

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO:	Planning Committee	7 th April 2010
AUTHOR/S:	Executive Director (Operational Services) / Corporate Manager (Planning and Sustainable Communities)	

S/1844/09/F - WILLINGHAM

Change of Use of Land for Siting of 5 Gypsy Mobile Homes, 4 Touring Caravans and 3 Toilet Blocks at Foxs Meadow, Iram Drove for Mr Bill Coates

Recommendation: Delegated Temporary Approval

Date for Determination: 25th March 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 53m by 40m, and is accessed from the north boundary from Iram Drove. The plot is divided into two, and each has a separate access, although it is possible to walk between the two.
2. The north boundary of the site along Iram Drove is a 0.8m high fence, with a 1m high hedgerow alongside. There is a set of gates set back from the road on the western entrance, served by 1.8m high brick piers. To the northern side of Iram Drove is open countryside. The 1m high hedge continues along the western boundary of the site, beyond which is paddock land and then a tree line. To the south of the site outside of the application site are three stable buildings set behind a further hedge. There is access from the site through to these stables. The hedge continues across half of the rear boundary, with a small fence along the rest of the south boundary. The eastern access to the site continues to an existing hay store set to the east of the application site. A row of conifers over 2m in height runs along the east side of this access.
3. The full application validated on 28th January 2010 seeks consent for the change of use and siting of 5 gypsy mobile homes, 4 touring caravans and 3 toilet blocks. The applicant has not stipulated any desire for a temporary consent. At the time of the officer's site visit, 4 mobile homes, 3 touring caravans and the three toilet blocks were on site. The application is therefore part-retrospective. The application is accompanied by a Design and Access Statement.

Planning History

4. Application **S/1857/06/F** was granted temporary consent for 4 gypsy mobile homes, 4 transit caravans and 3 toilet blocks on the site. Condition 1 of this consent states the use shall be discontinued and the mobile homes, transit caravans and toilet blocks removed from site on or before 31st December 2009. Condition 3 also restricted the numbers of caravans on site to a maximum of 8. This application followed a previous

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temporary approval for 4 gypsy mobile homes, 4 transit caravans and 4 toilet blocks approved through application **S/2416/02/F**.

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 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 9 in the consultation. 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,
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** recommend refusal of the application on the grounds set out in the Parish council's evidence to the District Council's current consultation on Gypsy and Traveller Site Options and stating that to grant permission at this stage would prejudice the said consultation process. There is a need to limit Traveller site numbers due to a disproportionate amount in the Parish which is putting undue pressure on all local amenities. The Parish Council cannot accept any increase or legislation of sites under these circumstances.
14. The Council's **Traveller Site Team Leader** notes the applicant and his family have lived in Willingham for most of their lives and are known locally. A permanent consent would create a secure place for his family in the future. The site is well maintained and provides essential accommodation for his family. The site is identified in the Gypsy and Traveller Development Plan Document as meeting planning criteria and the application is supported.
15. The **Local Highways Authority** request dimensions of parking spaces to be shown on the plans, and request gates are set back 5m from the near edge of the carriageway in the interests of highway safety.
16. The **County Council Education Team** notes that Willingham Primary School has no spare capacity. The proposal would be expected to generate 2.25 primary aged children, at £8,400 each. A primary education contribution of £18,900 is therefore requested
17. No comments have been received from the Environment Agency and the Old West Internal Drainage Board, both of whom recommended informatives for the previous temporary approval. Members will be updated on any comments received.

Representations

18. No comments have been received at the time of preparing this report. Members will be updated on any comments received.

Planning Comments – Key Issues

19. 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 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

20. The applicant remains the same as when temporary consent was granted for the site in applications S/1857/06/F and S/2416/02/F. During the course of these applications, the applicant's identity as a defined Traveller was confirmed. 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. The site is occupied by the applicant, her husband and their four children, who have resided on the site for approximately five years. The children are all enrolled at schools, and the family are registered at the local Doctors Surgery.

21. As noted, the site is divided informally in two. On the western section, the mobile home is occupied by the applicant and his wife. The first touring caravan in this area is occupied by his son and wife, whilst the second is occupied by his granddaughter, often with his grandson. All six residents are registered with the local doctors surgery. The eastern part of the site is occupied by a different family, who are related to the owner. The three mobile homes are occupied by a man and wife, who are cousins to the applicant. The second home is occupied by their his niece and her son, and the third is occupied by his son, wife and four children. All are registered with the local doctors surgery and the three children of school age attend Willingham Primary School. All occupiers of the site are therefore related, and the applicant and his cousins previously lived on Smithy Fen together.
22. 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. This would allow the applicant to remain on site until the Development Plan Document is adopted, due in early 2012. 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 recommend the consent be allowed until 18th August 2012 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

23. The site is enclosed by either fencing or hedgerows. This does provide some good screening, especially the conifers along the east boundary. Screening is also provided by the stables and hay store to the south and east boundaries. The Gypsy and Traveller Development Plan Document Issues and Options Consultation document 2009 notes that there is potential for adverse effects on the landscape character of the area as a result of the "urban" frontage of the site. As my recommendation for the application is one of temporary consent, I do not consider a landscaping condition necessary at this point, given the potential capital outlay, 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 such a condition, to further strengthen the screening, particularly to the frontage of the site.
24. The proposal does seek an additional mobile home to that previously given temporary consent. This is speculative should there be an increase in demand from the site. Only four mobiles were on site during my visit. I do not consider that an additional mobile would cause any serious impact upon the surrounding countryside. Should Members disagree, the allotted number of mobiles could be reduced to four by condition.

Other Matters

24. Members will be aware that at the January and March 2010 Planning Committees, three 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 is no personal circumstances that would differentiate the decision than if any other gypsy or travellers were the applicants. A condition stating the site can only be occupied by defined Gypsies and Travellers is considered sufficient.

25. The previous temporary approval did not have any conditions relating to vehicle storage, commercial activities and external lighting. These are standard conditions for Traveller sites and should be added, in order to reduce impact upon the countryside and the amenities of the local population.
26. I note the comments from Willingham Parish Council regarding the proposal. The temporary consent is proposed to allow the development to be fully considered within the Gypsy and Traveller Development Plan Document. 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.
27. I note the comments from the County Council Education Team regarding the requirement for a payment towards primary school spaces at Willingham Primary School. As with the potential landscape condition, this represents a significant capital outlay that is difficult to justify in recommending a temporary consent. The Needs Audit also shows that the children of primary school age are already enrolled at the school. Given this information and the recommendation, I do not consider a payment towards education at this point to be necessary. If the site were granted a permanent consent after the adoption of the Gypsy and Traveller Development Plan Document, this would be the time for such a payment to be required if considered necessary at that time.

Recommendation

28. Delegated temporary approval until 18th August 2012 subject to comments from the Environment Agency and the Old West Internal Drainage Board

Conditions

1. The use, hereby permitted, shall be discontinued and the five gypsy mobile homes, four touring caravans and three toilet blocks, 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 five mobile homes, four touring caravans and three toilet blocks 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. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan date stamped 15th December 2009
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)

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 Ref: S/1844/09/F, S/1857/06/F, S/2416/02/F and S/1919/08/F

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