

Application No: 12/2808N

Location: Land at 2, Railway Bridge Cottages, BADDINGTON LANE,
BADDINGTON, NANTWICH, CW5 8AD

Proposal: Change of Use of Land to Use as a Residential Caravan Site Including
Extension of Existing Hardstanding

Applicant: Mr J Florence

Expiry Date: 09-Oct-2012

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

- Procedural Matters;
- Main Issues;
- Principles of Development;
- Sustainability;
- Impact on the Character and Appearance of the Open Countryside;
- Amenity;
- Demonstrable Need;
- Precedent;
- Highways;
- Ecology;
- Human Rights and Race Relations
- Drainage; and
- Other Matters

REFERRAL

The application has been referred to Committee at the discretion of the Development Management & Building Control Manager due to the considerable public interest in the application, and the current limited policy position with regard to Gypsy/Traveller Sites.

DESCRIPTION OF SITE AND CONTEXT

The application site lies in an area of open countryside approximately 3.1km away from Nantwich. The application site is located on the south side of Baddington Lane, which forms the northern boundary. The application site is bounded to the east and south by post and rail fences and open fields beyond them. Whereas, to the west are a pair of semi detached cottages. It is noted that the applicant owns no. 2 Railway Bridge Cottage, which immediately adjoins the application site. At the time of the site visit the ménage had been covered in

hardstanding and there were a number of touring caravans. The application site is located wholly within the open countryside.

DETAILS OF PROPOSAL

This is a full application for a change of use of land to use as a residential caravan site including extending the existing hardstanding at land adjacent to 2 Railway Bridge Cottages, Baddington Lane, Baddington, Nantwich.

RELEVANT HISTORY

No relevant site history

POLICIES

National Policy

The application should be determined in accordance with national guidance set out in:

National Planning Policy Framework
Planning Policy for Traveller Sites

Local Policy

The principle issue surrounding the determination of this application is whether the development is in accordance with the following policies within the Borough of Crewe and Nantwich Replacement Local Plan 2011:

NE.2 (Open Countryside)
NE.9 (Protected Species)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
RES.8 (Affordable Housing in Rural Areas Outside Settlement Boundaries)
RES.13 (Sites for Gypsies and Travelling Showpeople)

Structure Plan

HOU6 (Gypsy Caravan Sites)

Other Documents

Interim Strategy on Gypsy and Traveller Accommodation Needs

CONSIDERATIONS (External to Planning)

United Utilities: No objections

Environmental Health: No objection subject to a condition relating to external lighting and the following:

The proposed site, if permitted, will require a caravan site licence and as part of this licence there is a requirement for paved road ways, caravan/chalet hard standings and lighting.

It is noted that the application is for residential caravans these can take the form of very large chalets or "twin units". The plans suggest caravans of differing sizes e.g. a chalet /mobile home and a touring caravan. This use must be clarified and caravan type controlled by condition. The site appears to be 4 pitches of 2 caravans per pitch equalling 8 caravans in total.

The definition of a caravan is very broad and clarity needs to be stipulated and controlled.

Previous site permissions for example have restricted a pitch to be a 1 chalet/mobile home and 1 touring caravan.

There shall be a minimum spacing of 6 meters between caravans.

There shall be recreational space provided that is at least 10% of the site area.

Any residential caravan structure shall meet the British Standard 3632:2005 which ensure a suitable standard for park/residential homes.

There is a suggestion in the public consultation that the site may be used as a Gypsy and Traveller (Romany) site, this would also need clarification as in planning terms the application does not state this thus the special housing needs of the Traveller community may not be applicable. Also as the application does not refer to the Travelling community then the cultural need for additional structures for amenity/shower toilet buildings and day rooms will not be required as they will be in the caravan units themselves. Thus permitted development rights and their need should be considered in planning terms.

The foul waste/sewer system will need to be approved by the LPA and it is for the planning department to decide if this information together with any percolation test needed, prove capacity and function before the application is considered or imposed as a condition if permitted.

There shall be a condition prohibiting the use of generators on site to prevent noise disturbances, the electrical supply shall be from an approved mains supply.

The planning department may wish to consider controlling work activities and vehicle sizes on site.

Contaminated Land: No objections subject to a contaminated land condition

VIEWS OF THE PARISH / TOWN COUNCIL

The Parish Council objects to the proposed development for the following reasons:

- The development is in the open countryside;

- The development is visual intrusion on the open countryside in which the site is situated;
- The development will have a detrimental effect on surrounding properties; and
- Access to and from the site is a concern due to its position on such a busy road

OTHER REPRESENTATIONS

Two letters of support (from the same address) have been received. The salient points raised are as follows:

- We are totally happy with this application on all counts. We are the direct neighbours of the applicant, our house being part of the semi-detached property. We have lived here for 26 years;
- This application for four families and amenities required on the land attached to the property is in our view very good. The families are quiet, polite, tidy, and good-neighbourly. The family are of Romany origin and adhere to the true principles of Romany traditions. We are very pleased to welcome them to our neighbourhood. We feel that any adverse remarks regarding this issue would be uneducated and prejudiced;
- The site is kept in a clean and tidy condition

Six letters of objection have been received. The salient points raised in the letters of objection are as follows:

- The site has been developed without planning permission when everyone else has to wait until permission has been granted before any building takes place;
- I now see several caravans parked there with people obviously living in them and also a mobile home. This is a flagrant flaunting of the planning laws that every citizen is supposed to abide by;
- The proposal will set a precedent and the site may continue to grow;
- I have sent the letter below to Cheshire East council which is self explanatory and I wonder if there is anything that you can do to help me prevent this application being granted or at least being prevented in the short term until more information can be obtained about the developers intentions.
- We understand that traveller sites are required and as below Cheshire East has allocated 2 sites locally as being suitable on their own land. Indeed one is less than 1 mile away from the proposed site. Surely it would be better to take forward one of these options in preference to a private individuals site (of which I have working knowledge of) and can be very difficult to control expansion/activities on.
- We would like to respectfully request that a decision on the above planning application is deferred until such time that full consideration has been given to the Governments National Planning Policy framework
- We believe that locally, sites in Stapeley Broad Lane and Hack Green have already been identified as potentially suitable traveller sites by Cheshire East Council on their own land which can always be controlled tightly with respect to development now and in the future.
- We believe the new policy states that new developments should not dominate the nearest settled community which the above may do should it expand .How can we

prevent this happening if the development was granted? We understand that the residents of the site will be family members but how extended will this family become in the future? How many caravans will be located in years to come?

- We also believe that the application contravenes the new planning policy for traveller sites which states traveller sites (temporary or permanent) in the green belt are inappropriate developments.
- The proposal will have a detrimental impact on the character and appearance of the area;
- I have not been notified of the proposal;
- The proposal will have a significant detrimental impact on the residential amenity.
- The proposal will generate more vehicular movements and the access to the site is dangerous and as such is likely to have a impact on highway safety;
- The increase in hardstanding will exacerbate flooding in the area

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

A Design and Access Statement has been submitted to accompany the application. This is available on the application file and provides an understanding of the proposal and why it is required.

OFFICER APPRAISAL

Procedural Matters

It is noted that work has already commenced on the site and a large amount of hardstanding had already been laid and there were also a number of caravans. According to Section 73A of the 1990 Town and Country Planning Act specifically provides that a grant of planning permission can be given for a development that has already taken place.

Main Issues

The main issues in this case are:

- (a) Whether the site is in an appropriate location for the scale of use proposed having particular regard to accessibility to services and facilities as well as other sustainability considerations referred to in the Local Plan and Planning Policy for Traveller Sites;
- (b) The effect of the proposed development on the character and appearance of the area; and
- (c) Whether, if there is any harm and conflict with policy, there are material considerations which outweigh the harm and conflict, including the need for more gypsy sites in the area, the likelihood and timescale for identified needs to be met through the development plan system, the applicants and intended occupiers personal and family circumstances and accommodation alternatives.

Principles of Development

As with national planning guidance, Policy NE.2 (Open Countryside) of the Local Plan seeks to safeguard the countryside for its own sake and prevent non-essential development that may cause harm to the character and appearance and openness of the countryside.

However, policies within the development plan, in conjunction with national planning guidance and advice in Planning Policy for Traveller Sites, accept that outside Green Belt areas, rural settings are acceptable in principle for gypsy and traveller caravan sites. The applicant argues that a degree of harm to the character and appearance of the countryside is unavoidable but points out that Government advice suggests that in most cases this visual harm can be satisfactorily mitigated with appropriate landscaping. However, whilst the need for gypsy and traveller accommodation is a consideration, both development plan policies and Government guidance require, in addition, consideration of the impact on the surrounding area, neighbouring amenity, highway safety, the need to respect the scale of the nearest settled community and also the availability of alternatives to the car in accessing local services.

Sustainability

Planning Policy for Travellers Sites clearly enunciates that travellers sites should be sustainable economically, socially and environmentally and states that local authority planning policies should

- a) Promote peaceful and integrated co-existence between the site and the local community;
- b) Promote, in collaboration with commissioners of health services, access to appropriate health services;
- c) Ensure that children can attend school on a regular basis;
- d) Provide a settled base that reduces the need for long distance travelling and possible environmental damage caused by unauthorised encampment
- e) Provide proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well being of any travellers that may locate there or on others as a result of new development;
- f) Avoid placing undue pressure on local infrastructure and services;
- g) Do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans;
- h) Reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability

It is clear that the key principals of national and local planning policies are to promote sustainable patterns of development in order to reduce the need to travel and the dependence on the private car. The nearest service centre to the application site is Nantwich and there is a distance of approximately 3.1km separating the two sites. Therefore, it is considered that the application site is in an isolated rural setting and is removed from any settlement, shop(s), school(s), community facilities or place(s) of employment. Dragons Lane is typical of many rural highways being twisty, unlit and without footways. The road is wide enough for vehicles to pass each other with relative ease.

As previously stated the Planning Policy for Traveller Sites has an intention, amongst other things, to create and support sustainable, respectful and inclusive communities where gypsies

and travellers have fair access to suitable accommodation, education and health and welfare provision. The document clearly acknowledges that '*Local Planning Authorities should strictly limit new traveller site development in the open countryside that is away from existing settlements or outside areas allocated within the development plan*' (paragraph 23). However, it does not state that gypsy/traveller sites cannot be located within the open countryside.

The document makes it clear that sustainability is important and should not only be considered in terms of transport mode and distance from services. But other factors such as economic and social considerations are important material considerations. It is considered that authorised sites assist in the promotion of peaceful and integrated co-existence between the site and the local community. A settled base ensures easier access to a GP and other health services and that any children are able to attend school on a regular basis. It is widely recognised that gypsies and travellers are believed to experience the worst health and education status of any disadvantaged group. In addition, a settled base can result in a reduction in the need for long distance travelling and the possible environmental damage caused by unauthorised encampment. Furthermore, the application site is not located in an area at high risk of flooding. These are all benefits to be considered in the round when considering issues of sustainability.

It is considered that the location of the site is such that it is almost inevitable that the private car will be needed to access even those facilities relatively close to the site. It is generally acknowledged that as distance increases the likelihood of car use becomes generally greater. According to Policy RES.13 (Sites for Gypsies and Travelling Show people) criterion (4) states that proposal should be '*within easy reach of local services and facilities*'. The policy does not elaborate on how far away a service is before it is not within easy reach. However, it is considered given the location of the site, the surrounding highway network, the lack of street lighting and pavements in the area. It is considered that the main mode of transport will be by the private car, and as such the site is not in a wholly sustainable location.

Whilst the proposal is for four pitches which would increase 'unsustainable trips' from the application site, as a matter of fact and degree these trips would all still only be of a relatively short nature. It is difficult to state at what level the number of pitches would have to be before that impacted so significantly to refuse on sustainability grounds. For example, the recent temporary consent at New Start Park, Reaseheath which is also not sustainable was for 8 pitches, which was only 1.7km away.

Nevertheless, it is considered that the application site is not in a wholly sustainable location and the proposal would moderately conflict with advice advocated within Policies RES.13 (Sites for Gypsies and Travelling Showpeople) and HOU6 (Gypsy Caravan Sites).

Impact on the Character and Appearance of the Open Countryside

The application site is broadly rectangular in shape and is part of a much larger site, which is owned by the applicant. According to the submitted plans the proposal is for four pitches and each pitch will incorporate a mobile home, a touring caravan, and an existing stable building to provide toilet, bathroom and laundry facilities.

All of the pitches are accessed from the existing access road and the pitches are located on a former ménage and the surrounding cartilage. The ménage has been resurfaced. The application site is at a lower level than Baddington Lane and the site is screened on this

boundary by mature hedgerows. The remainder of the application site is demarcated by post and rail fencing with open fields located to the north and east. However, to the south are a few cottages, one of which is owned by the applicant.

The application site is located wholly within an area of open countryside and the area is generally characterised by agricultural fields bounded by native hedgerows. Local Plan policy makes it clear that gypsy sites are acceptable in principle in the countryside. However, the more recent document Planning Policy for Traveller Sites states that local planning authorities should strictly limit new traveller sites within the open countryside that is away from existing settlements. However, this policy does not state that gypsy/traveller sites cannot be located within the open countryside. It is acknowledged that the caravans may be visible in the public realm but this does not necessarily equate to visual harm.

According to policy NE.2 (Open Countryside) permits uses which are appropriate to a rural area. Furthermore, paragraph 12 of Planning Policy for Traveller Sites states '*When assessing the suitability of sites in rural or semi rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest community*'. Paragraph 22 states when assessing planning applications local planning authorities should consider the following issues

- The existing level of local provision and need for sites;
- The availability (or lack) of alternative accommodation for the applicants;
- Other personal circumstances of the applicant;
- That the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites;
- That they should determine applications for sites from any travellers and not just those with local connections.

Therefore, both local and national policy accepts that gypsy sites can be located within rural areas. It is acknowledged that some degree of encroachment and visual impact will be derived from the location of gypsy sites within rural locations. Policy RES.13 criterion (vi) states that proposals '*should avoid visual encroachment into the open countryside*' and criterion (vii) stipulates that proposals '*should have substantial natural screening or include proposals to provide such screening*'.

It is considered that views of the development would be limited to glimpses of the roofs and higher sections of walls of the mobile homes and stable block. However, in order to mitigate the visual presence of the development a landscaping condition will be attached to the decision notice which will help to reinforce the perimeter hedgerows that already exist.

Overall, it is considered that any visual harm or physical encroachment that might harm the character and appearance of the countryside would be small and it is considered that providing controlling conditions relating to landscaping and boundary treatment will help to mitigate any negative externalities associated with the proposal. Therefore, it is considered that the proposal complies with Policy BE.2 (Design Standards) and advice advocated within the National Planning Policy Framework and Planning Policy for Traveller Sites.

Amenity

Policy BE.1 (Amenity) states that development will be permitted provided that the development:

- is compatible with surrounding land uses,
- does not prejudice the amenity of future or neighbouring occupiers,
- does not prejudice the safe movement of traffic
- does not cause an increase in air, noise, water pollution

which might have an adverse impact on the use of land for other purposes.

It is considered that the redevelopment of the site for industrial purposes is considered to be compatible with the surrounding land uses. The proposal is unlikely to result in noise, air or water pollution. However, a principle consideration in determining this application is its effect upon the amenity of adjacent occupants and in this respect Policy BE.1 requires that development does not have a prejudicial impact on the amenity of occupiers in an adjacent property.

The nearest residential property is located immediately to the south of the application site (no.2 Railway Bridge Cottage). This property is owned by the applicant. Attached to this building is no. 1 Railway Bridge Cottage, it is considered given no. 2 will screen the majority of the application and the separation distances and boundary treatment will all help to mitigate any negative externalities.

Located on the opposite side of Baddington Lane is a converted barn complex and former farmhouse. There is a distance of approximately 80m separating the barns from where the caravans are sited. As previously stated the site on this boundary is demarcated by mature native hedgerow. Overall it is considered given the separation distances, intervening road, difference in levels and boundary treatment will help to mitigate any negative externalities. It is considered that the proposal complies with Policy BE.1 (Amenity).

The proposal will negligible impact on other properties in the locality.

Demonstrable Need

Planning Policy for Traveller sites advocates that local planning authorities should ensure that their policies promote peaceful and integrated co-existence between the site and the local community and ensure that traveller sites are sustainable economically, socially and environmentally. The key characteristics identified for a mixed community are a variety of housing, particularly in terms of tenure and price and a mix of different households such as families with children, single person households and older people. The need to take account of the diverse range of housing requirements across an area, including the need to accommodate Gypsies and Travellers, is an important consideration.

A sequential approach to the identification of sites in Site Allocations Development Plan Document (DPD) is advocated, requiring Local Planning Authorities to consider locations in or near existing settlements with access to local services first. Local Planning Authorities should be able to release sites for development sequentially, with sites being identified in DPDs being used before windfall sites. However, at present the Council has not produced a DPD and no

suitable alternative sites have been identified as part of the Local Development Framework process.

Additionally, Planning Policy for Traveller Sites clearly states in paragraph 9 criterion (a) that local planning authorities should, in producing their Local Plan identify and update annually, a supply of specific deliverable sites sufficient to provide five years worth of sites against their locally set targets. However, at present the Council does not have a five year supply of traveller sites. Furthermore, as previously stated, no specific site provision is made for gypsies and travelers in the development plan at present.

This document goes on to state 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 in any subsequent planning decision'* (paragraph 25). It is considered in light of the lack of availability of a five year supply of gypsy/traveller sites and given the factors already cited any permission which should be granted will be for a temporary four year period. This will allow the Council to see if any more sustainable and deliverable sites can be identified and brought forward.

Cheshire Partnership Area Gypsy and Traveller Accommodation and Related Services Assessment (GTAA) was completed in May 2007. In Cheshire East, the GTAA identified an overall need for between 37-54 permanent residential pitches and 10 pitches for transit provision by 2016. The Council are part of the Strategic Gypsy & Traveller Partnership across the sub region and together the authorities have secured future funding from the Homes and Communities Agency (HCA) to deliver new sites. Previously this funding was accessed to extend the council run site, Astbury Marsh, by 2 pitches (which have now been constructed).

Since the GTAA in May 2007, when the number of pitches was 101, there have been four new sites approved with permanent permission, giving an additional 11 pitches and 2 sites with temporary permission for 9 pitches (temporary permissions do not count towards the GTAA figures). The application for 10 pitches at Parkers Road, Crewe was withdrawn. A recent application for Land off Spinks Lane, Pickmere (12/1113M) for 3no. pitches was refused planning permission on the 8th August 2012 and land lying to the north west of Moor Lane, Wilmslow (12/1144M) was refused planning permission on the 6th July 2012.

Furthermore, an appeal decision at land at Wynbunbury Lane, Stapeley (November 2009) found that *'there is undoubtedly an immediate need for further pitch provision both in Cheshire East and regionally'*.

This view was further endorsed at a more recent appeal decision at New Start Park, Wettenhall Road, Reaseheath (APP/R0660/A/10/2131930 January 2011) which stated *'that there is little or no prospect of the Council being able to successfully address the challenge in Circular 01/2006 to increase significantly the number of gypsy and traveller sites in appropriate locations. I conclude that there is an urgent and substantial unmet need for permanent residential pitches for gypsies and travellers in Cheshire East which needs to be addressed'*.

The GTAA is the most up to date document the Council has in relation to need for Gypsy/Traveller sites. Therefore, it is an important material consideration, which is regularly used by the Council in assessing applications. Furthermore, Planning Inspectors have never questioned the validity of the GTAA and they also use it to assess any Appeals. Indeed the

recent Inspectors decision was based upon the GTAA figures and considered that the need identified was 47 to 64 pitches to 2016. The appeal identified the need to be 14 and 31 pitches (although this included 24 pitches approved nearly 3 years but has yet to be implemented).

The Council are to appoint consultants to redo the GTAA (as agreed by Cabinet on the 23rd July 2012) in 2013. Following on from the new GTAA the Council will make specific land allocations which are likely to be made in due course as part of the Local Plan. The Council concedes that the relevant Development Plan Document is unlikely to be adopted before December 2014. Therefore, it is unlikely that sites allocated would, in all probability, begin to become available until at least mid-2015. Therefore, it is considered that a temporary consent, which is in line with the other recent Appeal decisions and to assess whether any other more sustainable sites come forward, is justifiable in this instance.

Precedent

A number of objectors are concerned that if this application is approved a precedent will be set for other similar types of development in the immediate area. However, this is a hypothetical situation and all cases must be determined on their own merits and any future applications would need to be considered against the circumstances applicable at that time.

A recent appeal decision for a similar type of development at Thimswarra Farm, Moston, Sandbach stated *"I give little weight to fears that a grant of planning permission in this case would set a precedent for the provision of further gypsy/traveller pitches in the locality."*

Although appeal decisions are a material consideration in the assessment of applications, this statement therefore demonstrates that each application must be determined on its merits, and refusing the application on precedent grounds is not a sufficient justification, to sustain at any future Appeal.

Highway

The application site is accessed directly off Baddington Lane. The access is already in situ and serves the former stable block and ménage. Baddington Lane is wide enough for two vehicles to pass each other with relative ease although there are no footpaths along the carriageway. The existing access road, which serves the application site runs parallel to the adjacent Baddington Lane (albeit there is a significant difference in levels) which is separated by a mature native hedgerow. There is sufficient space within the curtilage of the site for vehicles to be parked clear of the public highway and to maneuver so that they can enter/leave the site in a forward gear.

A number of objectors are concerned that if planning permission is approved for the proposed development, it will lead to an intensification of large vehicles using the local highway network. Whilst the concerns of the objectors are noted, it is considered prudent to attach conditions relating to the size of vehicles entering/leaving the site and for no commercial activities to take place on the land. Colleagues in Highways have been consulted but no response has been received at the time of writing this report. Once the Highways Engineers response has been received Members will be reported to in the update report.

Ecology

There are a number of ponds within the immediate locality and as such there is a potential that the proposal may have detrimental impact on protected species. The Council's ecologist comments are outstanding and will be reported in an update to Members.

Human Rights and Race Relations

It is right and proper that Local Planning Authorities should consider the consequences of refusing or granting planning permission, or taking enforcement action, on the rights of the individuals concerned. Article 8 of the Human Rights Act 1988 states that everyone has the right to respect for his private and family life, his home and his correspondence. It adds there shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals or the protection of the rights and freedoms of others.

The applicants are Travellers, a racial group protected from discrimination by the Race Relations Act 1976. Further, Article 14 of the Human Rights Act states that the enjoyment of the rights and freedoms set forth in that Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

In this particular case, the determination of this application will have a direct impact on the occupier's rights given that the application site has been laid out and is being occupied. Nevertheless, should the application be refused, the applicant has a right of appeal and any resultant enforcement proceedings would only be taken following due consideration of the aforementioned rights.

The impact of the development on the rights of the local residents has been fully assessed; both in this report and accordingly any impact are considered acceptable.

Drainage

Development on sites such as this generally reduces the permeability of at least part of the site and changes the site's response to rainfall. Advice advocated within the NPPF states that in order to satisfactorily manage flood risk in new development, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. It is possible to condition the submission of a satisfactory drainage scheme in order to ensure that any surface water runoff generated by the development is sufficiently discharged. This will probably require the use of Sustainable Drainage Systems (SUDS) which include source control measures, infiltration devices as well as filter strips and swales which mimic natural drainage patterns.

A number of objectors are concerned about how the development will be drained. According to the submitted application forms the proposed method for drainage would be via a package treatment plant. It is considered prudent to attach a condition relating to drainage scheme, if planning permission is to be approved. Colleagues in United Utilities have been consulted

and have raised no objections. Therefore, it is considered that the application is in accordance with policy BE.4 (Drainage, Utilities and Resources).

Other Matters

Several objectors have stated that there are sufficient pitches within the Borough and in any event existing sites could be expanded. Whilst the concerns of the objectors are noted, every application must be judged on its own individual merits and this application cannot be refused on the hypothetical situation that other travellers may want to construct additional pitches at some site in the future. If additional pitches are sought this will necessitate a new application and the proposal will be assessed on its merits.

Within the letters of objection it has been raised that public consultation has not been carried out. The application consultation process was dealt with in line with the Council's Publicity and Neighbour Notification procedure. This procedure is derived from the General Development Procedure Order 1995 (as amended) and Circular 15/92 – Publicity for planning applications, which outlines the statutory procedures for any applications for development. In this instance the proposed development is considered a minor development and the procedure requires either, neighbours which adjoin the development site to be consulted by letter or a site notice to be erected adjacent to the development site where there are no identifiable adjacent neighbours to the site (usually within rural locations). Whilst no neighbours immediately adjoin the site (apart from the applicant's property), neighbour notifications were sent to a number of residential properties. In addition, a site notice was displayed. It is considered that the Local Planning Authority has sufficiently consulted on the proposed development.

One of the letters of objection states that the application site is located within the Greenbelt. However, this is not the case and the whole of the application site is located wholly within the Open Countryside.

A number of objectors have requested whether the application can be made personal to the applicant. However, officers are concerned that a personal condition does not comply with the relevant tests and as such should be attached to the decision notice.

CONCLUSIONS AND REASON(S) FOR THE DECISION

It is acknowledged that the site is poorly located in order to access shops, services and other community facilities and the site is located in a moderately unsustainable location. However, there is a substantial and unmet identified need for gypsy and traveller site provision within Cheshire East which needs to be addressed urgently. To date no sites have been identified through the Local Plan process and are unlikely to be so until 2014 at the earliest.

Furthermore, in the context of Planning Policy for Traveller Sites, the impact of the proposed development on the surrounding countryside could be satisfactorily mitigated, the site is within the Open Countryside as opposed to Green belt.

Therefore, whilst there are elements of the application which would need addressing via condition such as drainage and landscaping; it is considered that the need outweighs any perceived harm and the use of the site as a residential gypsy site accommodating 4 pitches would not conflict with Planning Policy for Traveller Sites or relevant national or local planning

policies. However, due to the location of the site in a unsustainable location, the application is therefore recommended for approval, albeit with a temporary consent for four years, in order to assess whether more sustainable sites will be allocated.

Approve subject to the following conditions:

- 1. Temporary Permission for a four year period**
- 2. Plan References**
- 3. The site shall not be occupied by any persons other than gypsies and travellers as defined in paragraph 1 Annex 1 of Planning Policy for Traveller Sites**
- 4. There shall be no more than four pitches on the site and there shall be no more than eight caravans stationed at any time, of which only four caravans shall be a residential mobile home**
- 5. No External Lighting**
- 6. Details of a landscaping scheme to be submitted and approved in writing**
- 7. Landscaping scheme to be implemented**
- 8. Details of a drainage scheme to be submitted and approved in writing**
- 9. No vehicles over 3.5 tonnes shall be stationed, parked or stored on the site**
- 10. No commercial activities shall take place on the land, including the storage of materials**
- 11. Details of the porous surfacing materials to be submitted and approved in writing**
- 12. Details of Boundary Treatment to be submitted and approved in writing**
- 13. If the site is no longer required as a gypsy site all the structures shall be removed within 3 months and the land returned to its former use**
- 14. Contaminated Land Report**

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