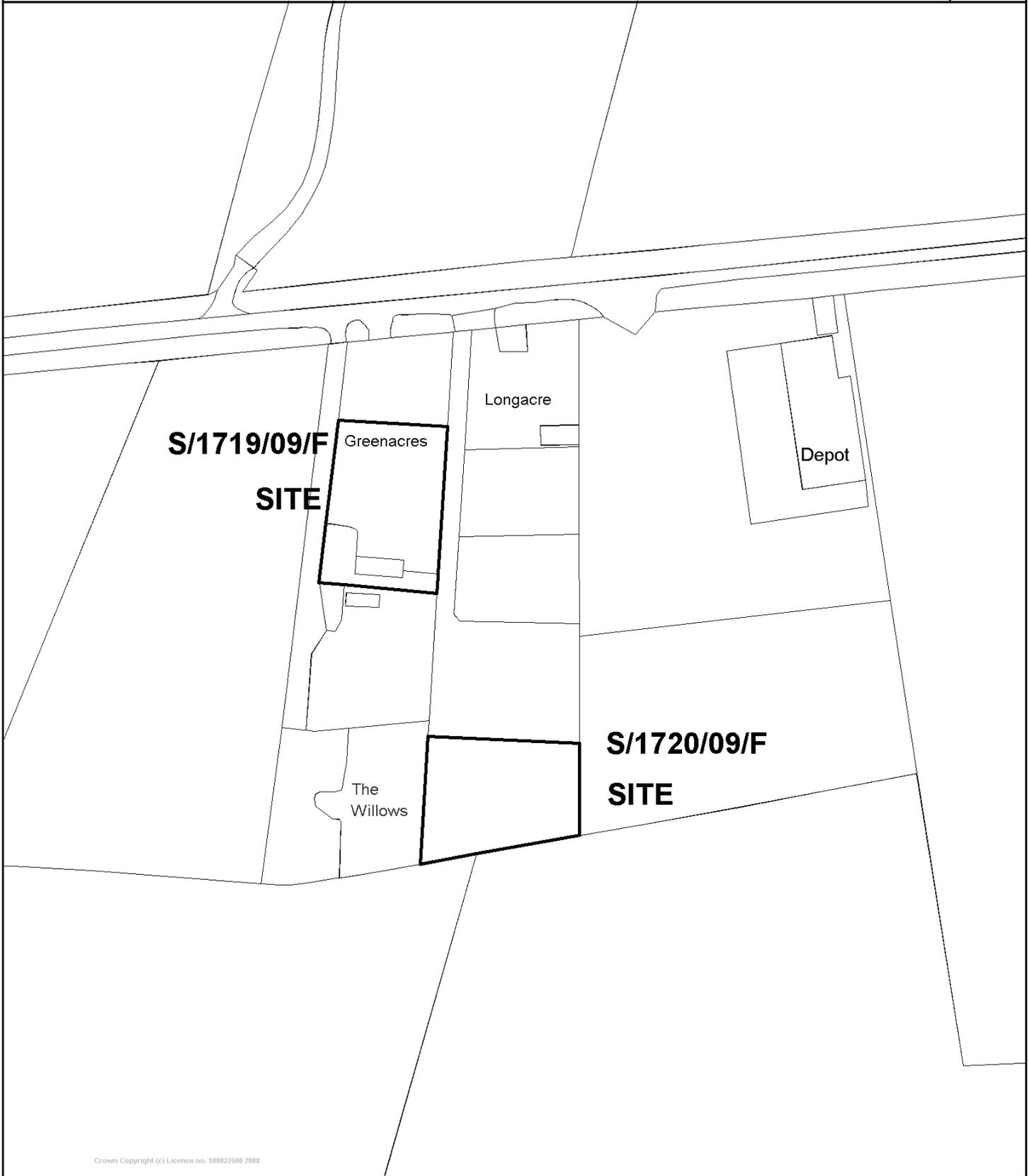
This Application has been reported to the Planning Committee for determination following a recommendation of refusal by the Parish Council that does not accord with the officer recommendation.

Site and Proposal

1. The site lies to the east side of the village of Willingham, and is outside the defined village framework, as identified in the South Cambridgeshire Local Development Framework 2007. The site measures approximately 35m by 25m, and is set back from Meadow Road. The plot is the last served by the access directly north of the site, which serves other Longacre pitches.
2. The southern boundary of the site backs onto open countryside, and the shared boundary is a 2-3m high deciduous hedge. Some of this planting continues along the east boundary, although there is an area that is open. The adjacent land is currently laid to grass and was the subject of a recently refused application for a further pitch. The northern boundary is a 1.8m high fence. The site is gravelled, and is divided into two areas by a 1.8m fence. There is no development on the eastern section of the site. There are currently two caravans on site, and a further van used as a fold down playroom with a shed.
3. The full application, dated 25th November 2009, seeks a temporary consent for the stationing of the two mobile homes, two touring caravans and a shed on site. The application is retrospective.

Planning History

4. Application **S/0402/06/F** granted consent dated 20th November 2006 for the siting of two gypsy mobile homes, two touring caravans and a utility block on the site. Condition 2 off this consent restricted the use until 1st November 2009, and gave a further 3 months for the land to be cleared. There have been other planning applications made on the site, although these are not considered relevant to the determination of this consent.
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 2009 Planning Committee, but allowed at appeal. The



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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)** 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 9th 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 13 in the consultation, which is assessment for three pitches, the application site and land to the north and northwest. 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, **NE/10** – Foul drainage – Alternative Drainage systems, and **NE/11** – Flood Risk.

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 on grounds of the scheme being a retrospective application on an illegal site which pre-judges the traveller consultation. If the application is supported, a maximum of 12 months is recommended.
14. The Council's **Environmental Health Officer** notes concerns regarding noise, and suggests conditions relating to power operated machinery, pile foundations and external lighting. He notes details of drainage provision should be provided. An informative regarding bonfires and burning of waste is also recommended.

Representations

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

Planning Comments – Key Issues

16. 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, and drainage. This should be balanced against the status of the Gypsy and Traveller Development Plan Document.

Need to Provide Residential Accommodation

17. The applicant has differed since the previous consent on the site was granted (S/0402/06/F). However, the applicant is a family relative to the former occupiers who remain in Willingham and has been on the site for approximately 5 to 6 years. The Planning Enforcement Officer has confirmed that from the information available to him, the applicant would meet 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. The two children on site already attend Willingham Primary School, and as a result there would be no further strain on local infrastructure.
18. The site is set close to 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, as requested by the applicant. 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 if the scheme is to be supported, but I feel three years is a much more reasonable time frame, to match other temporary consents granted in recent times including for application S/1919/08/F determined at appeal and the likely timescale for the adoption of the DPD.

Visual Impact

19. The site has good screening along its boundaries, particularly the southern boundary towards the open countryside. Some of the east boundary allows views through to the adjacent grassland, but this also has a strong hedge against the surrounding countryside. Given the boundaries, I am therefore of the opinion that the proposal would not represent an unacceptable visual impact upon the character and setting of the countryside. Members should be aware the site scored well in the assessments for sites to be included within the development Plan Document. I note that a landscape condition was added to application S/0402/06/F and it would appear to have never been discharged. However, there has been some planting on the site, although not to an agreed scheme. As the application is only recommended for temporary consent, I do not consider a repeat condition necessary at this point, given the potential capital outlay and the landscaping already completed, and this has been the case for other recent applications. If the site were granted a permanent consent in the future, this would be the time for consideration as to whether any further planting is required.

Drainage

20. I note the comments from the Environmental Health Officer regarding drainage. The applicant has noted a septic tank is being used for the foul water drainage, but no details are given regarding surface water drainage. The previous consent S/0402/06/F requested details to be submitted for both foul and surface water drainage, and again I cannot find evidence this condition was discharged. Given the lack of information regarding surface water drainage, such a condition can again be added to any consent to ensure appropriate methods are in use.

Other Matters

21. Members will be aware that at the January 2010 Planning Committee, two Traveller applications were approved subject to the addition of personal consents to the recommendation. Such a condition is again not suggested for this scheme as there are no personal circumstances that would differentiate the decision than if any other gypsy or traveller were the applicant.
22. Conditions restricting numbers of mobile homes, commercial activity and lighting were present at the previous consent, and these can be repeated here.
23. I note Willingham Parish Council's concerns regarding the application. The site has been previously occupied and the application seeks to regularise the site as the previous consent expired on 1st November 2009. Despite the current application being submitted after this time, I do not consider this would prejudice the determination of the current application. With regard to the time frame, 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, with the date to tie in with that at no. 3 Cadwin Fields.
24. I note the comments from the Environmental Health Officer regarding the scheme. The application would not require the use of any power operated machinery or any construction, and would not require any foundations. I note the request for a lighting condition, which is standard for a site in a rural area. The informative is also not required as it relates to construction.

Recommendation

Approval for a temporary consent expiring 18th August 2012.

Conditions

1. The use, hereby permitted, shall be discontinued and the two mobile homes, two touring caravans and shed, hereby permitted, shall be removed and the land restored to its former condition on or before 18th 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 two mobile homes, two touring caravans and the existing shed 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.)
7. Within 3 months of the date of this decision, a scheme for the provision of foul and surface water drainage works shall be submitted to the local Planning Authority for its approval in writing. The approved scheme shall be

constructed and completed in accordance with the approved detail and within a time period to be specified by the Local Planning Authority.
(Reason - To reduce the risk of pollution to the water environment and to ensure a satisfactory method of foul and surface water drainage in accordance with Policies DP/1, NE/10 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 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/1720/09/F, S/1919/08/F and S/0402/06/F

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