

## **SOUTHERN PLANNING COMMITTEE – 6th March 2019**

### **UPDATE TO AGENDA**

#### **APPLICATION NO.**

18/2413C

#### **LOCATION**

Land Adjoining Meadowview Park, DRAGONS LANE, MOSTON

#### **UPDATE PREPARED**

##### **Additional consultee comment**

National Grid – None received at time of writing this report.

##### **Officer comment**

National Grid initially gave a holding objection when consulted for the application. This advised that they would respond within 21 days. This time has since lapsed and no further response has been received despite officer requests.

The site also lies to the north of the pipeline which is located over 20m away. The proposal is also retrospective and thus any impact would already exist.

It is also noted that the sites to the East which were refused on safety grounds had the pipeline running through the application site which is not the case here.

Given the distance and the absence of objection from National Grid there is no justification to refuse the application on safety grounds.

##### **Clarification regarding the definition of a traveller**

The main officer's report notes that there has been a change to the definition in the Planning Policy for Traveller Sites 2015, which has removed, *'those who have ceased to travel permanently'*, from the definition of Travellers for Planning purposes.

The Glossary of the PPTS 2015 states that,

*'1. For the purposes of this planning policy "gypsies and travellers" means: Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.'*

2. In determining whether persons are “gypsies and travellers” for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:

- a) whether they previously led a nomadic habit of life
- b) the reasons for ceasing their nomadic habit of life
- c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.’

#### Officer comment

Therefore, the change in the definition means that for the purposes of assessing the 5 year need for Traveller sites, those that do not travel any more and have no intention of living a nomadic habit of life in the future eg. retired, however this does allow for temporary ceasing of travel, for educational/health issues.

In this case the applicant states they have been living a nomadic life for the last 10 years + / since becoming a couple and now due to the health and educational needs, the family require a permanent base whilst using these services in the local area. Therefore the applicants are considered to have ceased to travel temporarily, not permanently.

Paragraph 27 of the PPTS states that, *‘If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission.’* The footnote then goes on to state, *‘There is no presumption that a temporary grant of planning permission should be granted permanently’.*

Therefore as set out in the main officers report this site is not considered to be suitable for permanent permission, for a number of reasons, however as there is an outstanding need for Travellers sites in the Borough, and no clear indication of alternative allocated sites (at this time), it would be reasonable to allow temporary permission until 28<sup>th</sup> February 2021, to allow the draft SADPD to be examined and adopted.

Furthermore, for clarity the full wording of condition 1 has been specified below which requires the site to be restored back to its former condition once the temporary period of the 28<sup>th</sup> February 2021 expires.

Therefore the officer’s recommendation for approval still remains, with the additional clarification of condition 1.

#### **RECOMMENDATION**

**The recommendation as stated of APPROVAL with conditions remains with the clarification of condition 1,**

- 1) The use hereby permitted shall be for a limited period expiring on, 28<sup>th</sup> February 2021. The use of the land as a residential caravan site shall be discontinued and the land restored to its former condition on or before the 28<sup>th</sup> February 2021.**