

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

7 May 2014

AUTHOR/S: Planning and New Communities Director

Application Number: S/0863/13/FL

Parish(es): Willingham

Proposal: Use of land as a gypsy traveller pitch, with caravan, amenity block, stable block and 2 cabins

Site address: 3 Cadwin Field, Scholes Road

Applicant(s): Miss Esther Loveridge

Recommendation: Approve with conditions

Key material considerations: Impact upon the character and appearance of the area and sustainability

Committee Site Visit: No

Departure Application: No

Presenting Officer: John Koch

Application brought to Committee because: The officer recommendation is contrary to the views of the Parish Council

Date by which decision due: 19 December 2013

Planning History

1. **S/1919/08/F** – Change of use of land to site mobile home and amenity portacabin – Allowed on appeal for temporary period of three years

Planning Policies

2. 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.
3. **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.

4. Paragraph 10 states that where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless come forward. Paragraph 25 states that if a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable sites this should be a significant material consideration when in any subsequent planning decision when considering applications for the grant of temporary planning permission.

South Cambridgeshire LDF Core Strategy DPD, 2007

5. **ST/5** Minor Rural Centres

Adopted Local Development Framework, Development Control Policies

6. **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

Draft Local Plan

7. **S/10** Minor Rural Centres
S/7 Development Frameworks
H/19 Provision for Gypsies and Travellers
H/21 Proposals for Gypsies and Travellers on unallocated land outside Development Frameworks
H/22 Design of Gypsy and Traveller Sites

Consultations

8. **Willingham Parish Council** - Recommend refusal due to the increase in numbers. If permission is granted the Parish Council would ask that this must be a named permission.
9. The **Local Highway Authority** has no objection.
10. The **Environment Agency** has no objection in principle. If foul water drainage is not to the public foul water sewer, an appropriate septic tank and soakaway system must meet the relevant BS Standard. Informatives are also suggested in respect of pollution control measures.
11. The **Traveller's Liaison Officer** is keen to see the application determined without further delay to give the family certainty as to its future.

Representations

12. None received.

Planning Comments

13. The application site lies within the countryside to the east and near the edge of Willingham. It is part of a line of 6 gypsy pitches off the end of Schole Road known as nos. 1, 2, 3, 5 and 6 Cadwin Field. The site itself is generally well screened from the public realm with boundary fencing and a row of conifers along much of the western boundary. It currently contains a caravan, amenity block, two portable cabins and a stable building. The stable building is 3.25 m high to the ridge and constructed in timber under a composite slate roof. Foul water drainage is by means of a septic tank, there being no available connection to a public foul water sewer.
14. The current lawfulness of the sites along Cadwin Field is as follows:
 - 1 Cadwin Field – Temporary planning permission expired on 18 August 2012. Permission not renewed despite officer requests to do so.
 - 2 Cadwin Field – Permanent planning permission granted on appeal on 3 October 2013. For named occupants on the basis that the inspector found some of the occupants were not gypsies as defined in planning policy.
 - 3 Cadwin Field – Temporary planning permission granted on appeal on 18 August 2009 for three years. The reason for this was to allow a review of sites following the then pending Gypsy and Traveller DPD. This has since been abandoned in favour of policies to be adopted as part of the emerging Local Plan.
 - 4 Cadwin Field – Vacant
 - 5 Cadwin Field – Temporary planning permission expired on 1 November 2011. Permission not renewed despite officer requests to do so. The site is now understood to be vacant.
 - 6 Cadwin Field – Permanent planning permission granted by the Planning Committee by decision notice dated 4 October 2012. This is not for a named occupant.
15. Having lived on the site since 2008, the applicant seeks a permanent planning permission. No additional development beyond that described in the application is required. Her gypsy status has already been confirmed through the earlier appeal decision.
16. As such, the main issues in this case are:
 - The extent to which the application accords with the provisions of the development plan - principally the impact on the character and appearance of the area; the sustainability of the location; and the capacity of Willingham to accommodate further traveller sites
 - The general need for, and availability of, additional gypsy sites in the district.
 - The personal needs of the applicant
 - Human Rights issues

The Development Plan

17. 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 still exists and 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 at Chesterton Fen that is suitable, available and affordable..
18. 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.

19. While the site is clearly in the countryside, it is very much self-contained. It is not otherwise designated or protected for its landscape value or contribution to the setting of the village. All the relevant boundaries are generally well screened such that use of, and activity on, the site goes unnoticed. The pitch is of an appropriate size and is satisfactorily laid out for the benefit of the current occupants. Adequate space for car parking and refuse provision can be provided. There is no overall harm to the character and appearance of the area. This is consistent with the approved pitches at 2 and 6 Cadwin Field.
20. PPTS states that the scale of sites should not dominate the nearest settled community. Clearly in terms of its physical impact, that would not be the case here, especially as permission already exists for use by caravans on neighbouring sites. In sustainability terms, 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.
21. As ever, there are concerns from the parish council that Willingham lacks the capacity to accommodate additional sites and that it already has its "fair share" of sites. It is true that Willingham has witnessed an increase in demand for sites in a relatively short period of time and this understandably continues to be an issue of significant concern to the parish council. However, there remains a lack of demonstrable evidence that undue pressure is being placed on village services, to an extent that this application should be refused for these reasons. Neither is there any suggestion that occupation would prejudice peaceful and integrated co-existence between the site and the local community, or that the site and its occupants would be deliberately isolated from the rest of the community.
22. Members are reminded that this issue has been tested at appeal on more than one occasion and not supported by inspectors. The most recent example is the appeal decision issued on 14 March 2014 for three new pitches at Alwyn Park, Over Road, Willingham. The inspector not only dismissed the Council's case on this ground, but also awarded costs to the appellant as the Council had been unable to substantiate its concerns in this respect. A summary of this case is provided in the item on Appeals against planning decisions and enforcement action elsewhere on the agenda. In the current case, the applicant has been living on the site for some 6 years and their occupation would not be new compared to the proposed site at Alwyn Park.
23. In the circumstances, the use of the site is considered to be suitable on landscape and wider sustainability grounds and subject to the conditions set out below is in accordance with the development plan.

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

24. 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. 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.
25. The number of pitches now approved exceeds of the assessed need for the period up to 2021. In spite of this, however, the two public sites at Whaddon and Milton are full with infrequent turnover of pitches. While two extra pitches are to be provided at Whaddon

when the site is refurbished, the Council currently has several applications on the waiting list for its two sites. There are still sites in the district that have temporary or an expired temporary planning permission. There are no other sites in the district where pitches are known to be vacant, available and suitable for travellers.

26. Thus while the need arising from the GTANA has been met, approval of the application site would help reduce the needs of this particular family. Critically, given no harm has been identified from the use of the site, officers consider that the lack of any perceived need for additional sites would not in itself be a reason to refuse the application. This view is consistent with paragraph 10 of the PPTS. It is also consistent with the Alwyn Park inspector's view in the recent appeal decision.

Personal needs and circumstances

27. In support of her application, the applicant states that since 2008 her family have been able to enjoy a settled life in the village. The land has been improved from effectively being a piece of wasteland to now being levelled off, fenced and gravelled. There are five children, three of whom attend Willingham primary school. One is to go onto secondary school later this year. The family are registered at the local doctor's surgery. Her partner has serious health issues, but these have improved since being on this site. His health would be affected if they were forced to move.

Human Rights

28. 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).

Conclusion

29. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, officers consider that the development accords with the development plan and no material considerations have been identified to suggest the application should be refused. Indeed, the permanent approval for plots 2 and 6 lends further support to permanent permission now being granted. While the parish council has suggested it be tied to a named occupant, this would be inconsistent with the Committee's decision in respect of 6 Cadwin Field. It is also different than the situation on plot 2 where gypsy status for all of the occupants was in question.

Recommendation

30. Approve, subject to:

Conditions

- 1. The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 Site Plan; SCDC1 (1:100 site layout)**
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
- 2. 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.)

3. **No more than two caravans, as defined in the Caravan sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than one shall be a static caravan or mobile home) shall be stationed on the site at any one time.**

(Reason - To minimise the impact on the character of the surrounding area 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 - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)

5. **No more than one commercial vehicle per pitch shall be kept on the land for use by the occupiers of the caravans hereby permitted, and it shall not exceed 3.5 tonnes in weight.**

(Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 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 with the local planning authority**

(Reason - To minimise the impact on the character of the surrounding area in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

Informatives:

As requested by the Environment Agency

Background Papers

Where [the Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#) require documents to be open to inspection by members of the public, they must be available for inspection: -

- (a) at all reasonable hours at the offices of South Cambridgeshire District Council;
- (b) on the Council's website; and
- (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

The following list contains links to the documents on the Council's website or elsewhere at which copies can be inspected.

- National Planning Policy Framework
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- Local Development Framework, Development Control Policies, Adopted July 2007
<http://www.scams.gov.uk/content/local-development-framework>
- South Cambridgeshire Local Plan, Proposed Submission July 2013
<http://www.scams.gov.uk/localplan>
- Planning File Ref: S//863/13/FL

<http://plan.scambs.gov.uk/swiftlg/apas/run/wphappcriteria.display>

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