

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

1 October 2014

AUTHOR/S: Planning and New Communities Director

Application Number:	S/1577/14/FL
Parish:	Willingham
Proposal:	Use of the land for the permanent siting of one gypsy mobile home, day room, two caravans and lean-to horse shelter and stables
Site address:	1 Cadwin Lane, Off Schole Road
Applicant(s):	Miss Esther Smith
Recommendation:	Approval
Key material considerations:	<ul style="list-style-type: none">• 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;• Human Rights Issues• Open space and indoor community infrastructure
Committee Site Visit:	None
Departure Application:	Yes
Presenting Officer:	Andrew Winter
Application brought to Committee because:	The recommendation of the Parish Council conflicts with that of Planning Officers
Date by which decision due:	28 August 2014

Planning History

1. The land has been subject to two temporary permissions (**S/1653/05/F & S/0324/10/F**) for use as a gypsy site comprising one mobile home and one touring caravan. The latter permission also included temporary use of the land for the siting of a day room and lean-to horse shelter. Temporary consent was granted to enable the local planning authority to properly assess the impact of traveller development on Willingham, along with the adoption of a Gypsy and Traveller Development Plan Document.

Planning Policies

2. National Planning Policy Framework 2012

Planning Policy for Traveller Sites (PPTS) 2012

3. South Cambridgeshire Local Development Framework Core Strategy 2007

ST/5 - Minor Rural Centres

4. South Cambridgeshire LDF Development Control Policies DPD, 2007:

DP/1 Sustainable Development

DP/2 Design of New Development

DP/3 Development Criteria

DP/4 Infrastructure in New Developments

DP/7 Development Frameworks

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

SF/11 Open Space Standards

NE/4 Landscape Character

NE/10 Foul Drainage

5. South Cambridgeshire Local Plan 2004 (Saved Policies)

CNF6 Chesterton Fen

6. South Cambridgeshire LDF Supplementary Planning Documents (SPD):

District Design Guide SPD – Adopted March 2010

Landscape in New Developments SPD – Adopted March 2010

7. Draft Gypsy and Traveller DPD

The decision to no longer produce a separate Gypsy & Traveller DPD was made at the Northstowe & New Communities Portfolio Holder Meeting on 25 January 2012. The preparatory work already undertaken for the Gypsy & Traveller DPD has now being used to inform the preparation of the Local Plan rather than a separate DPD.

8. Proposed Submission Local Plan (July 2013)

H/19 Provision for Gypsies and Travellers and Travelling Showpeople

H/21 Proposals for Gypsies, Travellers and Travelling Showpeople Sites on Unallocated Land Outside Development Frameworks

S/7 Development Frameworks

S/10 Group Villages

SC/7 Outdoor Playspace, Informal Open Space, and New Developments

SC/8 Open Space Standards

Consultations

9. **Parish Council** – recommends approval of a temporary siting only: “Willingham Parish Council recommended refusal [of a permanent consent] on the grounds that Willingham already has a disproportionate number of traveller sites.”

10. **Local Highway Authority** – No objections

Representations

11. The use of the site is currently unauthorised due to the expiry of planning permission S/0324/10/F and the application is submitted retrospectively.

Planning Comments

12. The main issues in this application 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;
 - Human Rights Issues
 - Open space and indoor community infrastructure

The extent to which the application accords with the provisions of the development plan

13. The only policy in the Development Plan concerned with the provision of gypsy and traveller sites is saved Policy CNF6 of the adopted South Cambridgeshire Local Plan, which states that the expansion of existing residential caravan sites or the sporadic siting of individual caravans will not be permitted except for an area on the west side of Chesterton Fen Road. Aside from this, Policy DP/7 of the DCP DPD (2007) restricts development outside of village frameworks to that for agricultural, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside. Given the limited scope of Policies CNF6 and DP/7, there is reliance upon the 'General Principles' Policies DP/1 - DP/3, albeit these need to be utilised in accordance with the advice of national policy - 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.
14. The site is set between existing plots. The site assessment undertaken for the Issues and Options 2 Consultation (Gypsy and Traveller DPD) exercise in 2009 commented that "the site lies within an area with a village edge character, rather than the wider fen landscape further from the village. Due to the extensive planting on the site boundaries wider landscape impacts from the Cadwin Lane pitches are limited." In the circumstances, the continued use of the site is considered to accord with Policies NE/4, DP/2 and DP/3 that seek to preserve or enhance the character and appearance of the local area and countryside and to protect landscape character.
15. The sustainability of the site has also already been assessed as part of the background work for a site allocations policy. That has concluded the site is close to the edge of Willingham, and is sufficiently close to enable walking access to the services and facilities of village. The site is within 700m of an hourly public transport service. The needs of the site are already being met by local services, including the local primary school. Schole Road is a bridleway, but the pitches do not impact on use of the route. Although the road has a rough surface in places it is capable of accommodating the development.
16. Policy DP/1 requires development to contribute to the creation of mixed and socially inclusive communities and provide for health, education and other social needs of all sections of the community. At present, there are 8 permanent pitches along Schole Road and 13 permanent pitches along Meadow Road to the north (see Appendix A).

As noted by an Inspector for in a 2013 appeal at 2 Cadwin Lane (APP/W0530/A/12/2184929):

“Although there are groupings of gypsy development along both Meadow Road and Schole Road, the combined size of the sites on the east side of Willingham is relatively modest in comparison with the size of the settled community [approx. 3,500]. Moreover, although the appeal sites can be reached on foot from the settlement, and the others are at a similar distance, they are all set beyond the edge of the built-up area, and they do not present an overbearing physical presence. I conclude that, taking into account of the appeal proposals, the scale of gypsy and traveller sites would not dominate the settled community of Willingham, and none of the proposals would conflict with Policy C of PPTS.”

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

17. The draft Local Plan identifies need for at least 85 permanent gypsy and traveller pitches between 2011 and 2031. Government policy requires local planning authorities to maintain a five year land supply of travellers sites, in a similar way to housing, and identify deliverable sites to meet the needs to meet identified for the first five years. Between January 2011 and May 2013, the Council had granted or resolved to grant planning permission for 72 pitches. In addition, a site at Chesterton Fen Road for 26 pitches, on land identified for Gypsy and Traveller pitches in the South Cambridgeshire Local Plan 2004, has commenced construction, with a number of pitches now occupied. Therefore it has been argued that sufficient sites have come forward through windfall planning applications to meet the identified need. The draft Local Plan does not propose any further allocations.
18. Notwithstanding the above, the aforementioned appeal at 2 Cadwin Lane concluded that there were misgivings about the robustness of the Gypsy and Traveller Accommodation Needs Assessment (GTANA) and its assumptions, leading to a serious underestimate of the need for additional pitches. The Inspector here stated that based on the Council's waiting lists for public sites, the number of unauthorised pitches and the temporary planning permissions in place present a clear need for additional gypsy and traveller accommodation in South Cambridgeshire, which carries significant weight relative to PPTS.

Prematurity

19. Should permanent consent be granted in this instance it would not result in an unduly large addition to the accommodation stock that would in turn predetermine decisions about the allocation of gypsy sites in the emerging Local Plan. Consequently, there is not considered to be a strong reason why the development would prejudice the drat Local Plan.

The applicant's personal needs and circumstances

20. The site is occupied by the applicant, her husband and her six children, who have resided on the site for approximately nine years. The whole family are registered at Willingham Doctors Surgery. Four of the children attend Willingham Primary School, whilst one is expected to attend in the future. One child is currently without schooling. These factors are considered to carry some weight in this application.

Human Rights Issues

21. 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).

Open Space and Indoor Community Infrastructure

22. The applicant and her family have occupied the site for several years gaining two consecutive temporary planning permissions since 2006. The occupants therefore do not present any new demand, per se, upon existing services and facilities in the area and it is considered that financial contributions towards open space and indoor community infrastructure lack justification in these particular circumstances.

Conclusion

23. Paragraph 14 of the NPPF explains that the presumption in favour of sustainable development means granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits, or policies in the NPPF indicate that development should be resisted.
24. The site is generally well screened and situated in a reasonably sustainable location. In that sense, it scores well when judged against other sites in the surrounding area. It would continue to assist the family with its employment and educational needs. The general need for gypsy and traveller accommodation, the lack of suitable alternative sites and the family's general needs are considered to weigh in favour of the proposal.

Recommendation

25. Approval, subject to the following conditions:
 1. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan (Scale 1:1250, date stamped 3 July 2014), Block Plan (date stamped 3 July 2014).
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
 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 one mobile home, one day room and one touring caravan.
(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.)

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 and / or an indication as to where hard copies can be inspected.

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Gypsy and Traveller DPD Issues and Options 2 – Site Options and Policies July 2009
- Cambridge Area Gypsy and Traveller Accommodation Needs Assessment (GTANA) 2011
- Planning File Refs S/1653/05/F & S/0324/10/F

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