

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee
AUTHOR/S: Planning and New Communities Director

9 January 2013

S/2114/12/FL - WILLINGHAM
Change of Use of Land for stationing of 1 Static caravan, 1 touring caravan, 1 utility block (retrospective) - 4 Longacre, Meadow Road for Mr Pender Smith

Recommendation: Approval

Date for Determination: 04 December 2012

This Application has been reported to the Planning Committee for determination because the recommendation of the Parish Council differs to that of the case officer.

To be presented to the Committee by Paul Derry

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 28m by 29m excluding the access, and is set back from Meadow Road. Access is achieved from the west side of the site, where the access track serves this and adjacent units.
2. The north boundary of the site is a 1.8m high panel fence, with some planting in the northwest corner. There is a traveller plot to the north recently granted a permanent personal consent. The eastern boundary is a continuation of the 1.8m fence, with a leylandii hedge. There is also a big tree inside the application site boundary. Land further west forms part of a temporary travellers pitch, with associated land to the south of that. The southern boundary is a further 1.8m fence, beyond which is a temporary traveller plot. The southern boundary to this adjacent pitch is a good hedgerow. To the west beyond the access is a further temporary traveller pitch.
3. The application, validated on 9 October 2012 seeks the change of use of the land to the stationing of one static caravan, one touring caravan and one utility block. All were on site during the case officer site visit.

Site History

4. There is a long planning history of the site. It has been included previously within other plots for a series of temporary and personal consents. These all appear to have expired.

Planning Policy

5. **Planning policy for traveller sites (PPTS)** (March 2012) requires local planning authorities to make their own assessment of need for traveller sites based on fair and effective strategies. Local Plans should include fair, realistic and inclusive policies such that travellers should have suitable accommodation in which to access education, health, welfare and employment infrastructure but for lpa's to have due regard to the protection of local amenity and the local environment. Paragraphs 20-26 provide criteria against which to judge planning applications. These criteria have been taken into account in this report.
6. The former presumption in Circular 01/2006 in respect of temporary permission where there is a shortage of deliverable sites no longer applies at the present time.
7. The **National Planning Policy Framework** promotes a presumption in favour of sustainable development having regard to the soundness of the development plan and the policies therein. It confirms that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; they directly relate to the development; and are fairly and reasonably related in scale and kind to the development.
8. **East of England Plan 2008 (RSS)**
H3 Provision for Gypsies and Travellers
9. **South Cambridgeshire Local Development Framework Core Strategy 2007**
ST/5 Minor Rural Centres
10. **South Cambridgeshire Local Development Framework Development Control Policies 2007**
DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/4 Infrastructure and New Developments
DP/7 Development Frameworks
SF/10 Outdoor playspace, Informal Open Space and New Developments
NE/4 Landscape Character
NE/10 Foul Drainage
11. **South Cambridgeshire Local Plan 2004 (Saved Policies)**
CNF6 Chesterton Fen
12. **Gypsy and Traveller DPD (GTDPD)**
The "Issues and Options 2 Consultation July 2009" identified the site as an appropriate site option for consultation. The Council has recently determined through revisions to the Local Development Scheme that Gypsy and Traveller issues will now be addressed in the emerging single Local Plan review rather than a stand alone DPD. An Issues and Options Report Public Consultation was undertaken from 12 July to 28 September 2012 and is intended to take forward the work that has already been done in assessing potential sites. It is anticipated that the new Plan will not be adopted until at least the end of 2015.

13. The Council's **Gypsy and Traveller Community Strategy 2010-2013** recognises Gypsies and Travellers as the largest ethnic minority in the district (around 1% of the population). It sets out the Council's responsibilities to eliminate discrimination and promote good community relations.
14. Circular 11/95 (The use of Conditions in Planning Permissions) advises that planning conditions should be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. It also states that a second temporary permission should not normally be granted. A trial period should be set that is sufficiently long for it to be clear by the end of the first permission whether permanent permission or a refusal is the right answer. Usually a second temporary permission will only be justified where highway or redevelopment proposals have been postponed, or in cases of hardship where temporary instead of personal permission has been granted for a change of use.

Consultation by South Cambridgeshire District Council as Local Planning Authority

15. **Willingham Parish Council** recommends refusal of the application on the grounds of it being a retrospective application and sites should be fully reviewed. Previous objections regarding proportionality also apply.

Representations by Members of the Public

16. None were received.

Planning Comments

17. Having regard to information provided as part of this application, the applicant meets the definition of Gypsies and Travellers as set out in the Glossary at appendix 1 of the PPTS. The application therefore falls to be considered against planning policies regarding Gypsy and Traveller sites.
18. The main issues in this case are:
- The extent to which the application accords with the provisions of the development plan;
 - The general need for, and availability of, additional gypsy sites;
 - The applicants' personal needs and circumstances;
 - The case for a temporary permission should permanent permission not be granted; and
 - Human Rights Issues

The Development Plan

19. The requirement of RSS Policy H3 to significantly meet demand and provide at least 69 additional (permanent) pitches in the district between 2006 and 2011 was not met and fell short by about 15 pitches. However, while RSS Policy H3 remains part of the development plan, the Secretary of State's intention to revoke this is clearly a material consideration to be taken into account. Thus only very limited weight should be given to Policy H3. In addition PPTS now requires Local Planning Authorities to make their own assessment of need rather than relying on a regional target (see below).

20. Since the loss of Policy HG23 from the previous 2004 Local Plan, the current development plan does not contain any specific criteria-based policies against which to assess the impact of proposals for gypsy sites. While saved policy CNF6 allocates land for use as gypsy sites at Chesterton Fen, a number of previous appeal decisions have ruled out the possibility that there is still land that is suitable, available and affordable.
21. The Council therefore relies upon the 'General Principles' policies DP/1 - DP/3, albeit these need to be utilised in accordance with the advice in PPTS. This and numerous appeal decisions confirm that gypsy sites are often located in the countryside and that issues of sustainability should be seen in the round with a more relaxed approach taken to gypsies' normal lifestyle.
22. The principal concerns in this case are the impact on the character and appearance of the area and the capacity of the village to accommodate further permanent traveller sites.
23. The site lies at the junction of the Cambridgeshire Claylands and the Fens Landscape Character Areas and is well divorced from the eastern edge of the village to the west, where the nearest built form is the properties along Spong Drive. It forms the fourth pitch of a group of five to the southern side of Meadow Road. In its wider context, the local area as a whole forms three "rows" of pitches, with the application site being in the middle "row". The pitch directly north has permanent consent albeit personal to the existing occupier, whilst those to the east, west and south have temporary permission.
24. Given its location surrounded by existing pitches, there would be limited views if any of the application site itself from the public domain. The Issues and Options 2 Consultation July 2009, now withdrawn, described the group of pitches as having a "relatively low impact" on the surrounding landscape. Adding the additional pitch to this group would not alter this view. The application site would only become prominent in its own right if the other pitches were removed, along with their boundary fencing.
25. The sustainability of the site has also already been assessed as part of the background work for the then emerging site allocations policy. That concluded the site is relatively close to the edge of Willingham and is sufficiently close to enable pedestrian access to the services and facilities in the village, and is within 520m of a bus stop.
26. The desire to ensure that the scale of sites should not dominate Willingham remains an issue of significant concern to the Parish Council. While recent permissions in the village have mostly been on a temporary basis in recognition of a pending site allocations policy, this policy has not been delivered and given the lack of demonstrable evidence that undue pressure is being placed on village services, this argument is difficult to sustain.
27. In the event permanent permission is granted, the Committee will need to confirm that contributions would be required to meet the demand for public open space, sport and recreation facilities and other community facilities such as community centres and youth facilities. There is no set formula to calculate contributions where caravans are the accommodation. If permanent consent is granted, then the decision should be delegated to negotiate these contributions with the applicant.

The general need for, and availability of, additional gypsy sites

28. The Cambridge sub-Regional Gypsy and Traveller Accommodation Needs Assessment (GTANA) 2011 was published in October 2011. The GTANA has assessed a need for 67 additional pitches between 2011 and 2016, and a need for five extra pitches from 2016 - 2021. Further projected need has been calculated up until 2031. These findings were largely accepted by the Council's Housing Portfolio Holder on 13 June 2012 as part of the evidence base to support the Council's planning framework. The shortfall in pitches between 2011 and 2016 has been reduced by two and agreed as 65.
29. Since 2011, a total of 15 pitches with planning permission have been developed. A further private site of 26 pitches has been permitted but not yet completed. This leaves a total of 24 pitches (65 – (15 + 26)) for which permanent sites need to be identified for the period up to 2016. There are, however, currently 65 pitches across the district with temporary planning permission and while there can be no certainty which of these will be turned into permanent permissions, there is a reasonable expectation that some of these will be approved, thus further reducing the overall identified shortfall in pitches.
30. There are no other sites in the district where pitches are known to be vacant, available and suitable for the applicant. (While there are vacant sites at Smithy Fen, Cottenham this is an area now frequented solely by Irish Travellers). The two public sites at Milton and Whaddon have remained full with waiting lists of at least a year. However, The Council has secured HCA funding to refurbish the site at Whaddon which also provides for the addition of two new pitches. Members will also be aware of the recent decision regarding Mettle Hill in Shepreth.

The Applicant's Personal Needs and Circumstances

31. The applicant lives on the site with his partner, and their two daughters. Both daughters are registered at Willingham Primary School. All residents are currently registered at the doctors surgery in St Ives. The applicant considers himself local, having moved around Cambridgeshire for the majority of his life. He also has extended family in Cambridgeshire.

Conclusion

32. The site is not considered to cause harm to the surrounding countryside. The lack of suitable alternative sites and the family's general needs also carry weight in favour of the proposal, albeit their need for this particular site is not compelling. Nonetheless, given the lack of any identified harm and the likelihood of new sites becoming available in the foreseeable future, a permanent planning permission is appropriate.

Human Rights Issues

33. Refusal of permanent planning permission would lead to interference with the applicant's rights under Article 8 of the European Convention on Human Rights. This must, however, be balanced against the protection of the public interest in seeking to ensure needs arising from a development can be properly met, or that they do not prejudice the needs of others. These are part of the rights and freedoms of others within Article 8 (2). Officers consider

that refusal of permanent planning permission would not be proportionate and justified within Article 8 (2).

Recommendation

34. Approve, subject to the following conditions

- 1. This permission does not authorise use of the land as a caravan site by any persons other than gypsies and travellers as defined in Annex 1: Glossary of 'Planning policy for traveller sites (March 2012)'**

(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 use of the site needs to be limited to qualifying persons.)

- 2. 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.)

- 3. The site shall not be used for any trade or business purpose other than as a home base for light vehicles used by the occupants of the site for the purpose of making their livelihood off-site. In particular, no materials associated with such activities shall be stored in the open on the site.**

(Reason - In order to limit the impact of the development on the area's rural character and the residential amenities of the neighbours in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

- 4. No more than one mobile home (as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (as amended)), one touring caravan and one utility block, shall be stationed on the site at any one time.**

(Reason – To minimise the visual impact of the development on the surrounding area in accordance with policies DP/3 and NE/4 of the Local Development Framework 2007.)

- 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 in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

If Members decide infrastructure provisions are required, a further condition would be needed to ensure this provision.

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

- **Regional Spatial Strategy for the East of England**
- **Local Development Framework Core Strategy and Development Control Policies DPD**
- **National Planning Policy Framework**
- **Planning policy for traveller sites**
- **Planning file reference S2114/12/FL**
- **Gypsy and Traveller Needs Assessment Internal Review. Report to Housing Portfolio Holder 13 June 2012**

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