

Application No: 17/2398N

Location: HORSESHOE FARM, WARMINGHAM LANE, MOSTON, MIDDLEWICH, CHESHIRE, CW10 0HJ

Proposal: Change of use of land to use as a transit caravan site for gypsies, including the stationing of no more than 8 caravans, laying of hardstanding and erection of amenity building.

Applicant: Mr Oliver Boswell

Expiry Date: 04-Jul-2017

## **SUMMARY**

The proposal seeks permission to change the use of an area of land to use for siting 8 transit caravans for gypsies and travellers. The wider site has permission for the use and this application seeks an extension to the site. There is existing hardstanding on the site to accommodate the extension, and this will allow for the transit pitches to be made available for use in the very near future. Transit sites are an important provision as they allow the Council to identify authorised land for the travelling community to use as they move around the area. Therefore although there is an over provision of transit sites in the area, existing permissions have not been implemented, and the site is in a locationally good position with road links to the motorway for ease of travel. It is therefore considered that the need for available transit sites outweighs the impact on the wider landscape which it is possible to mitigate the impact with a landscaping condition.

The proposal will not have a detrimental impact on neighbouring amenity or protected species. There will be no additional impact on highway safety and therefore the proposal is considered to be acceptable and is recommended for approval.

## **SUMMARY RECOMMENDATION**

**Approval subject to conditions**

## **PROPOSAL**

Planning permission is sought for the change of use of land to use as a transit caravan site for gypsies, including the stationing of no more than 8 caravans, laying of hardstanding and erection of amenity building.

## **SITE DESCRIPTION**

The application site is known as Horseshoe Farm, on Warmingham Lane, Middlewich. The application site is positioned to the rear of an existing site which has permission for 3 pitches and 2 transit pitches. The application site already has hardstanding on it approved as part of the previous scheme (15/3801C) and is roughly rectangular in shape.

At the time of the planning officer's site visit the hardstanding (approved as part of 15/3801C) and amenity building was on site and therefore is partly retrospective. There were no caravans parked on the application site.

## **RELEVANT HISTORY**

15/3801C - Construction of three timber stables, a tack room and associated hardstanding. Provision of children's play area. – approved with conditions 24<sup>th</sup> September 2015

14/2688C - Change of use of land to extend existing traveller caravan site and erection of day room/amenity building – Refused 28<sup>th</sup> July 2014

10/4977C - Extension of Existing Gypsy Caravan Site, Including Laying of Hardstandings, Stationing of 9 Caravans & Erection of 6 Utility Buildings – Refused 21<sup>st</sup> April 2011. Appeal Lodged. Appeal Withdrawn

09/3918C - Extension of Existing Gypsy Caravan Site Including Laying of Hardstanding, Stationing of 9 Caravans for Residential Purposes (Including 3 Static Caravans) Storage of 2 Touring Caravans, Erection of 9 Utility Buildings and Installation of Lighting – Refused 7<sup>th</sup> September 2010

07/0647/FUL - Proposed gypsy caravan site for 3 gypsy families together with 2 transit pitches, including the laying of a hard standing and erection of toilet blocks – Refused 6<sup>th</sup> February 2008. Appeal Lodged. Appeal Allowed

05/0235/FUL – Static Caravan for Security – Refused 19<sup>th</sup> May 2005

36153/3 Replace existing timber stables and barn with steel frame and block to include tack room, fodder and implement store, and toilet – Approved 1<sup>st</sup> September 2003

34471/3 - REMOVAL OF TEMPORARY CONDITIONS FROM APPLICATIONS 30970/6 & 30971/6 TO MAKE PERMANENT – Approved 1<sup>st</sup> July 2002

30971/6 - CONTINUED USE OF WOODEN SECTIONAL BUILDING PROVIDING TWO LOOSE BOXES – Approved 14<sup>th</sup> June 1999

26099/6 - RENEWAL OF PERMISSION NO 22907/3 FOR WOODEN SECTIONAL BUILDING PROVIDING TWO LOOSE BOXES – Approved 19<sup>th</sup> April 1994

22907/3 - WOODEN SECTIONAL BUILDING PROVIDING TWO LOOSE BOXES – Approved 2<sup>nd</sup> January 1991

## **NATIONAL & LOCAL POLICY**

### **National Policy**

The National Planning Policy Framework (the Framework) establishes a presumption in favour of sustainable development. The Framework sets out that there are three dimensions to sustainable development: economic, social and environmental. These roles should not be undertaken in isolation, because they are mutually dependent.

Planning Policy for Traveller Sites (PPTS) 2015 sets out the Government's planning policy for traveller sites. It should be read in conjunction with the Framework. The overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers whilst respecting the interests of the settled community.

### **Cheshire East Local Plan Strategy (CELPS)**

SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
PG6 - Open Countryside  
SE1 – Design  
SE2 - Efficient Use of Land  
SE4 – Landscape  
SE6 – Green Infrastructure  
SE7 – The Historic Environment  
SE8- Renewable and Low Carbon Energy  
SE9 – Energy Efficient Development  
SC4 – Residential Mix  
SC6 - Rural Exceptions Housing for Local Need  
SC7 - Gypsies and Travellers and Travelling Showpeople  
IN1 - Infrastructure  
IN2 – Developer Contributions

### **Saved policies of the Congleton Local Plan**

GR6 (Amenity and Health)  
GR9 (Accessibility, Servicing and Parking Provision)  
GR17 (Car Parking)  
GR20 (Public Utilities)  
PS8 (Open Countryside)  
H7 (Residential Caravans and Mobile Homes)

### **Other relevant documents**

Cheshire Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (March 2014)

Cheshire East Council Gypsy, Traveller and Travelling Showpeople Site Identification Study (April 2014)

## **CONSULTATIONS**

**Environmental Health – No objections**

**Strategic Highways Officer –** No objection subject to a condition limiting the site to 8 caravans only

**Health and Safety Executive –** Do not advise against

**Cheshire Brine Subsidence Compensation Board -** Have considered the application and the Board are of the opinion that the property is situated within an area that has previously been affected by brine subsidence and the possibility of minor residual movements cannot be completely discounted.

Therefore the Brine Board in accordance with their duties under Section 38(2) of the Cheshire Brine Pumping (Compensation for Subsidence) Act 1952 recommend that it would be prudent for the (assumed) concrete floor slab foundation of the development to be strengthened to mitigate the effects of any future movement.

It should also be noted that the Board's requirements are over and above the necessary foundation design to suit the prevailing ground conditions.

**Moston Parish Council –**

- Moston is a small parish which in recent years has had a number of traveller settlements, both permanent and temporary,
- Current application would double the size of the current permission on the site,
- Concerns are raised regarding the safety for the children on the site,(in relation to the traffic)
- Question where the existing stables will be relocated to,
- Highway safety issues
- Development is out of character with the surrounding area,
- Previously landscaping conditions have been ignored,
- Impact of transit site would affect the relationship between the settled community and the travellers
- There have been no illegal encampments within the last 5 years, suggesting there is no need for a transit site in this location

(Full comments available to view on the planning website)

**Warmingham Parish Council -** Warmingham Parish Council object to this application which is right on the edge of our parish.

There are serious road safety concerns attached to this proposal, Warmingham Lane is increasingly busy with fast moving traffic, the additional 8 caravans attempting to enter Horseshoe Farm would not just create a danger to themselves but also to other road users.

The proliferation of Gypsy/traveller sites within the area is already causing concerns with many local residents feeling dominated by the sheer numbers.

Cheshire East council have planning for 9 transit caravans in Middlewich and there is provision for a further 4 on a private Gypsy site all within 2 miles of this site.

The parish council can see no requirement for further transient accommodation within this area of open countryside and ask that the application be refused.

## **REPRESENTATIONS**

2 letters of representation from a neighbour, and Fiona Bruce MP received objecting to the proposal. Concerns raised include:-

- A transit site has already been approved on Cheshire East Land on Cledford Lane,
- There is no need for additional transit sites in Middlewich
- The site will not be open to all traveller groups,
- Site will become a permanent site due to lack of control over transit pitches,

## **OFFICER ASSESSMENT**

### **Principal of Development**

The Department of Communities and Local Government's Policy for Travellers states that *'Local planning authorities should set pitch targets for Gypsies and Travellers and plot targets for Travelling Showpeople which address the likely permanent and transit site accommodation needs of Travellers in their area, working collaboratively with neighbouring local planning authorities'*. It goes on to suggest that *'local planning authorities should ensure that Traveller sites are sustainable economically, socially and environmentally'*.

The use of the land as a residential caravan site for Gypsy and Travellers, and the access onto the site were granted consent at appeal as part of application 07/0647/FUL. The proposal seeks to extend the site to the south west, where permission has been granted for hardstanding and a stable and tack room. The hardstanding is on site but the stable had not been erected. The wider site also includes a children's play area, and paddock land. The current site is restricted to 3 permanent pitches and 2 transit pitches, with no more than 2 caravans on each pitch and only one of these caravans shall be a static or residential mobile home. Nevertheless, this application seeks an extension to the site and additional built form on the site must be assessed against Development Plan Policies.

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, where the application proposal is located (Open Countryside), can be acceptable in principle for gypsy and traveller caravan sites.

Policy PG 6 of the CELPS and saved Policy PS8 of the CLP restrict development in the open countryside, amongst other things, to development which is essential to uses appropriate to a rural area. Policy SC7 of the CELPS and Saved Policy H.8 do not in principle restrict sites for Gypsy and Travellers to areas within the settlement boundary therefore, it is accepted that the use of the land is an appropriate use within the rural area.

Whilst the need for gypsy and traveller accommodation is a consideration (considered below), 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. These matters are assessed as part of the application proposal's sustainability where environmental, social and economic matters are considered.

### Demonstrable Need

Within para.24 of the Planning Policy for Traveller Sites (PPTS) (2015), it is advised that in assessment of planning applications, a number of issues should be considered including; a) *the exiting level of local provision and need for sites.*

The Cheshire Gypsy, Traveller & Travelling Showpeople Assessment (GTAA) was completed in March 2014. In Cheshire East, the assessment identified an overall need for transit pitches of between 5 and 10 pitches for Gypsy and Travellers.

With regards to addressing this identified need the following applications have been approved since 2013;

- 9 Transit pitches – Cledford Hall, Cledford Lane, Middlewich (14/5721C - approved with conditions - 5<sup>th</sup> May 2015)
- 4 Transit pitches – Land opposite 5 acres farm, Cledford Lane (16/0198C – approved at appeal – 21<sup>st</sup> February 2017)

This brings the total approvals since 2013 to; 13 transit pitches.

Therefore although the need has been met in recent years, the need is not a maximum threshold, it is a minimum requirement and therefore when suitable sites become available planning policy suggests that they should be approved unless other material planning considerations outweigh the need.

Furthermore, neither of the above sites have been implemented to date, and the proposal site could be implemented imminently given it is an extension to an existing site, with the hard standing already available.

Transit sites are an important provision as they allow the Council to identify authorised land for the travelling community to use as they move around the area, which helps to avoid unauthorised encampments. It is therefore considered that there is still a need for a transit provision in the area.

### **Character and appearance**

The NPPF recognises the 'distinctive character and value of the countryside' as a core planning principle.

Policy SC7 states that proposals for gypsy and travellers sites should include the impact on the character and appearance of the surrounding area. The Site Identification Study report identifies the site as a potential for expansion, however highlights that the site is relatively discrete in the summer but in the winter months is more visible. The report highlights that any

further development westward may have an adverse impact on the impact of the site on the wider area.

At the time of the Planning Officers site visit, in winter, it was noted that the site is not highly visible from Warmingham Lane, other than from the entrance to the site. However, the site can be seen from Forge Mill Lane, in the winter months. However, there has been some conifer planting along the boundary line visible from Forge Mill Lane, which will help to screen the site once the plants mature. It is considered that with the addition of a landscaping scheme, on the western boundary, the impact of the development could be mitigated on the wider open countryside.

The proposed/retrospective amenity building is relatively small with a maximum length of 7m, a width of 4m and a maximum height of 3.6m. It is constructed in materials which are in keeping with the rural area. It is therefore considered to be acceptable and its use as a shower room and toilet block is acceptable.

It is considered that this will not appear unduly prominent within the open countryside position. It is therefore considered that the proposed building is acceptable and will not have an adverse impact on the character and appearance of the rural area.

## **Amenity**

Policy GR6 (Amenity and Health) states that development will be permitted provided that the proposal would not have an unduly detrimental effect on amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, environmental disturbance or pollution, traffic generation, access and parking.

The siting of the caravans would simply extend the existing site to the south west on existing hardstanding. The closest neighbouring dwellinghouse is over 60m from the edge of the site and it is therefore considered unlikely that the development would have a significantly detrimental impact on neighbouring amenity.

With regards to environmental disturbance, the Council's Environmental Protection Officer has reviewed the proposal and advised that they have no objections in principal, only note that the site must comply with the Mobile Homes Act 2013 if approved.

## **Highways**

The Inspector who approved the site was satisfied that access and parking arrangements would be adequate. The Strategic Highway Officer has considered the impact of the proposed development would have on the existing access and notes that the existing access to Horseshoe Farm is to be used to gain access to the site, and there are existing caravans stationed on the Horseshoe farm site. Given that the site is only for a further 8 caravans the impact in regards to traffic is very small and the access is suitable given the low number of movements.

Therefore it is not considered that the proposed extension to the site would have an adverse impact on the Highway Safety.

## **Ecology**

The council's ecologist has considered the application and given the siting of the proposed caravans and amenity building are to be positioned on existing hard standing it is not considered likely that the development will have an adverse impact on nature conservation or protected species in the area.

## **Planning Balance**

It is considered that the use of the site has already been accepted in principle. There is existing hardstanding on the application site to accommodate the extension and this will allow for the transit pitches to be made available for use in the very near future. Transit sites are an important provision as they allow the Council to identify authorised land for the travelling community to use as they move around the area. The need identified is not a maximum provision, and therefore although there is an over provision of transit sites in the area, existing permissions have not been implemented, and the site is in a locationally good position with road links to the motorway for ease of travel. It is therefore considered that the need for available transit sites outweighs the impact on the wider landscape which it is possible to mitigate the impact with a landscaping condition.

The proposal will not have a detrimental impact on neighbouring amenity or protected species. There will be no additional impact on highway safety and therefore the proposal is considered to be acceptable and is recommended for approval.

## **RECOMMENDATION**

### **Approval subject to the following conditions**

- 1) Standard 3 years**
- 2) The site shall not be occupied by any person other than gypsies and travellers**
- 3) No more than 8 caravans shall be stationed on the site at any time**
- 4) No commercial activities including storage of materials in the land**
- 5) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site without prior agreement of the local planning authority**
- 6) Hardstanding area to be limited to that shown on the approved plans**
- 7) Surfacing materials as submitted**
- 8) Landscaping Scheme**
- 9) Landscaping Scheme to be implemented**
- 10) Approved plans**

**In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) be granted delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.**



