

Application No: 12/0971C

Location: Land on the south side of Dragons Lane, Dragons Lane, Moston, Sandbach, Cheshire, CW11 3QB

Proposal: The use of land for the stationing of caravans for residential purposes for 4 no. gypsy pitches together with the formation of additional hard standing and utility/ dayrooms ancillary to that use.

Applicant: Martin Smith

Expiry Date: 07-May-2012

**SUMMARY RECOMMENDATION:** Approve subject to conditions

**MAIN ISSUES:**

- Site History;
- Procedural Matters;
- Main Issues;
- Principle of Development;
- Assessment Against Policy;
- Sustainability;
- Impact on the Character and Appearance of the Open Countryside;
- Amenity;
- Demonstrable Need;
- Human Rights and Race Relations;
- Precedent;
- Highways
- Gas Pipeline;
- Drainage;
- Other Matters

**REFFERAL**

This application is to be dealt with under the Council's delegation scheme. However, Councillor Wray has requested that it be referred to Committee for the following reasons: –

- (1) *Adverse effect on amenity of adjoining land and impact on surrounding area;*
- (2) *Unsustainable location;*
- (3) *Previous similar application on adjoining land recently refused; and*
- (4) *Considerable public and resident's interest.*

## **DESCRIPTION OF SITE AND CONTEXT**

The application site lies in an area of open countryside approximately 4.8km northwest of Sandbach. The application site is located on the south side of Dragon Lane which forms its northern boundary. The site is bounded in all other directions by open fields. The application site has an area of 0.64 hectares in an ownership of 1.66 hectares. The northern site boundary is demarcated by mature native hedgerows. The remainder of the site adjoins open fields. Located immediately to the west of the site is a static caravan and pergola. The application site is located wholly within the open countryside.

## **DETAILS OF PROPOSAL**

This is a full application for the use of land for the stationing of caravans for residential purposes for 4no. gypsy pitches together with the formation of additional hard standing and utility/dayrooms ancillary to that use at land on the south side of Dragons Lane, Dragons Lane, Moston, Sandbach.

## **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 Congleton Borough Local Plan First Review 2005:

- GR1 (New Development)
- GR2 (Design)
- GR6 (Amenity and Health)
- GR9 (Accessibility, Servicing and Parking Provision)
- GR17 (Car Parking)
- GR19 (Infrastructure)
- GR20 (Public Utilities)
- PS8 (Open Countryside)
- H6 (Residential Development in the Open Countryside and the Green Belt)
- H7 (Residential Caravans and Mobile Homes)
- H8 (Gypsy Caravan Sites)

## **Structure Plan**

HOU6 (Gypsy Caravan Sites)

### **CONSIDERATIONS (External to Planning)**

**Highways:** No objections subject to conditions relating to the access being constructed prior to occupation and under a section 184 licence, the access is constructed according to the submitted drawings and any gates are set back 5.5m and open inwards.

**Contaminated Land:** No objections subject to the following informative

The applicant is advised that they have a duty to adhere to the regulations of Part IIA of the Environmental Protection Act 1990, the National Planning Policy Framework 2012 and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

**United Utilities:** No objection

**National Grid:** No objections subject to the following comments/informatives

- No buildings should encroach within the Easement strip of the pipeline – Feeder 21 Elworth to Mickle Trafford and Feeder 21 Warburton to Audley
- We would draw your attention to the Planning (Hazardous Substances) Regulations 1992, the Land Use Planning rules and PADHI (Planning Advise for Developments near Hazardous Installations) guidance published by the HSE, which may affect this development.
- A National Grid representative will be available to monitor the works to ensure they comply with our specification T/SP/SSW/22.

### **Pipeline Crossings**

- Where existing roads cannot be used, construction traffic should ONLY cross the pipeline at previously agreed locations.
- All crossing points will be fenced on both sides with a post and wire fence and with the fence returned along the easement for a distance of 6 metres.
- The pipeline shall be protected, at the crossing points, by temporary rafts constructed at ground level. The third party shall review ground conditions, vehicle types and crossing frequencies to determine the type and construction of the raft required.
- The type of raft shall be agreed with National Grid prior to installation.
- No protective measures including the installation of concrete slab protection shall be installed over or near to the National Grid pipeline without the prior permission of National Grid.

- National Grid will need to agree the material, the dimensions and method of installation of the proposed protective measure.
- The method of installation shall be confirmed through the submission of a formal written method statement from the contractor to National Grid.
- Please be aware that written permission is required before any works commence within the National Grid easement strip.
- A National Grid representative shall monitor any works within close proximity to the pipeline to comply with National Grid specification T/SP/SSW22.
- A Deed of Indemnity is required for any crossing of the easement

### **Cables Crossing**

- Cables may cross the pipeline at perpendicular angle to the pipeline i.e. 90 degrees.
- A National Grid representative shall supervise any cable crossing of a pipeline.
- Clearance must be at least 600mm above or below the pipeline.
- Impact protection slab should be laid between the cable and pipeline if cable crossing is above the pipeline.
- A Deed of Indemnity is required for any cable crossing the easement.
- Where a new service is to cross over the pipeline a clearance distance of 0.6 metres between the crown of the pipeline and underside of the service should be maintained. If this cannot be achieved the service shall cross below the pipeline with a clearance distance of 0.6 metres.
- CP (Cathodic Protection) Interference Testing may be required, both pre and post energisation of the wind turbine generators. Any mitigation measures must be implemented immediately in accordance with:

### **British Standards**

- BS EN 13509:2003 - Cathodic protection measurement techniques
- BS EN 12954:2001 - Cathodic protection of buried or immersed metallic structures – General principles and application for pipelines
- BS 7361 Part 1 - Cathodic Protection Code of Practice for land and marine applications
- National Grid Management Procedures

**Environmental Health:** No objection subject to conditions relating to hours of construction and details of external lighting to be submitted and approved.

If planning permission were granted a site licence would be required under the Caravan Sites and Control of Development Act 1960. The site licence will have to be in the name of the land owner. The following conditions will need to be taken into consideration that may have a bearing on planning:

1. **Site boundaries**, should be clearly marked i.e. with fences or hedges.
2. **Roads, gateways and footpaths** must be of suitable material/construction, be of a minimum width of 3.7 metres, be suitably lit and have adequate access for emergency services etc. Suitably surfaced parking spaces shall be provided where necessary to meet the additional requirements of the occupants and visitors.

3. **Drainage sanitation and washing facilities.** There must be provision of a foul drainage system made. Prior to its installation details of the foul waste package plant shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Each caravan standing should be capable of being connected to foul drainage. Where this provision is for a mobile home/chalet type then this connection **MUST** be made. Each caravan standing should have it's own water supply, W.C, W.H.B, shower or bath (hot & cold water). Where the WC and related WHB facilities are not present, or there is a cultural aversion to these facilities being provided with in a caravan/mobile home they should be provided in an building that meets building regulations, thus giving it suitable insulation and frost protection. Each hard standing should have adequate surface water drainage.
4. **Hard-standing.** Every caravan should stand on a concrete or other suitable hard-standing which should extend over the whole area occupied by the caravan placed upon it, and should project a sufficient distance outwards from its entrance to enable occupants to enter and leave safely.

#### 5. **Miscellaneous**

The four pitches will remain under one ownership for the lifetime of the site.

There should be a minimum distance of 3 metres from the siting of a caravan/mobile home to the boundary of the site.

Clarification that the amenity space is included within the application area is required and this will be maintained as and when necessary.

### **VIEWS OF THE PARISH / TOWN COUNCIL**

**Moston Parish Council have the following comments regarding the proposed development:**

- The site is not sustainable due to the distance from local services and facilities contrary to Policies GR1 (new development) and H8 (Gypsy Caravan Sites) of the adopted Congleton Borough Local Plan First Review 2005 and Policy HOU6 (Gypsy Caravan Sites) of the Cheshire Structure Plan and the guidance contained within Circular 01/2006. The site is over 1 mile (1.6km) from schools, shops and other local services;
- Heavy vehicles will be using country lanes which will cause damage to the infrastructure;
- There are high pressure gas pipes running across this land that could present a significant health and safety risk; and
- We trust this Planning Application will be refused as was the Plan for Thimswarra Farm (11/3548C) which was in the same field. That proposed development was outside the Local Plan.

**Warmingham Parish Council have the following comments regarding the proposed development:**

- These applications should not be viewed in isolation (11/3548C and 12/0971C) - they are for adjoining land and the impact of both should be considered jointly as well as independently;

- Application 12/0971C is an expanded iteration of the original proposal, 11/3548C, which illustrates the intention to expand the developments across the site off Dragons Lane at any opportunity;
- Application 11/3548C was refused on the basis of sustainability and application 12/0971C has failed to address or improve on any of those criteria and therefore it should also be refused on the same grounds;
- The location of the site represents an unsustainable form of development due to the distance from local services and facilities contrary to Policies GR1 (New Development) and H8 (Gypsy Caravan Sites) of the adopted Congleton Borough Local Plan First Review 2005 and Policy HOU6 (Gypsy Caravan Sites) of the Cheshire Structure Plan and the guidance contained within Circular 01/2006.

The following objections apply to both applications.

- This development is in contradiction to the following aspects of the new Government Planning Policy for Travellers' sites.

*'The government's overarching aim is to ensure fair and equal treatment for travellers.....whilst respecting the interests of the settled community.'*

- The development does not provide fair and equal treatment for travelling and settled communities. The random development of housing for the settled community on agricultural land would not be permitted. The interests of the settled community will be adversely affected by the extra traffic generated by large vehicles travelling along rural lanes not suitable for caravans and large vans.

**The Government's aims in respect of travellers' sites include:**

*'to reduce tensions between settled and traveller communities in plan-making and planning decisions'*

- Warmingham already has 7 permitted gypsy and traveller sites within 3 miles of the village. Further provision would be seen as unduly targeting the parishes of Warmingham and Moston and lead to increasing tensions. The fact that some current sites ignore conditions set as part of the planning permission does not help in promoting good relations between travellers and their neighbours.

*'for local planning authorities to have due regard to the protection of local amenity and local environment'*

- This area of Cheshire is essentially an agricultural one and should be protected as open countryside.

**Government policy states that local planning authorities should:**

*'use a robust evidence base to establish accommodations needs' and 'consider the existing level of local provision and need for sites'*

- Cheshire East has not made an up-to-date assessment of current needs and provision

of sites over the whole borough to inform the local planning process. As far as we are aware, the evidence base rests on a survey by the Cheshire Partnership Area Gypsy and Traveller Accommodation and Related Services Assessment in 2007 and one by North West Regional Gypsy and Traveller Accommodation and Related Services Assessment also in 2007, at which time there were 74 authorised pitches in Congleton borough, 27 in Crewe and Nantwich and 0 in Macclesfield.

- The former Congleton Borough, and now the Brereton Rural Ward, has a high level of existing provision, including planning permission for an extra 16 pitches at Three Oakes site in Middlewich.

**Government policy states that local planning authorities should:**

*‘ensure that traveller sites are sustainable economically, socially and environmentally’*

- This site does not offer any economic sustainability unless it becomes a mixed use site in direct contradiction to the policy on rural exception sites.
- It does not offer environmental sustainability as it would increase emissions from vehicles as all journeys would need to be undertaken by van or car. It is not on a bus route and increased pedestrians on the road would be a safety hazard.

**This development fails to comply with the following saved policies from the former Congleton Local Plan:**

***H8 Planning permission for proposals for temporary or permanent gypsy caravan sites will be granted provided they comply with ALL the following criteria:***

*i) Avoids unacceptable consequences for the amenity of nearby residents*

Increased traffic of goods vehicles, increased litter, noise and light pollution are all potential consequences.

*v) Provides satisfactory ...access from a public highway*

The local lanes are unsuitable for caravans and the large vans which are always associated with these sites.

*viii) Does not conflict with utility company or agricultural interests*

There are two gas pipelines directly crossing close to the proposed development. National Grid have stated *‘The works proposed are likely, unless controlled, to adversely impact the safety and integrity of National Grid apparatus.’*

In the light of previous experience, planning conditions on travellers’ sites are frequently flouted and unauthorised hardstanding etc. laid. We consider the proximity of these high pressure pipelines to be a serious safety hazard.

We would question whether these conditions could be enforced, given the precedent of Horseshoe Farm where unauthorised expansion of the original site took place and a number of enforcement proceedings have failed to restore the site to its permitted development.

As it is at present agricultural land, this development would conflict with agricultural interests.

*ix) Avoids wherever possible encroachment on the open countryside*

This is clearly an encroachment on the open countryside.

Policy NE.2 of the Local Plan seeks to safeguard the countryside for its own sake and keep development to a minimum in order to protect its character and amenity.

Notwithstanding the detrimental visual impact of static mobile homes and touring caravans, the proposed development off Dragons Lane incorporates four brick built day rooms which will undeniably impact on the openness of the countryside, contrary to the retained policy. As such policy has been used locally to limit settled community developments it should be applied consistently to applications for traveller and gypsy site developments.

*x) Is, wherever possible, within 1.6 km (1 mile) of existing local shops, community facilities, primary school and public transport facilities*

The proposed development would put added pressure on local limited facilities, especially oversubscribed primary schools. Public buses are infrequent and do not travel past the site. Two previous applications on this site have been refused on lack of sustainability and distance from local services.

**Section 7.34 also states that ‘there are at present several such sites already within the Borough and, therefore, it will need to be demonstrated that there is a justifiable need for further provision’.**

Until this planning application was made in the last decade there were no incidents of gypsy caravans parking on local verges, but in recent weeks some roadsides have seen groups of caravans causing environmental damage in what may be an attempt to imply need. These actions should not inform Cheshire East’s decision.

If further gypsy sites in Cheshire East are a need, founded on a robust evidence base, then sites should be allocated throughout Cheshire East.

### **Non Policy Related Comments**

The proposed inclusion of permanent, brick built ‘day rooms’ incorporating cooking, washing, toilet and open (day) areas, represents residential development and, as such, the submitted application (12/0971C) is materially incorrect at Question 17.

Application 12/0971C is intended to accommodate four families but the inclusion of additional hard-standing for touring caravans enables twice that number to occupy the site.

As only part of the whole site off Dragons Lane is being used in his application there is further scope for further development (approved and/or unapproved), which has been the case at other similar development sites.



The fact that application 11/3548C (subject to appeal) and application 12/0971C are adjacent to each other they cannot be considered in isolation.

With regards to application 12/0971C, the access road is positioned in such a way to allow further development on the rest of the site and if not amended it is likely to encourage further development due to minimal costs involved.

#### **Further material comments:**

- An environmental survey and a traffic impact assessment should have been carried out by the applicant as part of the application;
- The public notice displayed at the proposed area of development was removed within at most 3 hours of its posting and, though CEC was notified of this, the notice was not replaced.

#### **OTHER REPRESENTATIONS**

34 Letters of objection have been received regarding the proposed development. The salient points raised in the letters of objection are:

- The proposal would detract from the essentially agricultural nature of the area;
- The application requires the fundamental change of use of a field from agriculture to developed residential occupancy;
- An adjacent area of the same field has already been refused planning permission twice. Refusal of the 1<sup>st</sup> application was upheld by the Planning Inspectorate in June 2011. The 2<sup>nd</sup> application was refused unanimously by the Southern Planning Committee in February 2012. The reason for these refusals were: unsustainable location due to distance from facilities, contrary to Local and National Policy;
- The current application should be refused on the same grounds. Furthermore, due to the materials, scale and design make the proposal even more unacceptable in the open countryside. The proposal is not in keeping with the local environment;
- The proposed caravans and buildings will appear as alien and inappropriate development out of keeping with the local environment;
- The site will be enclosed by close boarded timber fencing of unspecified height and will have a detrimental impact on the character and appearance of the area;
- The proposed access involves the removal of large swathe of native hedgerow and the bridging of an established roadside ditch of at least 1m. This would require major construction work and involve the destruction of established field lines and habitats;
- The application site is located in a wholly unsustainable location and is contrary to both local and national policy;
- The claim in the applicant's Design & Access statement that there is a recognized need for this type of development in the area must be rejected. The Parish of Moston has within or close by a disproportionate number of gypsy/traveller pitches in relation to other areas of Cheshire East.
- If the previous application (11/3548C) for planning was deemed an inappropriate and unsustainable residential development in open countryside, then surely this application, which is far larger, should also be rejected on the same grounds;

- The development would have a negative impact on the surrounding countryside and there is an abundance of unoccupied caravan pitches on well equipped and well managed traveller caravan sites within a distance of less than two kilometres of Dragons lane;
- I believe if we allow 4 caravans to use this land it will just escalate out of control and more and more caravans will take up residence as they have done in other areas of Cheshire
- Amenities such as electricity, water, and waste would need to be supplied and the collection of refuse. The utility/day rooms are these to be paid for by the council or by the applicants including council tax;
- I believe there is a Gas pipeline running across this area which if disturbed could become a hazard;
- The Gypsy community is already being well catered for in the area and there are several sites which currently operate close to the land proposed in this application. These sites most certainly do not seem to be over crowded and any potential residents would find space. Moston is one of the few areas around which still holds a vested agricultural interest and the land surrounding should be encouraged to continue in this vain as opposed to granting planning applications of these sorts which inevitably have a snowball effect.
- I believe consultees should know the address of the Applicant. In the Application the Applicant states via the Agent that he is the owner of the proposed development site. If this is his address then I would like to know if he is living there legally. There is currently a caravan and building adjacent to the proposed development;
- The existing caravan and building are not shown on the Site Layout.
- Section 17 of the Application Form answers "No" to the gain of residential units. This cannot be true. In addition to the existing caravan and building, there are 8 caravans proposed and a further 4 permanent buildings to 'facilitate' the residence of the caravan occupants. Further, Section 2.04 of the Design and Access Statement clearly states that safety and hygiene would be untenable without these permanent buildings which are in fact bungalows minus the bedrooms. I find it very difficult not to view this as a residential development gain and thus inappropriate for the area;
- The previous application number 11/3548C was declined on this site as it is unsustainable for the following reasons. The bus stop is over a km away, there are no schools close to the proposed site or shops. There are no footpaths or street lighting on Dragons Lane. Most of the above I would deem necessary for the proposed Gypsy site. I therefore think the new application for a larger site is still unsustainable for the same reasons. Further considerations should also be given to the access position as it is within a short distance of a sharp bend when turning eastwards on Dragons Lane. Dragon Lane is also used as a cut through for traffic travelling from A530 Leighton Hospital road through to the main Middlewich/Sanbach road;
- The application site is located within the open countryside. Policy NE.2 of the Local Plan seeks to safeguard the countryside for its own sake and keep development to a minimum in order to protect its character and amenity. The establishment of permanent, brick built day rooms and the siting of mobile homes will diminish from the openness and character of the area;
- In accordance with the Planning Policy for Traveller Sites issued by Central government in 2012 Cheshire East is required to "use a robust evidence base to establish accommodation needs [to inform the preparation of local plans and] make planning decisions". There is no supporting evidence that there is a need other than the

applicants own wishes. Until such time that all available traveller sites in the council area are fully occupied (with residents), no new sites should be approved;

- Moston already has 7 Gypsy sites within 3 miles of the village. Any further additions to this would only further add tensions and have a negative impact on the relationship between the residents and the Gypsy's. The ratio of Gypsy's in the area is very high in comparison to other areas of the Cheshire East Council and as part of the Government's plans to reduce tensions surely this would be more beneficial to be spread out as opposed to be concentrated in an area.
- Moston is a very small rural village with no amenities what so ever. Further planning application of any description should be seriously considered for their viability let alone an application for up to 8 families/homes. The roads are already in a poor state of repair and have to withstand a surprisingly high volume of traffic from people taking short cuts to HGV's in the area;
- There are already over 3 gypsy caravan sites within 2 miles of the proposed new open countryside site and these existing sites have adequate empty pitches so there is no need for any additional sites;
- The great no of gypsy sites in the area is causing local unrest and further destruction of Cheshire open countryside is undesirable;
- For waste products a large Water Treatment Plant is proposed. The volume of waste from a site with potentially 20+ inhabitants a soakaway would be inadequate to manage the resultant effluent due to the high water table and heavy clay soils. This could potentially be a health hazard;
- As the police will no doubt inform you the crime rate has soared in the vicinity. We ourselves have been victims of theft;
- We understand that the Council are going to give permission for a site at Coppenhall, which is not far hence we will be surrounded by the gypsy community;
- There are 4 brick built 8 x 5 m buildings which are totally unsuitable for a countryside location. Coupled with the parking hard standing, refuse bays and roads on the site it will resemble a small housing estate – in open countryside & isolated from the village envelope. It will no doubt be a blot on the landscape;
- Approval of this application would lead to increased tensions between the Gypsy population and local residents who would feel aggrieved that the countryside had been spoilt by this development. It should also be noted that the Moston / Middlewich area already has more than its fair share of Gypsy sites – none of which appear to be near capacity;
- I have been unable to find a planning notice attached to the site during the consultation period.
- An Environmental survey would raise further issues that are as yet not apparent, however, by the very presence of such a compound and unsuitable use the natural habitat and wild life would be significantly affected;
- To allow or tolerate this development would open the flood gates to other parties that would see this as precedence for similar development opportunities if it is to continue without being formerly addressed.
- The lanes giving access to this site are unsuitable for the sort of traffic the development would generate;
- The intrusive development is contrary to policies GR1 and GR2 of the adopted Congleton Borough Local Plan;
- The Council and the Planning Inspectorate have already made a ruling that this is an unsuitable site for development;

- The Council should be consistent with their previous decision and refuse this application;
- The proposed use of the existing caravan, hardstanding and septic tank should not be considered with this application because they should have been removed;
- The proposal is not in keeping with the rural vernacular and will have a detrimental impact on the visual character and appearance of the area;
- The site is in an unsustainable location;
- The proposal if allowed will affect property values in the area;
- The caravans will be an eyesore and the mess and litter created will become unbearable;
- The proposal will have a significant detrimental impact on the enjoyment of residential amenities;

#### **A letter from Fiona Bruce MP (Dated 24<sup>th</sup> April 2012)**

- Planning application 11/3548C was previously refused permission by the Southern Planning Committee on the basis that the site was in an unsustainable location due to distances from facilities contrary to Policies GR1, H8, HOU6 and guidance in Circular 01/2006;
- This new application is on a larger scale and I hope, therefore, that it will be dismissed on the same basis;
- Other concerns which have been raised with me are that heavy vehicles will be using the country lanes which will cause damage to infrastructure and there are high pressure gas pipes running across this land that could present a significant health and safety risk.

#### **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.

##### **Appeal Decisions**

The applicant has also submitted two Appeal Decisions to support their application:

Firstly, land at Canal View, Cathiron Lane, Harborough Parva, Warwickshire (APP/E3715/C/10/2140644) and was allowed on the 20<sup>th</sup> September 2011.

The application was 1no. gypsy site which was located within the Greenbelt and was located approximately 5.9km away from the nearest settlement. The Inspector concluded *'Weighing against the development is the harm by reason of inappropriateness which must be accorded substantial weight. Added to this are the actual harm to openness which I have found to be limited and the limited harm to the character and appearance of the area and the visual amenities of the Green Belt'*

*'On the other side of the scale are those considerations in favour of the development including the significant unmet need for additional sites to accommodate gypsies and travellers, a matter that carries significant weight together with the Council's failure to address*

*the shortfall in provision within the timescales anticipated in Circular 01/2006 or in the GTAA. The Council is still some considerable time away from identifying sites. This is a matter afforded considerable weight. Considered in the round, the site offers a relatively sustainable and settled base for members of the gypsy and travelling community'*

*'The totality of the harm identified is clearly outweighed by these considerations which are applicable to gypsy and travellers generally'.*

The second appeal statement was 1 no gypsy pitch at Summerlane Farm, Summer Lane, Teigngrace, Newton Abbott (APP/P1133/A/07/2034300) and was allowed on the 30<sup>th</sup> April 2007. The appeal site was approximately 3km away from the nearest settlements. The Inspector concluded *'In accordance with Circular 01/2006 the Council, when identifying sites through the LDF process, will consider sites within or on the edge of settlements first. However, as stated previously, a specific Area Action Plan that would identify suitable sites on a sequential basis has not been produced to date and is someway off at this stage. Overall, there is a clear and substantial need for gypsy and traveller sites both in Devon and Teignbridge. If the appeal were to fail, the Appellant would have no alternative but to move to another unauthorised site. The Council has been unable to suggest any alternative locations'.*

## **OFFICER APPRAISAL**

### **Site History**

Members may recall that a similar application (11/3548C) was submitted on the adjoining parcel of land. That application was for a change of use of land to use as residential caravan site for one gypsy family with two caravans including laying of hardstanding and erection of stables at Thimswarra Farm, Dragons Lane, Moston. This application was refused planning permission on the 23<sup>rd</sup> February 2012 by Members of the Southern Planning Committee for the following reason:

*'The location of the site represents an unsustainable form of development due to the distance from local services and facilities contrary to Policies GR1 (New Development) and H8 (Gypsy Caravan Sites) of the adopted Congleton Borough Local Plan First Review 2005 and Policy HOU6 (Gypsy Caravan Sites) of the Cheshire Structure Plan and the guidance contained within Circular 01/2006'.*

The applicant is currently in the process of appealing the aforementioned decision and a Hearing date is scheduled for the 11<sup>th</sup> July 2012.

### **Procedural Matters**

A number of objectors have stated the location and block plans submitted with the application are incorrect. They make specific reference that the caravan and other associated development, including the decked area and pergola on the adjoining parcel of land are not shown.

Whilst the location and block plans should wherever possible be accurate the application is submitted in relation to development located within the defined application area denoted by the red line. It is not a requirement of the Town and Country Planning Applications

Regulations 1988 or the Council's validation documents to ensure that all buildings/structures outside the application area are shown accurately and/or correctly named. Buildings around the site are shown to help locate the application site but the detailed relationship of individual buildings to the application site will need to be assessed by means of a site inspection.

Therefore, whilst it is acknowledged that the applicant has not shown the adjacent caravan on the location or block plans. It is not considered that local residents have been prejudiced and all their comments have been taken into account.

## **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 PS8 (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.

## **Assessment against Policy**

### *Policy H.8 (Gypsy Caravan Sites)*

According to Policy H.8 planning permission will be granted for proposals for temporary or permanent gypsy caravan sites provided they comply with the following criteria:

- (i) *Avoids unacceptable consequences for the amenity of nearby residents;*
- (ii) *Comprises a site which is not within the Greenbelt, Area of Special County Value for Landscape or affects sites of nature conservation or archaeological interest;*
- (iii) *Is of an appropriate scale which would not detract from the value of the surrounding landscape;*
- (iv) *Is adequately screened and landscaped;*
- (v) *Provides satisfactory onsite parking and access from a public highway;*
- (vi) *Provides adequate onsite facilities and services to serve all caravans;*
- (vii) *Does not prejudice other relevant local plan policies;*
- (viii) *Does not conflict with utility company or agricultural interests;*
- (ix) *Avoids wherever possible encroachment on the open countryside; and*
- (x) *Is, wherever possible, within 1.6km (1 mile) of existing local shops, community facilities, primary school and public transport facilities.*

In addition to the above, Planning Policy for Traveller Sites is an important material planning consideration. This document defines a gypsy or traveller as:

*'Person 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 or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such'.*

(Paragraph 1 Annex 1)

## **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. It is noted that buses travel along Dragons Lane at various intervals in the day. The nearest service centre to the application site is Elworth and there is a distance of approximately 2.4km 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 application site is within a reasonable walking/cycling distance of the services and facilities available in Elworth. It is noted that bus services operate along this stretch of Dragons Lane, but these appear to be irregular and infrequent. Furthermore, the case officer did not identify any bus stops in close proximity to the application site and the nearest bus is on London Road approximately 2km away from the application site.

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 H.8 (Gypsy Caravan Sites) criterion (x) states that proposal should be '*wherever possible, within 1.6km (1 mile) of existing local shops, community facilities, primary school and public transport facilities*', the advice is qualified by the term 'wherever possible'. It does not therefore rule out sites which are further away. Furthermore, the policy does not specify the modes of transport are to be utilised. However, it is considered given the location of the site, the surrounding highway network and the lack of street lighting and pavements in the area, the main mode of transport will be the private car.

Overall, it is considered that the application site is not in a wholly sustainable location and the proposal conflicts with advice advocated within Policies H.8 (Gypsy Caravan Sites) 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, a dayroom/utility room and a bin storage area. Each of the pitches will be enclosed by a post and rail fence. All of the pitches are located around the proposed access road, which is in the shape of a letter 'T'. The access road sweeps around to the north and a new access will be formed on the south side of Dragons Lane. The case officer noted that the application site is bounded by mature native hedgerows around the north facing boundary of the site, which fronts on to Dragon Lane. The plans show that there will be extensive areas of landscaping around the periphery of the site and this will help to assimilate the proposal into the local environment. Located to the west of the application site the applicant is proposing on installing a Klargest treatment plant.

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.

## Assessment

According to policy PS8 (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 H.8 criterion (iv) stipulates that proposals should be *'adequately screened and landscaped'* and criterion (iii) states that proposals should be *'an appropriate scale which would not detract from the value of the surrounding landscape'*.

The proposal is for the siting of 4no.static caravans, 4no. touring caravan, 4no. dayroom/utility blocks, 4 no. refuse bin stores and the associated hardstanding and boundary treatment. It is considered that the visual impact of the development to a large extent is reduced by the fact that the existing boundary treatment to the north of the application site will be screened by mature native hedgerow. The applicant is proposing on installing a new access to the site on the south side of Dragons Lane, which will necessitate the removal of a stretch of hedgerow.

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 utility blocks. 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. The case officer notes that the boundary treatment along the southern boundary of the application site comprises a post and rail fence and this permits views into the site. Therefore, this boundary will also need to be adequately screened and will be conditioned accordingly.

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 conditions relating to landscaping will help to mitigate any negative externalities associated with the proposal and in addition conditions requiring the removal of the close boarded timber fence and gate. Therefore, it is considered that the proposal complies with Policy GR2 (Design) and advice advocated within the National Planning Policy Framework and Planning Policy for Traveller Sites.

### **Dayrooms/Utility Blocks**

According to the submitted plans each of the pitches will include a Dayroom/Utility block. The proposed dayroom will measure approximately 7.7m long by 4.9m wide and is 2.3m high to the eaves and 4.3m high to the apex of the ridge. The buildings will be constructed out facing brick under a slate roof, which will be conditioned, if planning permission is to be approved. It is considered that the use of these materials is similar to other similar types of structures e.g. garages within the locality and as such not of place.

The footprint of the proposed dayrooms are primarily rectangular in form and the total footprint of the buildings are approximately 38sqm. It is considered that the scale and massing of the proposed buildings are relatively modest and serve the purpose for which they are intended. Each of the dayrooms will incorporate a personnel door and window on the south facing elevation and similar sized windows on the north and east facing elevations. It is noted on the west facing elevation are two smaller apertures. Internally the buildings will comprise a kitchen, day room, wash room and bathroom. Whilst encouraging good design, the NPPF states that planning authorities should not attempt to impose architectural styles and particular tastes, or be unnecessarily prescriptive. In this case, the case officer is satisfied that the proposal represents an acceptable design solution in the context of the proposed development.

## **Refuse Stores**

Each pitch will also comprise a refuse store which will measure approximately 2.1m wide by 1.3m deep and is 1.2m high. The refuse stores will be enclosed with a close boarded timber enclosure. The bin enclosure is large enough to accommodate 3no. wheelie bins.

## **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 nearest residential properties are those located to the south west (Ivy Cottage Farm) and west (Woodville Farm) which are sited approximately 170m and 220m respectively away from the application site. As previously stated, the site is demarcated by a mature native hedgerow, which is punctuated at irregular intervals with mature trees. It is considered the distances between the existing properties and the application site and the intervening vegetation will minimise any loss of amenity through overlooking or over domination. Furthermore, colleagues in Environmental Health have raised no objections. It is considered that the proposal complies with policy GR6 (Amenity and Health).

## **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 site 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 sites have been identified as part of the forthcoming Local Plan.

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 five 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 (still under construction).

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 9 pitches with 2 under construction on Astbury Marsh and 1 site with temporary permission with 8 pitches (temporary permissions do not count towards the GTAA figures). The application for 10 pitches at Parkers Road, Crewe was recently withdrawn and there are currently two applications for gypsy/traveller sites which are being assessed and these are land lying to north west of Moor Lane, Wilmslow (12/1144M) which is for one pitch and land of Spinks Lane, Pickmere (12/1113M) which is for 3 pitches. It is clearly evident that even if these two applications are approved there would still be a significant shortfall in the need for gypsy sites.

Furthermore, a recent 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'*. Furthermore, as can be seen from previous appeals cited earlier in the report the Inspector found that sites to be sustainable even though they were located 5.9km and 3km away from the nearest settlement. Therefore, as can be seen there is a substantial unmet need for permanent residential pitches in Cheshire East and this lack of permanent residential pitches weighs significantly in favour of the application, even though the site is in a relatively remote location.

## **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 Irish 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 not have a direct impact on the occupier's rights given that the application site has not been laid out or is being occupied. 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.

### **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.

### **Highways**

The application site will be accessed directly off Dragons Lane. The highway is wide enough for two vehicles to pass with relative ease although there are no footpaths along the carriageway. According to the submitted plans the proposed access gates will be set back approximately 16.5m from the edge of the highway, which will allow vehicles towing caravans to be parked clear of the public highway and will reduce the amount of queuing. It is considered that there are good views in either direction. The surface to the entrance will be formed out of tarmacadam. However, it is considered that the use of tarmacadam is an inappropriate surfacing material in this open countryside location and a condition relating to surfacing materials will be attached to any permission. Beyond the access gates the access road sweeps around to the east and terminates in turning head. 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 utilising 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 and raise no objection to the proposal. Therefore, it is considered that the proposal complies with policy GR9 (Accessibility, Servicing

and Parking Provision) and there is insufficient justification to warrant a refusal and sustain it at any future Appeal on highways grounds.

### **Gas Pipeline**

There is a high pressure gas pipeline running through the land which is owned by the applicant. The applicant states that no operational development is proposed in the vicinity of the pipeline. The minimum distance is 60m from the development to the gas pipeline. Colleagues at the National Grid have been consulted and raise no objection subject to a number of informatives.

### **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 plans/application forms the proposed method for drainage would be via a package treatment plant. It is the Council's understanding that a drainage pipe will connect all of the static caravans and dayrooms/utility rooms. The drains will then connect up to a Klargester treatment plant. The case officer considers it 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**

The objectors have stated that the proposed application site will be enclosed by a close boarded timber fence of unspecified height and as such will have a detrimental impact on the character and appearance of the locality. The case officer acknowledges the concerns of the objector and a condition relating to boundary treatment will be attached to any permission.

A number of objectors have stated that if planning permission is approved for the proposed development it will have a detrimental impact on house prices in the locality. Whilst the concerns of the objectors are noted, issues to do with devaluation of properties are not a material planning consideration and as such are not a sufficient justification for warranting a refusal of this application. Unfortunately, the planning system is not here to duplicate other legislation, for example, issues to do with crime can be dealt with by Police, littering and fly tipping can both be addressed via Environmental Health. The relevant material considerations with regards to this application have been fully addressed in the above report.

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). No neighbours immediately adjoin the application site. Therefore, a site notice was displayed on the 30<sup>th</sup> March 2012 and additional site notices were emailed to Moston Parish Council. Further, consultations were also sent to neighbours who made objections to 11/3548C. It is considered that the Local Planning Authority has sufficiently consulted on the proposed development.

An objector states that local residents should know the location of the applicant and the address should be completed on the application form. However, the applicant's agent is acting on behalf of the applicant and it is not considered that local residents have been prejudiced by not knowing where the applicant currently resides.

## **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 an 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. Furthermore, significant weight must also be given to the need to facilitate the education and welfare needs of the applicant and his family.

This site would therefore meet some of that identified need. 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 conditions such as drainage and landscaping; on balance it is considered that the benefits of the application would outweigh any perceived harm and therefore it is found that 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. The application is therefore recommended for approval accordingly subject to appropriate conditions.

**Approve subject to the following conditions:**

- 1. Temporary Permission for a five year period**
- 2. Plan References**
- 3. Materials for the Dayroom/Utility Block**
- 4. 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**
- 5. 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**
- 6. No External Lighting**
- 7. Details of a landscaping scheme to be submitted and approved in writing**
- 8. Landscaping scheme to be implemented**
- 9. Details of a drainage scheme to be submitted and approved in writing**
- 10. No vehicles over 3.5 tonnes shall be stationed, parked or stored on the site**
- 11. No commercial activities shall take place on the land, including the storage of materials**
- 12. Details of the porous surfacing materials to be submitted and approved in writing**
- 13. Details of Boundary Treatment to be submitted and approved in writing**
- 14. Details of the Materials used to construct the Dayroom/utility block to be submitted and approved in writing**
- 15. Details of Timber Stain for the Bin Enclosures to be submitted and approved in writing**
- 16. Hours of Construction**

<b>Monday to Friday</b>	<b>0800 to 1800 hours</b>
<b>Saturday</b>	<b>0900 to 1400 hours</b>
<b>Sundays and Bank Holidays</b>	<b>Nil</b>
- 17. Access to be constructed in accordance with the approved plans**
- 18. Gates to be set back a minimum of 5.5m and open inwards**
- 19. Personal to the applicant**
- 20. 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**



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