

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

6 March 2013

**AUTHOR/S:** Planning and New Communities Director

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**S/1971/12 - HISTON**

**Change of use from agriculture to two Gypsy/Traveller pitches comprising one static caravan and one touring caravan on each pitch – Land at Moor Drove for Mr Sam Willett**

**Recommendation: Refusal**

**Date for Determination: 28 November 2012**

**This Application has been reported to the Planning Committee for determination because the application relates to the provision of Gypsy / Traveller accommodation.**

### **Departure Application**

**To be presented to the Committee by Ray McMurray.**

#### **Site and Proposal**

1. Moor Drove is a farm road serving Beck Farm and an existing Gypsy site to the northeast that provides six plots. It is accessed via the Cottenham Road (B1049). Works to improve the junction with this road and signage have been implemented in accordance with the planning permission for the existing six plots. A group of farm buildings including the farmhouse at Beck Farm are located to the west, adjacent to the B1049.
2. The site, measuring 0.06 hectares (ha) 16m (width) x 40m (depth), is located at the western end of Moor Drove. It is a relatively flat area of land last used for agriculture. To the north the site is open to the remainder of this field; to the east it borders fields used for grazing horses, with a post and wire fence as the boundary marker; to the south a metal gate and a mix of hedge species provide an intermittent screen to the frontage and, to the west, a planted tree belt provides further screening from agricultural land beyond. To the north of the field in which the site is proposed is a drainage ditch.
3. The site lies within the Cambridge Green Belt and is adjacent to flood zones 2 and 3.
4. The full change of use application, dated 14 September 2012, seeks permanent permission for the principal of forming two gypsy / traveller pitches, each to accommodate one static caravan and one touring caravan. An amended location plan was received 19 December 2012 as the site had been wrongly identified by the agent. The application is supported by a flood risk assessment and a planning statement. No layout plan has been provided.

#### **Personal Circumstances**

5. The agent has submitted a statement that includes a summary of the applicants' personal circumstances. The proposed occupiers are Mr S and Mr J Willett, who are

the sons Mrs V Willett. At present both sons and their families live with their mother in a Council house in Orchard Road, Histon. All members of the family are Romani Gypsies. They have previously lived on the former Council site at Cottenham, and also at the Blackwell and Willingham sites. The families were made homeless when the Willingham site closed, and were put on the Council's housing waiting list. They were offered accommodation at Orchard Road, Histon, and the family has lived there ever since as they have nowhere else to go, until land became available at Moor Drove.

6. Both Mr S and Mr J Willett live a traditional nomadic lifestyle, regularly travelling away for periods of time to find work. They are now adults with young families and are keen to continue a traditional Romani way of life.
7. Both are on the Council's waiting list for a publicly-owned site but there is little prospect of sites becoming available. In any event, the agent considers it unlikely that one of the sons, who has Attention-Deficit Hyperactivity Disorder (ADHD), would be able to cope well with living on a large site, especially with neighbours he does not know.
8. Due to the lack of available pitches the family has been forced to occupy caravans in the grounds of their mother's home in Histon. The agent states that this situation is untenable for various reasons, not least having only one bathroom to serve three families.
9. Family One: this son has a wife and two children aged 3 years and 6 months. The wife has asthma, IBS and suffers from anxiety. She also has vitamin B12 deficiency requiring injections from her GP every 3 months. The son suffers from ADHD and does not cope well with living in the restricted environment he is currently in. The eldest daughter suffers from eczema and must be bathed with special creams on a regular basis.
10. Family Two: this son has a partner and a child, one year old. The partner suffers from asthma. They live in another caravan in the garden.
11. The families use the house as a dayroom. The single bathroom in the house serves all three families. This is very stressful.
12. The agent has drawn attention to the support of the SCDC Traveller Liaison Officer for their proposal as a solution to these accommodation issues.

### **Planning History**

*Planning applications relating to the application site:*

13. **S/1914/09/F:** Change of use of land to Gypsy / Traveller pitch (2 caravans) for Mr Sam Willett: Refused 25 January 2011 for the reasons:
  1. Inappropriate development in the Green Belt;
  2. Cumulative harm to the appearance of the countryside adjacent to an approved Gypsy site;
  3. These harms are not outweighed by the desire of the applicant and his family to live in a caravan.
14. **S/2035/08/F** Change of use of land for siting of touring caravan for residential use was refused on grounds of a) loss of openness to Green Belt, b) poorly related in terms of the settlement, c) high flood risk (no FRA had been submitted), d) unsuitable

drainage proposals, e) lack of very special circumstances to outweigh the harm caused to the Green Belt or other harm. The application did not make reference to Gypsies and such was not assessed as such.

15. An **Enforcement Notice** dated 22 March 2007 took effect on 1 May 2007. This required the removal of hardcore which was laid to facilitate the use of the land as a Gypsy site. No appeal was submitted.
16. An **Enforcement Notice** dated 11 February 2008 took effect on 15 March 2008. This required the removal of hardcore which was laid to facilitate the use of the land as a Gypsy site. No appeal was submitted.
17. A **High Court Injunction** was taken out on 14 December 2006 against Susan Loveridge, Sam Willett and persons unknown to prohibit the laying of hardcore, the stationing of caravans or use of the land for business storage.

*Planning applications relating to the existing Gypsy caravan site at 1 to 6 Moor Drove include:*

18. **S/2230/03/F** Siting of 6 Caravans, 6 Mobiles & 6 Day Rooms and Improvement to Access, refused on 14 January 2004.
19. **S/0647/06/F** Siting of 12 Caravans, withdrawn 25 May 2006.
20. **S/1895/07/F** Siting of 12 Caravans (retrospective application) was refused on 29 November 2007. An **appeal** was allowed on 3 September 2008, the Inspector having concluded that 'very special circumstances' had been demonstrated that outweighed the harm to the Green Belt by way of inappropriateness and other harm identified.
21. The very special circumstances that were identified by the Inspector were specific to the appellant and others on the site. They included the immediate needs of the appellants, the lack of alternative sites, the need to access medical care, the need for children on the site to continue their education, the need to live near land used by the appellant to graze his horses, and the substantial hardship and costs the appellants would face if forced to leave the site.
22. The permission was granted as permanent consent for six plots and was made personal to the appellant and other site residents.
23. **S/1968/08/F** Utility Building (Retrospective Application) at 4 Moor Drove, approved on 21<sup>st</sup> July 2009.
24. An **Enforcement Notice** dated 11 January 2010 took effect on 15 February 2010, following refusal of planning application **S/1970/08/F**. This related to the parcel of land between the existing site and the currently proposed site. It required the cessation of parking of commercial vehicles, including when laden with scrap metals.
25. An **appeal** against the enforcement notice was dismissed on 6 December 2010. The appeal Inspector determined that the parking of a large commercial vehicle on the land was an encroachment into the countryside and inappropriate in the Green Belt, but commented that the actual effect was 'slight because of the small-scale nature of the commercial intrusion and the close visual relationship to the caravan site'. The effect on the amenity of the occupiers of Beck Farm was considered to be unacceptable due to the noise of the passing of the heavy goods vehicle laden with scrap metal almost daily. The Inspector attached 'substantial weight' to the harm to

the openness of the Green Belt and the living conditions of the occupiers of Beck Farm and their farming enterprise.

## **Planning Policy**

### **National Planning Policy**

26. **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 LPAs to have due regard to the protection of local amenity and the local environment. Policy E relates to traveller sites in the Green Belt. It indicates that traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Policy H states that when determining applications, which should be done in accordance with the development plan, LPAs should strictly limit new traveller site development in open countryside away from existing settlements or areas allocated in the development plan. Sites should not place an undue pressure on local infrastructure.
27. The PPTS has given notice of a policy for temporary planning permission for traveller sites. With effect from 27 March 2013, if a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable sites; this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission.
28. PPTS has superseded the advice contained in Circular 01/2006 'Planning for Gypsy and Traveller Caravan Sites'.
29. 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 attached 'great importance' to Green Belts. 'Substantial weight' should be given to any harm to the Green Belt. Very special circumstances to justify approval will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
30. Local Planning Authorities should plan for a mix of housing based on the needs of different groups in the community.
31. The NPPF 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.
32. DCLG "**Designing Gypsy and Traveller Sites: Good Practice Guide**"(May 2008)
33. Advice on the use of temporary permissions is contained in paragraphs 108 – 113 of **Circular 11/95, The Use of Conditions in Planning Permission**. 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 available 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.

34. It advises that 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 as a caravan site. In some cases, it may not be reasonable to impose certain conditions on a temporary permission such as those that require significant capital outlay.

### **District Planning Policy**

35. **LDF Adopted Core Strategy Development Plan Document (2007)**  
**ST/1 (Green Belt)** A Green Belt will be maintained around Cambridge which will define the extent of the urban area.
36. **South Cambridgeshire Development Control Policies Development Plan Document (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). Outside urban and village frameworks, only development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside will be permitted.

**Green Belt Objectives:** **GB/b** - To maintain the purposes and openness of the Cambridge Green Belt. **GB/c** - To preserve the unique setting of the city by maintaining the character and appearance of the surrounding villages.

**GB/1** (Development in the Green Belt) There is a presumption against inappropriate development in the Cambridge Green Belt as defined on the Proposals Map.

**GB/2** (Mitigating the Impact of Development in the Green Belt)

1. Any development considered appropriate within the Green Belt must be located and designed so that it does not have an adverse effect on the rural character and openness of the Green Belt.
2. Where development is permitted, landscaping conditions, together with a requirement that any planting is adequately maintained, will be attached to any planning permission in order to ensure that the impact on the Green Belt is mitigated.

**Housing Objective:** **HG/a** - To ensure the provision of a range of housing types and sizes, including affordable housing, to meet the identified needs of all sectors of the community.

**SF/10** (Outdoor Playspace, Informal Open Space, and New Developments)

**SF/11** (Open Space Standards)

**NE/4** (Landscape Character Areas) Development will only be permitted where it respects and retains or enhances the local character and distinctiveness of the individual Landscape Character Area in which it is located.

## **NE/11 Flood Risk**

### **Gypsy and Traveller DPD (GTDPD)**

37. The Council has determined through revisions to the Local Development Scheme that Gypsy and Traveller issues will be addressed in the emerging single Local Plan review rather than a stand-alone DPD. Issues and Options Report Public Consultations have been undertaken 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.
38. An updated **Gypsy and Traveller Accommodation Needs Assessment** was considered by the Housing Portfolio Holder on 13th June 2012 and accepted. This acknowledged an unmet need for pitches in the District. The assessment shows there to be a projected future need for 20 pitches to 2031, in addition to a backlog of 65 pitches between 2011 and 2016.
39. The current position is that, when unimplemented/ completed pitches with planning consent are taken into account, a net shortfall of 24 permanent pitches to 2016 remains. Temporary consents apply on 63 existing pitches and there is a reasonable expectation that some of these will be granted permanent planning permission in the future, so reducing the overall identified shortfall. The two public sites at Whaddon and Milton have remained full with waiting lists.
40. 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.

### **Consultations**

41. **Histon and Impington Parish Council** – Recommendation of refusal. The Parish Council states that:
42. 'The Parish Council notes that a previous similar application was turned down by the District Council in 2010 (S/1914/09/F) on the basis that "the desire of the applicant and his family to live in a caravan does not outweigh the presumption against development within the Green Belt given that they are currently adequately housed. Nor does the desire of the applicant and his family to live in a caravan justify the provision of a site in this location". The Parish Council believe that there is no planning justification for reversing this decision and any issue arising on adequate housing provision should be dealt with as a housing issue. The precedent for allowing individuals, who feel that they are inadequately housed or require alternative housing to build in the Green Belt, can only harm the Green Belt as a concept.'
43. 'The proposed occupiers of the site have been residing at Orchard Road, Histon for some 10 years, and have been in communication with SCDC Affordable Homes regarding their housing need since January 2011. Letters supplied with the application in the Planning Statement Appendices, demonstrate that SCDC were aware of the families health needs, yet the option for re-housing them in a home more suitable for their needs was not discussed, even as temporary measure noting their health issues. Moving the proposed occupiers from Orchard Road to Moor Drove would not change the health issues stated in this application, restriction and inadequacy for toilet/bathroom provision would still apply, it may even be considered as worsened.'

44. 'The need to access medical care and children to schools will not change, or be improved by approving this application.

*Green Belt*

45. 'Noting application S/1914/09/F – delegated refusal. It is thought the following comments raised in this decision notice still apply:
46. 'The change of use of this land for the use of Gypsy/Traveller pitches is inappropriate development in the Green Belt, which would result in a loss of openness to the Green Belt – (SCDC Development Control Policy DPD Gb/b to maintain the purposes and openness of the Cambridge Green Belt.)
47. 'Use of land as a gypsy caravan site would harm the rural character and appearance of the surrounding countryside, which could not be adequately compensated by landscaping. The harm caused would be accentuated by the nearby gypsy site as a result of the cumulative impact. Contrary to SCDC Development Control Policy DP/2 and DP/3
48. 'Additionally, the purposes of Green Belt land are to safeguard the countryside from encroaching and prevent neighbouring villages from merging. This site lies within Green Belt land between Histon and Cottenham; this proposed development will inevitably diminish this gap between the two villages.

*Gypsy and Traveller Site Policy*

49. 'The attempt to link this application with the current permission for the siting of caravans at Moor Drove should be resisted for a number of reasons, given the special nature of the Inspector's decision in allowing the appeal in July 2008 for the retention of the gypsy caravan site for six families.
50. 'The District Council does not have a current policy on the development of sites within the District. However, the Parish Council has liaised with the District Council over a number of years over emerging policies that have been delayed due to changes in Government and Regional Policies. In these communications and draft policy plans, the District Council in looking at suitable sites for provision of pitches has not identified this area for potential sites or considered it desirable to expand the current Moor Drove site.
51. 'A separate gypsy and traveller site in this area would inevitably lead to further expansion of pitches and the prospects of coalescence and sprawl with Moor Drove.
52. 'Additional concerns raised by Parish Council include:
- a) Although the development is not visible from public vantage points, this does not make it acceptable in the countryside. It could be repeated too often with resultant harm to the character of the countryside
  - b) Harm at a local level to openness of Green Belt
  - c) Concerns of domestic paraphernalia, and its harm to Green Belt
  - d) Noting the proposed occupiers "*live a traditional nomadic lifestyle, regularly travelling away for periods of time to find work*" why are they looking for a permanent site?

53. ‘In conclusion, given that they are currently housed, the desire to live in a caravan does not outweigh the harm to the Green Belt. The Parish Council can see no ‘very special’ circumstances that should allow for this application to be approved.
54. ‘If the District Council are minded to make a recommendation of Approval, the Parish Council would like the following conditions applied covering:
- a) Use permitted and occupation limited to those stated in application
  - b) When premises cease to be occupied by those named in previous condition, the use permitted shall cease, and all caravan, structures, materials and equipment brought on to the land in connection to be removed
  - c) No commercial activities to take place on the land
  - d) No commercial vehicles over 3.5 tonnes to be stationed, parked or stored on the site
  - e) Landscaping scheme for additional planting
55. **Environmental Health Manager**- No objection to grant of planning permission, subject to conditions of the size and siting of caravans and structures being submitted. No more than two caravans per pitch (only one to be static) shall be sited at any one time. and not more than one commercial vehicle (not exceeding 3.5 tonnes). No commercial activity should be allowed. A note is recommended that a site licence application under the Caravan Sites and Development Control Act 1960 would be required in the event of a permanent planning permission being granted.
56. **Gypsy & Traveller Site Team Leader** – States: ‘Whilst their living conditions are not ideal, they are being allowed to stay with their families at their mother’s home, although this could potentially present problems with regards to the tenancy were this to continue long-term. Were this to happen, they could potentially find themselves homeless.
57. ‘Mr J Willett’s partner often has to spend the week with her parents so the family is separated as there is not enough room for them all. Mr J Willett has to be local as he works for the family business, so stays Monday – Friday at his mother’s home.
58. ‘Mr S Willett needs to be close to his family as his ADHD can be problematic and his family are there to support him when he needs it. He would not get along very well on a large site or amongst people who did not know him.
59. ‘Mrs Willett suffers from the additional pressure and worry of the situation. The household comprises five adults and children. Mr J Willett and his wife currently have to live apart Monday to Friday as he works in the area but there is not enough room to accommodate everyone during the week.
60. ‘Tension within the family is evident, Mr S Willett’s ADHD is affected by having to live so closely and having no space of his own.’
- Housing Services Officer** – states:
61. ‘From a housing perspective we were informed by Mrs Willett (mother) that Mr J Willett (son) moved out of Orchard Road in February 2012 which left Mr S Willett (father), Mrs Willett (mother) and Mr S Willett (son) with his partner and their daughter living at the property. Therefore according to our records they are not overcrowded. (5 people - 2 couples and 1 child in a three bedroom house)

62. 'I cannot find that any of the parties mentioned on the planning application are currently seeking housing through our Homelink scheme. It may be that they do not wish to be rehoused in a Council property.'
63. 'In December 2008 permission was given for two caravans to be parked at the rear of the house for an initial period of 12 months which were specifically for storage purposes only – the permission stated non-residential use. Incidentally this has not been reviewed or renewed. We are not aware nor have been informed that they were being used as living space. We will obviously now investigate and we could take legal action against the tenancy if we find this to be the case and if they continue to use it for residential purposes without our permission.'
64. **Local Highway Authority** - No objection.
65. **Environment Agency** – Notes that the site is predominantly in flood zone 1, low risk, adjacent to flood zones 2 and 3, medium and high risk respectively. The accompanying FRA is considered appropriate to the scale and nature of development. No development should be allowed within the floodplain which is directly beyond the site's northern boundary. It recommends that the Council's Emergency Planner is consulted re. An evacuation plan. It goes on to recommend a planning condition concerning a foul water drainage scheme and informatics relating to surface water disposal and septic tanks

### **Representations**

66. An objection has been received from the occupier of Beck Farm, Cottenham Road. The concerns raised are:
- Further development will exacerbate harm to the Green Belt.
  - The adjacent appeal in 2008 was granted in part because the plots were already occupied and no other site was offered if the occupants were evicted. Appeal decisions in 2005 and 2008 acknowledged that the vehicular use of Moor Drove gave rise to noise disturbance to the occupiers of Beck Farm.
  - The limitation on vehicle size imposed by the Inspector in 2008 has not been applied.
  - The increase in traffic noise can be heard within the house itself. There will be more traffic if the application is allowed. This will breach the occupier's Human Rights (Article 8).
  - The writer suffers from antisocial behaviour from dogs worrying livestock and rubbish being thrown into the ditch and land. This may only increase.
  - If consent were to be granted this would set a precedent for further enlargement of the site. The number of gypsy/traveller pitches is already disproportionate to the number of settled residents i.e. one household. Any more would increase the overbearing impact.
67. The owners of land adjacent to the site have objected on the grounds that approval would provide a precedent for further similar consents. Concern has been raised by another landowner that the application as originally submitted identified the wrong site.
68. Letters of support have been received from two South Cambridgeshire residents (not residents of Histon) who refer to the desperate need to find suitable housing for the applicant.

## **Planning Comments**

### *Character and appearance*

69. The site is not readily apparent to view from Moor Drove or Cottenham Road, however this does not mean that it is acceptable development in the countryside. It could be repeated too often with resultant harm to the character of the countryside. The presence of six Gypsy / Traveller plots to the north east and the resultant arrangement of caravans, sheds, fences, hardstanding and vehicles has already contributed to a weakening of the appearance of the countryside. The cumulative impact of both developments would result in material harm to the character and appearance of the countryside in the vicinity of Moor Drove. There is scope for further landscaping of the site but since there are open views across the field between the existing and proposed sites this would make effective screening difficult to achieve for several years without the use of visually intrusive fencing. The proposal is considered to be contrary to Policies DP/2, DP/3 and NE/4.

### *Cambridge Green Belt*

70. The PPTS, at Policy E, is unambiguous in its advice that traveller's sites in the Green Belt are inappropriate development, and in the NPPF that this concern should carry substantial weight. The development of the site would contribute to the erosion of the gap between Histon and Cottenham, and would reduce openness, which would be contrary to two of the purposes of the Green Belt designation.

### *Sustainability*

71. The site performs acceptably against the locational criteria within the Gypsy and Traveller Development Plan Document preparation, which, although superseded, will inform the Local Plan Options consultation and eventual policy. The site is within an acceptable walking distance of schools, shops and other local services. There is a bus route along the main road providing access to alternative modes of travel if required. While not ideally located in relation to the built framework it is reasonably sustainable in terms of its location.
72. Moor Drove was not considered as an option in the (previously emerging) Gypsy and Traveller Development Plan Document due to the environmental constraint of being located within the Green Belt.

### *Personal circumstances*

73. The family circumstances are documented above. The proposal represents one solution to the difficulties of the size of the existing accommodation, but according to the Housing Services Officer the family is not looking for alternative housing through the Homelink scheme. The site is not better placed to access local services and facilities than the family's existing location in Histon.

### *Residential amenity*

74. The occupier of Beck Farm has expressed concern about the potential noise disturbance from additional traffic generated by the development. If approved, conditions could be attached to limit the size of any vehicle kept at the site, as recommended by the Environmental Health Officer. Subject to this restriction, it is not considered that undue noise disturbance would be caused by the limited number of additional traffic movements generated. The caravan on the existing Plot 1 Moor

Drove is located adjacent to the access track, but the level of disturbance to this plot is not considered likely to be unacceptable for similar reasons.

*Grant of planning permission*

75. Members will wish to consider the appropriateness of granting planning permission. In considering this option the following matters should be taken into account:
  76. The delivery of this site would help to meet some of the outstanding need for permanent pitches identified in the current Gypsy and Traveller Accommodation Needs Assessment. This is a material consideration, and from 27 March 2013 this will be a *significant* material consideration (as introduced by the PPTS) if Members are minded to grant temporary planning permission.
  77. In the event that permanent planning permission is granted on this site a condition should be attached to limit occupation to the applicants and family and to the specific amount of accommodation applied for. In the future there may be demand from existing members of the family for additional accommodation as they become older and their requirements increase. In the event of this demand arising in the future any application would be dealt with in accordance with the provisions of the development plan at that time and other relevant factors that would apply.

*Human Rights Issues*

78. 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 approval of permanent planning permission at the present time would not be proportionate and justified within Article 8 (2).

*Conclusion*

79. Members will wish to balance the factors in favour of the application against the material harm that the development would bring about. The merits of the application include the benefit to the existing accommodation needs of the family, and the contribution to the provision of Gypsy / Traveller sites in the district, where there is an identified shortfall. The harms are to the openness of the Green Belt and appearance of the countryside. Members will need to consider to what degree, if any, the precedent set by the appeal Inspector in allowing the retention of six plots on a personal basis in September 2008 should influence consideration of the current proposal.
80. The protection of the Green Belt around Moor Drove carries great importance, as indicated in the NPPF. This issue was given significant weight in both of the cited appeals on Moor Drove, notwithstanding that the site is screened from publicly accessible viewpoints. The grant of a further planning permission would provide a second precedent for the weakening of the protection of the Green Belt around Moor Drove.
81. The family circumstances, including accommodation pressures, are noted but are not considered to be so incapable of resolution by other means as to amount to very special circumstances. The contribution to the Gypsy /Traveller needs of the district is not a very special circumstance as the site was discounted from inclusion in the

(previously emerging) Gypsy and Traveller Development Plan Document. On balance, it is not considered that very special circumstances have been demonstrated to set aside the presumption against inappropriate development in the Green Belt.

82. The harm to the character and appearance of the countryside is considered to be significant due to the lack of significant screening on the southern and western boundaries of the site at present and the cumulative visual impact taking into account the proximity of the development at Plots 1 to 6 Moor Drove.

### **Recommendation**

83. Refuse for the following reasons:

1. The use of land as a gypsy caravan site is by definition inappropriate in the Green Belt. The use would result in harm to the openness of the Green Belt and, by doing so, prejudice the purposes of the Green Belt by reason of its encroachment and coalescence of settlements by diminishing the gap between Histon and Cottenham. The proposal is contrary to Core Strategy Policy ST/1 and Policy GB/1 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007.
2. The use of the site as a Gypsy caravan site would harm the rural character and appearance of the countryside that could not be adequately compensated for by landscape planting. The harm caused would be accentuated by the nearby gypsy caravan site at Nos 1 to 6 Moor Drove, as a result of the cumulative impact. The proposal is therefore contrary to Policies DP/2, DP/3 and NE/4 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007.
3. The Local Planning Authority has balanced the harm identified in Reasons 1 and 2 against the personal circumstances advanced on behalf of the applicant. However the desire of the applicant and his family to live in caravan accommodation, and the shortfall in Gypsy / Traveller provision in South Cambridgeshire District, does not outweigh the presumption against inappropriate development in the Green Belt, and harm to the countryside setting of Histon.

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

- National planning guidance as indicated in the report.
- LDF Adopted Core Strategy Development Plan Document (2007)
- South Cambridgeshire Development Control Policies Development Plan Document (2007)
- Gypsy and Traveller DPD (cancelled)
- Gypsy and Traveller Needs Assessment. Report to Housing Portfolio Holder 13 June 2012
- Gypsy and Traveller Community Strategy 2010-2013
- Planning File refs S/1971/12/FL, S/1914/09/F; Enforcement Notices PLAENF. 2044, PLAENF. 3851; planning appeal references APP/W0530/A/08/2067087; APP/W0530/C/10/2122716.

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