

Application No: 18/2413C

Location: Land Adjoining Meadowview Park, DRAGONS LANE, MOSTON

Proposal: Change of use of land from agricultural land for stationing of caravans for residential purposes by 1 gypsy-traveller family including utility building, hard standing, septic tank, fencing & gates, and shed/dog kennel, part retrospective.

Applicant: Ms D S Smith

Expiry Date: 16-Aug-2018

SUMMARY

The proposal seeks permission for the change of use of land from agricultural to the stationing of caravans for residential purposes for 1 gypsy-traveller family (1 pitch).

Having regard to the rural location of the site, the distance from facilities, and the absence of public transport the site is still not considered to be in an accessibly sustainable location. This weighs against granting planning permission for this development.

Recognising these shortcomings, the Council's site identification study (August 2018) recommended that the site was not allocated for Gypsy and Traveller pitch provision in the First Draft of the Site Allocations and Development Policies document ("SADPD") at that time.

Balanced against this is the identified need for accommodation for Gypsies and Travellers in the Borough. For the five year period of 2017/18 – 2021/22 there is a requirement for 12 Gypsy and Traveller Pitches and 2 Travelling Showperson Plots.

The draft SADPD includes 3 allocated sites, which amount to 13 permanent pitches and 3 travelling showperson plots. This is sufficient for 5 years site provision from the base date of the GTAA which is May 2017. However, given the very early stage of the SADPD, very limited weight can be given to this provision.

The provision of needed Gypsy and Traveller accommodation is a clear social benefit of the proposal. However, whilst the requirement for sites and the current lack of alternatives weigh in favour of the proposal, they are not considered to outweigh the identified harm.

This site is currently occupied, and the applicant has submitted personal circumstances which indicate, a need for permanent accommodation, and a desire to live in the local area to access public services, such as health care and education. They also have family links with a number of Gypsy and Traveller families in the area. It is therefore considered that in this instance, although permanent permission would not be appropriate, as there is an outstanding need in the Borough, and no clear indication of alternative allocated sites until the SADPD is adopted, it would be reasonable to allow temporary permission until 28th February 2021 (in line with the adjoining sites). This would allow the draft SADPD to be examined and adopted with the inclusion of allocated Gypsy and Traveller sites.

SUMMARY RECOMMENDATION:

Temporary approval subject to conditions

REASON FOR REFERRAL

This level of application would normally be a delegated application, however in this instance the application has been called into Southern Planning committee by Cllr Wray for the following reason.

‘Significant local public concerns relating the effects on the character and amenity of the open countryside...dominance of G&T sites in the Moston area ...adjacent to HI PRESSURE GAS PIPELINE...the site is part of a larger parcel of land which is being sub divided into smaller plots and sold to travellers with no connection to the area, so there is therefore no cogent reason to grant planning permission for any alleged unmet need or requirements’

PROPOSAL

The proposal seeks part retrospective permission for the change of use of land for stationing of caravans for residential purposes by 1 gypsy-traveller family with facilitation development (utility building, hard standing, septic tank, fencing and gates, shed and Dog Kennel).

SITE DESCRIPTION

The application site was originally an open greenfield site located within the Open Countryside as identified by the Congleton Borough Local Plan First Review. However the site is now surfaced with hardstanding and houses a Static Caravan and two tourers (at the time of the planning officer’s site visit), and utilises the access off Dragons Lane, with the adjoining site.

RELEVANT HISTORY

No relevant planning history.

It should be noted that there have been a number of applications on neighbouring sites within the same field for gypsy and traveller sites.

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 while respecting the interests of the settled community.

Cheshire East Local Plan Strategy (CELPS)

SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
SE1 Design
SE2 Efficient Use of Land
SE4 The Landscape
SC7 Gypsies and Travellers and Travelling Showpeople
CO1 Sustainable Travel and Transport
CO4 Travel Plans and Transport Assessments
PG6 Open Countryside
IN 1 Infrastructure

Saved policies of the Congleton Borough Local Plan First Review 2005

GR6 (Amenity and Health)
GR7 (Amenity and Health)
GR9 (Accessibility, Servicing and Parking Provision)
GR17 (Car Parking)
GR20 (Public Utilities)
PS8 (Open Countryside)
H7 (Residential Caravans and Mobile Homes)

Moston Neighbourhood Plan – Regulation 18

HOU1 – Location of New Homes
HOU2 – Housing mix and type
LCD1 – Design and Landscape setting
LCD2 – Dark Skies
INF3 – Surface water management
ENV1 – Wildlife Habitats, Wildlife Corridors and Biodiversity
ENV2 – Trees, Hedgerows and Watercourses

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)

Cheshire East Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (August 2018)

Cheshire East Local Plan – Site Allocation and Development Policies Document – Gypsy, Traveller and Travelling Showpeople Site Selection Report – (August 2018)

First Draft Site Allocation and Development Policies Document (published September 2018)

CONSULTATIONS:

Natural England – No objections

Strategic Infrastructure Manager – No Objections.

Cheshire Brine – No objections, subject to a condition if foundations are required.

HSE – Do not advice against, however National Grid should be consulted

National Grid – Holding Objection – crosses a High Pressure Gas Pipeline – Feeder

Environmental Protection – No comments to make

Moston Parish Council – Object to the proposal (full version available to view on the website)

- There are in principle policy objections to this site,
- The site is within the open countryside and unsustainable location,
- No permeant permission can be granted on this site, inline with many previous applications on the surrounding sites,
- The accumulations of sites is creating an urbanisation of the location,
- Peter Brett Associates were appointed by the Cheshire East Council to undertake a 'Gypsy, Traveller and Travelling Showpeople: Site Identification Study' – site discounted as suitable for permanent or any additional development,
- There is no policy support for a permanent or temporary pitch in this locality,
- Site does not accord with SC7 of the Cheshire East Local Plan Strategy,
- Drainage issues on the site,
- Concerns raised over proximity of the site to a High Pressure Gas Governor and development would further increase risk of explosion – this is shown by the holding objection from Cadent Gas,
- Impact on highway safety,
- Application states there will be 2 parking spaces but there is at least 4 cars parked on site,
- Lack of contaminated land report
- Lack of ecology report and impact on protected species

- The development has caused discernible harm to the character and appearance of the countryside undermining the general effectiveness of countryside protection policies,
- The development is in direct conflict with Local Plan Strategy PG6 and saved policies H8, GR1, and GR2 of the Congleton Borough Local Plan and the Planning Policy for Traveller Sites,

REPRESENTATIONS

Approximately 90 letters of representation from neighbouring households, have been received, including a letter from Fiona Bruce MP, objecting to the proposal on the following grounds:

- Impact on health of occupants due to location near to proximity an animal incinerator and grave yard,
- The proposal crosses the National Grids High Pressure Gas Pipe – potential for extreme danger to the applicant and other people in the vicinity
- Site not allocated in the Peter Brett report as suitable – document which the Council spent a lot of money commissioning
- Adjacent site recently refused
- Impact on open countryside and result in visual harm to this open rural area,
- Cumulative affect of numerous applications on this area of land is unacceptable
- Cumulative affect is having an urbanising impact on the site,
- Unacceptable development of a greenfield site
- Severe impact on light and noise pollution from temporary pitches,
- Site appears to be slowly eroded to a large residential development, turning the land into brownfield,
- Question if the applicants are Gypsies as defined within the PPTS 2015,
- Lack of detailed information relating to the personal circumstances of the applicants
- Site is contrast to Policy H8 (Gypsy Caravan Sites),
- Site remains an unsustainable location
- Concerns the site will become akin to Dale Farm
- Contrary to Policy H of the Planning Policy Traveller Sites
- Impact on listed buildings
- Site is unsuitable for a septic tank
- Support concerns raised by Moston Parish council
- Lack of enforcement action on the site has encouraged further applications
- Impact on ecology/wildlife
- Adjacent sites only permitted temporary due to need for 5 land supply, not considered suitable for permanent siting
- Noise and Light pollution
- Ownership certificate not complete – Who is the applicant?
- This is another attempt to override the planning system by simply developing, moving in and claiming gypsy traveller status, which is not good enough and has caused resentment within the local settled community,

- Concerns over contaminated water entering the local water course,
- Planning Policy for Traveller Sites, CLG March 2012 states that “local planning authorities should ensure that the scale of ... sites does not dominate the nearest settled community” (para 12). Although the number of traveller dwellings may currently be small, the constant applications, breaches of planning, noise and pollution does dominate this small rural community
- The applicants do not have a Need to live in Moston, simply a desire
- Lack of contaminated land report – known site for fly tipping in the recent past
- If permission was granted would only set a precedent for further applications which would escalate into a large residential development
- Other plots have been refused, and only permitted on temporary basis
- Article 4 direction should be imposed on the site
- Moston has 7 licenced gypsy sites, most are permanent, the 2 in this field only temporary, over 13% of the parish housing stock is made up of non permanent structures,
- Former Leader of the Council, Micheal Jones, stated that other permanent sites will be allocated for gypsies and travellers
- Impact on highway safety
- Significantly more vehicles have been using Dragons Lane and the canal bridge which has the 3 tonne weight limit,
- The naïve view of the Planning Inspector in 2012 allowing a temporary permission for one single pitch, *‘I give little weight to fears that a grant of planning permission in this case would set a precedent for the provision of further gyps/traveller pitches in the locality’* has amounted to 12/15 applications on this field
- The area is not suitable for permanent residential development as set out by various planning officers, Committee Members and Planning Inspectors.

OFFICER APPRAISAL

Principle of Development

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, in rural settings, where the application proposal is located, (Open Countryside) are acceptable in principle for gypsy and traveller sites.

Whilst the need for gypsy and traveller accommodation is a material planning consideration, other development plan policies and Government guidance require, in addition, the consideration of the impact on 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 accessed local services. This is addressed further below.

This specific site has not previously been assessed, however the adjoining sites (5 other sites in total) has been assessed on a previous occasions as not suitable for permanent permission. Two of the adjacent sites on the same area of land, fronting Dragons Lane, have been assessed and have been granted temporary permission until 2021 due to the personal circumstances of the occupiers and the lack of a 5 year supply of alternative site. .

Need

Policy SC7 of the Cheshire East Local Plan Strategy sets out the overall need for Gypsies and Travellers and Travelling Showperson provision between 2013 - 2028 in line with the Cheshire Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA) (March 2014).

In August 2015, revisions to the PPTS changed the definition of Travellers for planning purposes. The key change was the removal of *'those who have ceased to travel permanently'* meaning that they will now no longer fall under the planning definition of a 'Traveller' for the purposes of assessing accommodation need in the GTAA. This change in definition came after the completion of the 2014 GTAA.

The Council, in support of the preparation of the First Draft Site Allocations and Development Policies document ("FDSADPD") has updated its evidence base on a sub-regional basis, on the need for additional Gypsy and Traveller and Travelling Showperson accommodation. The updated GTAA reflects the change in definition set out in the revised PPTS and has a base date of May 2017.

The 2018 GTAA now provides updated evidence on need which reflects current national planning policy. The 2018 GTAA also covers the full Local Plan period compared to the 2014 GTAA which only covered the period up to 2028. The accommodation needs in the 2018 GTAA study, for Cheshire East, up to 2030, are shown below:

	Total
Gypsy and Traveller residential pitches	32
Transit site pitch provision	5-10
Travelling Showperson plots	5

Applying an annualised assumption for site delivery, from the base date of the GTAA, for the five year period of 2017/18 – 2021/22 there is a requirement for 12 Gypsy and Traveller Pitches and 2 Travelling Showperson Plots.

The Planning Policy for Traveller Sites 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'. (para 27)

Therefore the need for traveller provision in the area should be given significant weight.

The First Draft Site Allocation and Development Policies Document (FDSADPD)

The Council consulted on the FDSADPD from the 11 September until the 22 October 2018. The FDSADPD proposes further policy guidance on Gypsy, Traveller and Travelling

Showperson provision (draft policy HOU 5). Three site allocations are also proposed in the draft Plan which would address part of the accommodation needs identified in the GTAA. An exhaustive search for potential sites has been carried out.

The Gypsy, Traveller and Travelling Showpeople Site Selection Report [FD 14] published in the FDSADPD document library sets out the steps that have been taken towards looking for and establishing a list of sites that can be then assessed in terms of their suitability and availability.

The three proposed site allocations, included in the FDSADPD for consultation that ended on the 22 October 2018 were:

- Site G&T 1 Land east of Railway Cottages, Nantwich for six permanent residential Gypsy and Traveller pitches;-
- Site G&T 2 Land at Coppenhall Moss, Crewe for seven permanent residential Gypsy and Traveller pitches;-
- Site TS1 Lorry park, off Mobberley Road, Knutsford for three Travelling Showperson plots.

The sites proposed for allocation in the draft SADPD would provide for a total of 13 permanent pitches and 3 travelling showperson plots. This is sufficient for 5 years site provision from the base date of the GTAA which is May 2017.

The list of sites considered through the draft Gypsy, Traveller and Travelling Showpeople Site Selection Report included sites with temporary planning permission, such as the adjacent sites at Thimswarra Farm, Dragons Lane, and Meadowview, South of Dragons Lane.

The site selection report concludes, taking into account and balancing the range of factors considered that the site at Thimswarra Farm, Dragons Lane (reference GTTS 16) is **not a preferred site** and is not proposed as an allocation within the FDSADPD.

The site selection report concludes, taking into account and balancing the range of factors considered that the site at Meadowview, South of Dragons Lane (reference GTTS 18) is **not a preferred site** and is not proposed as an allocation within the FDSADPD.

Both the sites above, lie adjacent to the application site are considered to lack accessibility to services, facilities and public transport and would have a detrimental impact on the open countryside.

In general terms, the list of sites that have been collated do not perform particularly well in terms of their planning suitability. Most are located in the open countryside and services and facilities are not readily accessible to them by foot, cycle or public transport. This is also true of the site this site in Moston.

As such the Council, alongside the consultation on the FDSADPD, has made a further call for sites for Gypsy and Traveller and Travelling Showperson sites. This will assist in ensuring that every reasonable effort has been made to identify other sites that may prove to be more suitable.

Following the consultation on the FDSADPD and call for sites, further work will be undertaken to assess the suitability of sites for allocation before the Council consults on the publication version of the SADPD.

The publication version of the SADPD will be a full, final draft of the document the Council intends to submit for examination. This will be consulted on for six weeks before being submitted for public examination. The Local Development Scheme anticipates the submission of the SADPD for independent examination in the 3rd Quarter of 2019 with adoption in the 1st Quarter of 2020.

Therefore given the very early stage of the FDSADPD very limited weight can be given to the allocations proposed at this stage. Therefore although the draft SADPD shows a clear indication of the LPA's intention in relation to allocating site provision in the next 5 year years, there is still currently an outstanding need of for Gypsy and Traveller provision.

Conclusion

It is therefore considered that although there is an outstanding need for Gypsy and Traveller provision in Borough, this site has been acknowledged as unsuitable in a number of respects in terms of a permanent permission.

This site is currently occupied, and the applicant has submitted personal circumstances which indicate a need for a permanent pitch, and a desire to live in the local area to access public services, such as health care and education. They also have family links with a number of Gypsy and Traveller families in the area. This has limited weight in the consideration of the application. However, although the site would not be suitable for permanent permission, as there is an outstanding need in the Borough, and no clear indication of alternative allocated sites (at this time), it would be reasonable to allow temporary permission until June 2021 (in line with the adjoining sites), to allow the draft SADPD to be examined and adopted, and a more suitable site found/allocated.

Sustainability

The PPTS (August 2015) states 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

The PPTS 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 very 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 25). 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 should not be located in an area at high risk of flooding. These are all matters to be considered in the round when considering issues of sustainability.

The Inspectors who considered the appeals on the adjacent sites identified that most facilities are beyond the 1.6kms specified in the local plan (which was specified in Policy H8 of CBLP – now deleted), however, that most journeys to and from the site would be by private vehicle, but that these journeys would be relatively short and limited in number. Policy SC7 of the CELPS does not specify a distance but states that in considering applications, *'(i) Proximity of the site to local services and facilities'* should be taken account of.

As such, overall it is considered that the site is in an unsustainable location.

Impact on the Character and Appearance of the Open Countryside

There is a very strict limitation on new traveller site development in the open countryside that is away from existing settlements identified in Policy H of the PPTS (para 25).

Paragraph 26 of the PPTS requires local authorities to attach weight to the following matters:

- a) Effective use of previously developed (brownfield), untidy or derelict land;
- b) Sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;
- c) Promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children;
- d) Not enclosing with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

Whilst the principle of caravans in the countryside is not unduly out of keeping, the associated development including hardstanding, utility building, shed/dog kennel, fencing and gates in addition to the proposed caravans, vehicles and existing development, will result in some urbanisation and visual harm to this open rural area. However, of greater concern is the positioning of the development.

In this case there are two permitted separate existing traveller sites located adjacent to the field boundary with Dragons Lane, to the west of the application site. The application site is positioned adjacent to the Site at Meadowview, which has 4 pitches. This site extends the development to the east along Dragons Lane, by one pitch, with the Gas Governor buildings to the east. The proposal extends no further into the site than the existing development. The site is partly surrounded by vegetation, with a roadside hedge and trees, but is currently open to the south/agricultural land.

Subject to the planting of the hedge along the southern boundary to soften the edge of the site with the agricultural field, the proposal is not considered to have any further impact on the open countryside than the existing two sites which are also positioned directly off Dragons Lane.

Amenity

Saved policy GR6 (Amenity and Health) of the Congleton Borough Local Plan 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 within a relatively central position within the application site would ensure that the development would not have a detrimental impact on neighbouring amenity. The existing Gypsy and Traveller site to the west is approximately 30m away and the closest neighbouring dwellinghouse is similarly over 100m from the site, and therefore considered unlikely to have any increased impact on neighbouring amenity than the existing situation.

With regards to environmental disturbance, the Council's Environmental Protection Officer has reviewed the proposal and advised that they have no objections in principle, and note that the site, if permitted, will require a Site Licence under the Mobile Homes Act 2013 (this site outside of planning legislation).

It is considered to ensure the amenity of the neighbours is safeguarded conditions relating to external lighting plans, shall be included.

Highway Safety

The Strategic Infrastructure Manager notes that this is a full planning application for the change of use of land, to use as a residential caravan site for one family with two caravans on land located off Dragons Lane in Moston. The proposal will utilise an existing access onto Dragons Lane which has been deemed acceptable, and this proposal will result in a minor uplift in traffic generation.

There is adequate space for off-road parking. Accordingly, the Strategic Infrastructure Manager has no objection to the planning application.

As such, no objections on highway safety grounds are raised.

Ecology

The nature conservation officer has considered the application and does not anticipate there would be any significant ecological issues with the proposed development, subject to consultation with Natural England in relation to the impact on the SSSI impact zone, and a condition for safeguarding breeding birds.

Natural England have raised no objections with the proposal and therefore it is not anticipated that the proposed development would have a detrimental impact on protected species.

Health and Safety

Bullet point III) of policy GR7 of the Congleton Borough Local Plan states that development will not be permitted which would be likely to expose more members of the public to unacceptable risk either in areas subject to significant hazards or where it is probable that such hazards may increase.

The proposal will be located adjacent to National Grid's High-Pressure Gas Pipeline – 21 Feeder. National Grid exercised its right to place a Holding Objection to the proposal. The site is situated 20m + from the pipe line, and is for one single pitch. A further consultation response is outstanding on this matter and will be updated to the Southern Committee.

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. Their planning advice is that they do not advise against this form of development as shown on the proposed block plan on safety grounds against the granting of planning permission in this instance.

Major hazard sites/pipelines are subject to the requirements of the Health and Safety at Work etc. Act 1974, which specifically includes provisions for the protection of the public. However, the possibility remains that a major accident could occur at an installation and that this could have serious consequences for people in the vicinity. Although the likelihood of a major accident occurring is small, it is felt prudent for planning purposes to consider the risks to people in the vicinity of the hazardous installation.

An update on this matter will follow on this matter.

HUMAN RIGHTS AND SAFEGUARDING CHILDREN

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 1998 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.

Local Planning Authorities also have a duty to safeguard and promote the welfare of children under section 11 of the Children's Act 2004. In addition, the judgment of the Supreme Court in ZH (Tanzania) was that all local authorities are under a duty to consider the best interests of the children.

Section 11 of the Act states that Local Authorities must have regard to the need to safeguard and promote the welfare of children.

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.

Furthermore, 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.

Based on the information provided, no significant issues are raised in this regard.

Conclusion and recommendation

The proposal seeks permission for the change of use of land from agricultural to the stationing of caravans for residential purposes for 1 gypsy-traveller family (1 pitch).

Having regard to the rural location of the site, the distance from facilities, and the absence of public transport the site is still not considered to be in an accessibly sustainable location. This weighs against granting planning permission for this development.

Recognising these shortcomings, the Council's site identification study (August 2018) recommended that the site was not allocated for Gypsy and Traveller pitch provision in the First Draft of the Site Allocations and Development Policies document ("SADPD") at that time.

Balanced against this is the identified need for accommodation for Gypsies and Travellers in the Borough. For the five year period of 2017/18 – 2021/22 there is a requirement for 12 Gypsy and Traveller Pitches and 2 Travelling Showperson Plots.

The draft SADPD includes 3 allocated sites, which amount to 13 permanent pitches and 3 travelling showperson plots. This is sufficient for 5 years site provision from the base date of the GTAA which is May 2017. However, given the very early stage of the SADPD, very limited weight can be given to this provision.

The provision of needed Gypsy and Traveller accommodation is a clear social benefit of the proposal. However, whilst the requirement for sites and the current lack of alternatives weigh in favour of the proposal, they are not considered to outweigh the identified harm.

This site is currently occupied, and the applicant has submitted personal circumstances which indicate, a need for permanent accommodation, and a desire to live in the local area to access public services, such as health care and education. They also have family links with a number of Gypsy and Traveller families in the area. It is therefore considered that in this instance, although permanent permission would not be appropriate, as there is an outstanding need in the Borough, and no clear indication of alternative allocated sites until the SADPD is adopted, it would be reasonable to allow temporary permission until 28th February 2021 (in line with the adjoining sites). This would allow the draft SADPD to be examined and adopted with the inclusion of allocated Gypsy and Traveller sites.

OFFICER RECOMMENDATION:

APPROVED WITH CONDITIONS;

- 1. Temporary permission until 28th February 2021**
- 2. Approved plans**
- 3. The site shall not be occupied by any persons other than Gypsies and Travellers as defined by the Planning Policy for Traveller Sites**
- 4. Approved plans**
- 5. Landscaping scheme to be submitted**
- 6. Landscape Scheme to be implemented**
- 7. No more than 1 pitches, with 2 caravans and no more than 1 static caravans**
- 8. No external lighting installed unless first approved in writing**
- 9. Submission of details for the utility block**
- 10. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site**

In order to give proper effect to the Committee's intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation)

in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice.

