

**APPLICATION NO:** 17/2398N

**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.

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

**APPLICANT:** Mr Oliver Boswell

## **REASON FOR REFERRAL**

This type of application would normally be considered under delegated powers, however Cllr Wray called the application into to Southern Planning Committee for the following reason,

*‘Call in to committee only if it should be recommended for approval at the request of Moston Parish Council because of considerable public concern about any changes or expansion or changes to this site.’*

## **ADDITIONAL COSULTEE COMMENTS**

**Cheshire and Warrington Traveller Team Manager** – The council are in the process of bringing a transit site forward, planning permission has been granted, this will help with unauthorised encampments as it allows the police to use S62A-E Criminal Justice and Public Order Act 1994. This power is to direct to a suitable pitch (transit site in the ownership of the local authority), if the group refuse to move to the pitch then they must leave the authority area and cannot return for 3 months. The power cannot be used on private sites.

## **OFFICER COMMENT**

The main officers report notes that Transit sites are an important provision for the Council as they allow the Council to *identify* authorised sites within the Borough for Travellers to use as they move through the area; and whilst this is correct, it should be made very clear that as the site is in Private Ownership (not owned/run by the Local Authority) the Police **can not** use their powers under Section 62 (A-E) of the Criminal Justice and Public Order Act 1994 to direct travellers to the transit site, if approved, as the site is not in the ownership of the Local Authority. Therefore the weight afforded to the use is reduced than if it were a Local Authority transit site.

The Council is in the process of bringing forward a Local Authority owned site at Cledford Hall, Cledford Lane Middlewich (ref 14/5721C) for 9 transit pitches and 1 permanent Wardens pitch where the police powers under Section 62 (A-E) of the Criminal Justice and Public Order Act 1994 would apply.

The transit provision from this planning application at Horseshoe Farm, if approved, would still count towards the identified need within the Cheshire East Local Plan Strategy for transit provision, but does not address the under supply of permanent pitches in the Borough as set out in Policy SC7 (Gypsies and Travellers and Travelling Showpeople) of the Cheshire East Local Plan Strategy. Whilst the Council is in the process of bringing a transit site forward, this site could be implemented within a short timescale, given the existing hardstanding on the site and existing use of the surrounding land.

Furthermore, inline with the Guidance set out in the Planning Policy for Traveller Sites a condition is considered necessary to restrict the maximum number of days for which caravans can be permitted to stay on the transit site. It is considered that a condition restricting the use to 13 weeks and then restricting returning to the site to minimum of 3 months.

The Planning Authority is required, under section 149 of the Public Sector Equality Act 2010, in the exercise of its functions, to have due regard to the need to:

- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

The protected characteristics include:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

The duty to have regard to the three aims listed above applies not only to general formulation of policy but to decisions made in applying policy in individual cases.

Therefore, it still remains that the site is a suitable extension to an existing travellers site within the open countryside in an area which has good links to the road network, and an existing area of hardstanding to allow the implementation of the site. With the addition of a number of additional restrictive conditions, as set out below, the officers recommendation for approval still remains.

## **RECOMMENDATION**

**The recommendation as stated of APPROVAL with conditions remains with the additional of the following conditions**

- 11) Caravans on the site can not be stationed on the site for more than 13 weeks and must not return within 3 months to reside on the transit pitches**
- 12) A site log book should be available for inspection at any time**