

# DEVELOPMENT MANAGEMENT COMMITTEE 19<sup>th</sup> June 2023

**Case No:** 22/02104/FUL

**Proposal:** Use of land for the stationing of caravans for residential purposes and the erection of a dayroom and laying of hardstanding ancillary to that use.

**Location:** Land East Of Conquest House, Straight Drove, Farcet

**Applicant:** Mr Billy Joe Vinden

**Grid Ref:** 521419 294035

**Date of Registration:** 05.10.2022

**Parish:** Farcet

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## RECOMMENDATION - APPROVE

This application is referred to the Development Management Committee (DMC) in accordance with the Council's Scheme of Delegation as Farcet Parish Council's recommendation of refusal is contrary to the Officer recommendation of approval.

### 1. DESCRIPTION OF SITE AND APPLICATION

- 1.1 The application site comprises approximately 0.35 hectares of grassed paddock with some mature trees and a small pond on the south side of Straight Drove. Existing boundary trees and hedges screen the site from Straight Drove. There is an existing gated access which is proposed to be utilised for this development. The site is in the countryside approximately half a mile south-east of the built-up edge of Farcet.
- 1.2 To the north and north-east of the site, the other side of Straight Drove, are a total of 7 residential dwellings. Approximately 100 metres south of the site are the grounds of Conquest House and Alpine Lodge, which provide supported living to adults with autism, learning disabilities, mental health conditions, and challenging behaviour. Further paddock land is to the west of the site and an arable field is to the east.
- 1.3 This application proposes a change of use of the land for the creation of 2no. Gypsy/Traveller pitches, comprising the siting of 1no. mobile home, 1no. touring caravan, 1no. day room and the formation of hardstanding area, per pitch.

- 1.4 The site is located in Flood Zone 1 (lowest probability of flooding from river sources) and is at a low risk of flooding from all sources. A small section of the site around the location of the existing dry pond is shown as susceptible to surface water flooding in a 1 in 1000 year storm event according to the Huntingdonshire Strategic Flood Risk Assessment 2017 (SFRA).

## 2. NATIONAL GUIDANCE

- 2.1 The National Planning Policy Framework (20 July 2021) (NPPF 2021) sets out the three objectives - economic, social and environmental - of the planning system to contribute to the achievement of sustainable development. The NPPF 2021 at paragraph 10 provides as follows: 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).'
- 2.2 The NPPF 2021 sets out the Government's planning policies for (amongst other things):
- delivering a sufficient supply of homes;
  - building a strong, competitive economy;
  - achieving well-designed, beautiful and safe places;
  - conserving and enhancing the natural, built and historic environment
- 2.3 Planning Practice Guidance and the National Design Guide 2021 are also relevant and material considerations.

For full details visit the government website [National Guidance](#)

## 3. PLANNING POLICIES

- 3.1 Huntingdonshire's Local Plan to 2036 (Adopted 15th May 2019)
- LP1: Amount of Development
  - LP2: Strategy for Development
  - LP3: Green Infrastructure
  - LP4: Contributing to Infrastructure Delivery
  - LP5: Flood Risk
  - LP6: Waste Water Management
  - LP9: Small Settlements
  - LP10: The Countryside
  - LP11: Design Context
  - LP12: Design Implementation
  - LP14: Amenity
  - LP15: Surface Water
  - LP16: Sustainable Travel
  - LP17: Parking Provision
  - LP27: Gypsies, Travellers and Travelling Showpeople
  - LP30: Biodiversity and Geodiversity
  - LP31: Trees, Woodland, Hedges and Hedgerows

- 3.2 Supplementary Planning Documents
- Huntingdonshire Design Guide (2017)
  - Cambridgeshire, Kings Lynn & West Norfolk, Peterborough and West Suffolk Gypsy and Traveller Accommodation Assessment 2016 (GTAA 2016)
  - Huntingdonshire Townscape and Landscape Assessment SPD (2022)
  - HDC Annual Monitoring Report
  - Cambridgeshire Flood and Water SPD 2017
  - Huntingdonshire Tree Guidance Note 3
  - ECAP CCC Waste Management Design Guide (CCC SPD) 2012
  - Developer Contributions SPD (2011)

Local For full details visit the government website [Local policies](#)

#### 4. PLANNING HISTORY

- 4.1 • 93000478FUL – Change of use to livery stables and construction of access. Approved June 1993
- 4.2 (Land Adjacent Conquest House with a different application site boundary to this application)
- 1301209FUL - Two gypsy and traveller sites with two caravans, an additional family room caravan and a facilities block for two extended gypsy families
- Refused, Appeal Dismissed 02.12.2015

#### 5. CONSULTATIONS

- 5.1 **Farcet Parish Council – Objection:**
- The Hunts DC local plan policy allocated no site for developed in Farcet and specifically under section LP27 of the same policy states that sites for travellers ‘will be very strictly limited in open countryside that is away from existing settlements.’
  - The access to a Doctors surgery is over 2 miles away is over subscribed. The local primary school is also oversubscribed.
  - Health and safety concerns regard the access to/from the site onto the highway with a vehicle and there is not footpath to allow safe access via foot, as well as insufficient street lighting.
  - It was noted that the plans included document that suggests the field does not flood, however the field does flood
  - There was a previous planning application similar in design and location, which was declined in September 2014
- 5.2 **Cambridgeshire County Council Highways – No objection subject to conditions:**
- Following conformation from the applicant’s agent indicating that the existing access onto Straight Drove does not have an agricultural use, a simple 5m wide access would suffice.
- As indicated previously Straight Drove is a 60mph standard type road straight in nature, with appropriate vehicle to vehicle

visibility to the access to the site in both directions. Internal parking and turning look to be achievable.

- Following a careful review of the documents provided to the Highway Authority as part of the above planning application, the effect of the proposed development upon the Public Highway should be mitigated if the following conditions form part of any permission that the Planning Authority is minded to issue in regard to this proposal: (summarised)

- Removal of permitted development rights for gates across access

- Access to be a minimum of 5m width for a minimum distance of 5m from the highway

- Implementation and retention of parking and turning areas

- Details of access drainage to be agreed

- A metalled surface shall be provided for a minimum distance of 5m along the access road from its junction with the highway.

5.3 **HDC Environmental Health:** I have reviewed the documents submitted and have no objection to it being approved.

## 6. REPRESENTATIONS

6.1 **Rt. Hon. Shailesh Vara MP, Member of Parliament for North West Cambridgeshire - Objection:**

I have been contacted by a number of constituents expressing their concerns regarding the Application. I share their concerns and object to the Application for the following reasons:

- Farcet has not been identified within Huntingdonshire District Council's Local Plan as having available sites for development. Brownfield site of previously developed land should be considered along with alternative sites detailed within the Local Plan.

- Under section LP27 of the Local Plan the policy states that developments in open countryside should be strictly limited and away from existing settlements. In contradiction to LP27, the proposed development site is opposite Blackpool Cottages and Conquest House. Conquest House is a residential facility for adults with support needs. The development would change the surrounding environment around Conquest House which may be disruptive to the well-being of its residents.

- The development is not in keeping with the principles of a sustainable location which is a criteria listed in LP27 of the Local Plan. Farcet Primary School is currently oversubscribed and therefore could not offer any further school places.

- Principle LP27 (a) states that a GP surgery should be located within 2 miles from the site. The nearest doctor's surgery is Lakeside Group Practice in Yaxley which is over 2 miles away, therefore LP27 (a) has not been met.

- The 60mph speed limit for vehicles on Straight Drove poses a danger to pedestrians from the site as there is no footpath and inadequate street lighting.

- The Farcet fens are part of the village's agricultural landscape and part of its character. The proposed caravans and the erection of a dayroom would have a negative impact on the appearance of the wider landscape. Therefore, the Application does not meet LP27 (b) of Huntingdonshire District Council's Local Plan.

6.2 19 neighbour representations have been received all in objection to the application and the issues raised will be summarised within the list below:

- Highway safety and transport due to the speed of the road (60mph), no footpath, streetlighting or public transport, the uneven surface, foundations and narrowness, the type of vehicles frequently using the road, and increased traffic flow into the village noting Main Street is constricted and very busy.
- Amenity impacts: Noise disturbance, light pollution, loss of view, loss of privacy as well as nuisance, disruption, waste and fear of crime.
- Non-essential development in the countryside. Query regarding what is the claimed recognised need?
- The village school is full, the nearest doctor's and dentist's surgeries are oversubscribed and there is only a small local shop within walking distance. All the facilities offered in Farcet are at least 1.2km away.
- Impact on residents of the Conquest House Care Home.
- The use of soakaways and other infiltration devices may not be effective. Query regarding how residents on the land would dispose of their waste water, sewage and domestic waste?
- This application would change the nature of the area in a detrimental way.
- Not in keeping with the character and appearance of the area.
- The buildings size would impact the integrity of the landscape of the fens.
- The development would restrict the enjoyment of the use of an adjacent business.
- Flood risk and drainage.
- The development will create noise during construction.
- The development may cause increased power cuts.
- Impact on Wildlife noting the pond and a rookery on site and dyke to the front.
- The application claims 2 pitches but each of the 3 buildings on each pitch could accommodate independent occupation. People live quite happily in static caravans without additional touring caravans and day rooms in support. This is clearly an application for 6 dwellings not 2.
- The previous application was rejected partly because of its proximity to Conquest house. The proposed solution is to move the site to being even closer to 7 existing residential houses instead. In winter there is no screening from vegetation as claimed and no screening at any time from any noise.

- Approval would set a dangerous precedent and likely lead to more applications to convert farm land with existing road access to Straight Drove in a similar way.
- The application only refers to a small part of the site so further applications are likely should this be approved.
- Unsuitable site for children which seems to be important given it is highlighted in the application.
- Negatively impact on the atmosphere of the current properties in Blackpool Hill Cottages and their values.
- The development is in greenbelt and outside the village envelope. Inappropriate development is harmful to the Green Belt and should not be approved.
- Lack of publicity of the application.
- This application has been refused before and, since nothing in the village has changed, all the original objections still apply. Don't see how this application would solve any of the refusal reasons from the first application.
- Two of my neighbours have had planning applications refused and this should likewise be refused as well.

6.3 Officer Note: The neighbour representations are noted and will be addressed within the main section of the report at section 7. The clarifications below are in response to the submitted comments which are either not a material consideration for this application or are incorrect.

- There are no greenbelt designations in Huntingdonshire.
- The application is for two pitches comprising 1 mobile home, 1 touring caravan and 1 day room per pitch and a suitably worded condition could be imposed to secure this.
- This application is not the same as that proposed and refused under 1301209FUL and dismissed under 15/00002/REFUSL. This application relates to a separate application site adjacent to Straight Drove whereas application 1301209FUL related to a site closer to the boundary with Conquest House.
- Each application is assessed on its own merits.
- While the character and appearance of the area, landscape impact and outlook from properties in terms of amenity impact are considered, the loss of a private view itself is not a material planning consideration.
- Loss of property value is not a material planning consideration.
- The application has been publicised in accordance with the Development Management Procedure Order. Properties adjacent to the red line application boundary were notified by letter and a site notice was put up outside the application site on Straight Drove to the front of the 7 properties to the north.

## **7. ASSESSMENT**

7.1 The main matter to consider in assessing this application is whether there is any conflict with Development Plan policies. If there is any conflict, whether the application can be considered

to be in accordance with the Development Plan when taken as a whole. If the application is not in accordance with the Development Plan, whether there are any material considerations, including the NPPF (2021), which indicate that planning permission should be granted. With this in mind, the report addresses the principal, important and controversial issues which are in this case:

- The Principle of Development
- Impact upon the Character and Appearance of the Area
- Residential Amenity
- Flood Risk and Drainage
- Highway Safety, Access, and Parking Provision
- Biodiversity

## **The Principle of Development**

- 7.2 The application site is located in the countryside and therefore must be assessed against Policy LP10 of the Local Plan which states that *“Development in the countryside will be restricted to the limited and specific opportunities as provided for in other policies of this plan and that all development in the countryside must:*
- a. seek to use land of lower agricultural value in preference to land of higher agricultural value:*
    - i. avoiding the irreversible loss of the best and most versatile agricultural land (Grade 1 to 3a) where possible, and*
    - ii. avoiding Grade 1 agricultural land unless there are exceptional circumstances where the benefits of the proposal significantly outweigh the loss of land;*
  - b. recognise the intrinsic character and beauty of the countryside; and*
  - c. not give rise to noise, odour, obtrusive light or other impacts that would adversely affect the use and enjoyment of the countryside by others.”*
- 7.3 With regard to part a, the proposal would result in the loss of approximately 0.35ha of Grade 2 Agricultural Land. This loss would conflict with Policy LP10 to a degree. However, 0.35ha loss would not be significant in terms of the availability of best and most versatile land across the district and would not have a detrimental impact upon current food or crop production.
- 7.4 In terms of parts b and c, these matters are assessed in detail further below in ‘Principle of Development’ section of report against Policy LP27. Overall, subject to conditions, the proposal is considered to recognise the intrinsic character and beauty of the countryside and would not give rise to noise, odour, obtrusive light or other impacts that would adversely affect the use and enjoyment of the countryside by others

- 7.5 Local Plan policy LP27 relates to Gypsies, Travellers and Travelling Showpeople and its purpose, as stated in paragraph 7.33 of the Local Plan, is to enable the appropriate provision of sites to meet the specific needs of such groups. It states that new traveller sites outside of the built-up area will be supported in sustainable locations where they respect the scale of the nearest settled community and will be very strictly limited in open countryside that is away from existing settlements.
- 7.6 The Council will therefore support a proposal which contributes to the delivery of Gypsy and Traveller pitches where it satisfies each of criteria a) to j) of the policy.

#### Need for Gypsy and Traveller sites

- 7.7 The Local Plan to 2036 does not specifically allocate any sites for gypsies, travellers or showpeople.
- 7.8 The site is not located within the built-up area of Farcet, and therefore in planning policy terms it is in the open countryside where planning policies for the countryside apply. The Planning Policy for Traveller Sites (PPTS) published in August 2015 is not opposed in principle to traveller sites being located in the countryside, so long as they are not within Green Belt land. Huntingdonshire does not have any areas of Green Belt. Stipulations in the PPTS include: -  
\* Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan; -  
\* Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing undue pressure on the local infrastructure’.
- 7.9 Paragraph 4 of the NPPF (2021) states that it should be read in conjunction with the Government's Planning Policy for Traveller Sites and that decisions on traveller sites should also have regard to the Framework so far as relevant. The Planning Policy for Traveller Sites (PPTS) sets out the Government's overarching aim 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. The PPTS includes policies on plan-making and on decision-taking. Paragraph 23 of the PPTS states that local planning authorities should determine applications in accordance with the presumption in favour of sustainable development and the policies in the NPPF and PPTS.
- 7.10 Paragraph 24 of the PPTS states that when considering planning applications local planning authorities (LPAs) should consider the following:



- a) The existing level of local provision and need for sites,
- b) The availability (or lack) of alternative accommodation for the applicants,
- c) Other personal circumstances of the applicant,
- d) 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, and
- e) That LPAs should determine applications for sites from any travellers and not just those with local connections.

7.11 Paragraph 26 of the PPTS requires weight to be attached to factors such as:

- a) Effective reuse of brownfield land, untidy or derelict land;
- b) Sites which positively enhance the environment for example by soft planting;
- c) Promoting opportunities for healthy lifestyles, such as provision of adequate landscaping and play areas for children
- d) Not over enclosing or isolating a site with hard landscaping, walls and fences.

7.12 The criteria and means by which new traveller development is to be controlled is set out in further policies within the PPTS and in local policies which closely reflect the NPPF policies, and these are considered below.

7.13 Under the PPTS Policy B, planning authorities should, amongst other things, set pitch targets for gypsies and travellers which address likely needs in their area, working collaboratively with neighbouring local planning authorities. In producing their local plans, planning authorities should, amongst other things:

- a) identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets;
- b) identify a supply of specific, developable sites or broad locations for growth, for years six to ten and, where possible, for years 11-15:
- c) consider production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites;
- d) relate the number of pitches to the circumstances of the specific size or location of the site and the surrounding population's size and density;
- e) protect local amenity and environment.

7.14 Paragraph 11 of The PPTS sets out that criteria should be set to guide land supply allocations where there is identified need. Where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless come forward. Criteria based policies should be fair

and should facilitate the traditional and nomadic life of travellers while respecting the interests of the settled community.

- 7.15 Paragraph 13 of the PPTS requires LPAs to ensure that traveller sites are sustainable economically, socially and environmentally and includes the criteria that should be used in the setting of LPA policies.
- 7.16 Policy H, paragraph 22 of the PPTS notes that planning law requires applications for planning permission to be determined in accordance with the provisions of the development plan, unless material considerations indicate otherwise.

As such the following factors are considered:

**(a) The existing level of provision and need for traveller pitches:**

- 7.17 For the purposes of plan preparation, paragraph 9 of PPTS advises local planning authorities that they should set pitch targets which address the likely permanent and transit site accommodation needs of Travellers in their area, working collaboratively with neighbouring local planning authorities. Policy H, para 27 of the PPTS, states that the absence of a 5-year supply of deliverable sites should be a significant material consideration in any subsequent planning application when considering applications for the grant of temporary planning permission.
- 7.18 Prior to the adoption of the Local Plan to 2036, an assessment of need for Gypsy and Traveller pitches for the district was carried out and is evidenced within The Cambridgeshire, Kings Lynn & West Norfolk, Peterborough and West Suffolk Gypsy and Traveller Accommodation Assessment 2016 (GTAA). Within the Local Plan it is stated that the expectation is the GTAA will be reviewed every few years.
- 7.19 The GTAA was based on the following definition of Gypsies and Travellers set out in the PPTS *“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.”*
- 7.20 The GTAA identified a need within Huntingdonshire for an additional 9 permanent residential Gypsy and Traveller pitches between 2016 and 2036, of which 5 were needed between 2016 and 2021. The GTAA also identified a potential further need for up to 19 additional pitches arising from existing households whom it was not possible to interview as part of the GTAA

process but may meet the definition, and a need for 38 additional pitches for Gypsy and Traveller households who do not meet the definition.

- 7.21 Paragraph 7.70 of the GTAA states that further information may be made available at a later date to the Council that will allow for the PPTS definition to be applied to the 'unknown' households (19), and the overall level of need could therefore rise by up to 7 pitches on unauthorised sites and up to 12 pitches from new household formation. However, as an illustration, if the national average of 10% were to be applied this could be as few as 2 additional pitches.
- 7.22 Paragraph 7.35 of the Local Plan (adopted May 2019) states *"Since the base date of the GTAA 2016 in February 2016 the remaining identified need for permanent pitches between 2016 and 2021 has been met through approvals to planning applications. The Council therefore does not intend to identify additional land for pitches. Given the highly uncertain nature of the potential further need, it is not considered justified to allocate land for this either."* However, paragraph 7.36 of the Local Plan notes discusses that criteria based policies should be included in Local Plans (in this case Policy LP27) to provide a basis for decisions in case applications nevertheless come forward. This paragraph also states that proposals for occupants who do not meet the definitions set out in the PPTS will be assessed against other relevant policies in this Local Plan, subject to the provisions of the Equality Act 2010.
- 7.23 Within the April 2019 appeal decision APP/H0520/W/18/3196305, it was concluded that despite the Council's position in terms of being able to demonstrate that they had met the baseline need for 9 pitches in terms of the 5-year supply being met for Gypsy and Traveller sites, it was recognised that there's an unmet need for the 'unknown' households which may be for the 19 pitches identified, or a greater level than anticipated.
- 7.24 The Council's Annual Monitoring Report (AMR) Part 1 (Housing Supply) published 24th October 2022 states that between the base date of the GTAA at 1 February 2016 and 31 March 2022, 43 pitches were granted permission across 12 sites. Since the publication of the AMR for 2021/22, application 21/02861/FUL has been approved for the creation of a new Gypsy and Traveller site comprising 6 pitches. The up-to-date figures for planning permissions since the base date of the GTAA are therefore 49 permissions across 13 sites. At the time of writing, including this application, there are currently 12 applications pending consideration for a total of 25 Gypsy and Traveller pitches.
- 7.25 The HDC Planning Policy Team have confirmed that the GTAA is now dated as a source of evidence and the numbers in it should

not be treated in any way as a ceiling and applications which meet the criteria of Policy LP27 would be considered on their merits.

- 7.26 This view has been supported by the recent appeal decision ref: APP/V01510/W/19/3243732 (Mr James Douglas against the decision of East Cambridgeshire District Council) decision date 11st August 2022. Within the allowed appeal decision, it is noted that the appellant challenged the findings of the GTAA and provided reasons why they considered there to have been a significant underestimation of need. These reasons included inaccuracies in recording the number of households in the district with planning permission at the base date, the belief that households were not accurately identified that were doubled up, concealed or over-crowded, and a failure to establish an accurate number of gypsies living in brick & mortar houses who would instead prefer to be resident in mobile homes. The appeal decision states that the Council's witness, when faced with these assertions, did not convincingly counter the claims due to a lack of empirical evidence and detail available. The Inspector therefore considered that there is strong likelihood that the GTAA has underestimated the local need for new sites. The Inspector concluded that the absence of a 5-year supply of sites and an apparent unmet need for gypsy & traveller sites are matters which are afforded considerable weight.
- 7.27 It should also be noted that the GTAA was based on the PPTS 2015 definition of Gypsy/Travellers which has since been found to be discriminatory and unlawful by the Court of Appeal Judgement *Lisa Smith v SSLUHC [2022] EWCA Civ 1391* to those who have permanently ceased to travel due to old age or illness, but who wanted to live in a caravan. Therefore, there is likely additional need for those who were excluded from the GTAA process based on the PPTS definition.
- 7.28 Overall, in terms of need, it has been established that the GTAA is a dated source of evidence. The amount of planning permissions for gypsy and traveller pitches granted since the base date of the GTAA and beyond the estimated need to 2036, together with the number of applications pending consideration sites further suggests an underestimation of the need for new sites in the district. The expectation of a GTAA review every few years has not occurred. There has not been a more recent assessment of Gypsy and Traveller need for Huntingdonshire than 2016 and there will not be such an assessment completed in the immediate short term. A new assessment is planned to inform preparation of the Local Plan update, but this work has not yet started. In addition, the PPTS definition has been found to be discriminatory and unlawful and therefore the GTAA likely excluded the needs of those who had ceased to travel permanently due to old age or ill health but wanted to live in a caravan. Taking all these factors into account and noting there

are no allocated Gypsy and Traveller sites within the Local Plan, there is a shortage of Gypsy and Traveller sites in the district and the Council does not have a 5-year supply of sites.

- 7.29 Paragraph 27 of the PPTS states that *“If a local planning authority cannot demonstrate an up-to-date 5-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission.”* The PPTS does not discuss the effect of not having an up-to-date 5-year supply of deliverable sites in terms of applications for permanent permission. However, appeal decisions, including the one referenced above, have established that unmet need is a matter which should be afforded considerable weight in the determination of applications for new Gypsy and Traveller pitches including for permanent permission.

**b) the availability (or lack) of alternative accommodation for the applicants:**

- 7.30 As discussed above, there is a shortage of Gypsy and Traveller sites in Huntingdonshire. The only public site in the district, in St Neots, is full. The applicants have been either living a roadside existence or doubling up on friends/families' pitches. The applicants have stated that if the application is refused it is likely they will be forced to travel continually on the roadside and double up on their friends and family members pitches who have neither the permission nor the space to accommodate them.

**c) other personal circumstances of the applicant:**

- 7.31 The applicants have stated there would be children occupying the site and they have a desire for them to obtain a good education and provide them an upbringing in line with their cultural beliefs. It is the intention of the family, that when of age, the children will attend Farcet C of E Primary School, and therefore a stable base is sought so as not to disrupt this.
- 7.32 Article 3 of the Convention on the Rights of the Child states that *“The best interests of children must be a primary concern in making decisions that may affect them. All relevant adults should do what is best for children. When decisions are made, the impact on the child must be considered. This particularly applies to budgetary authorities, policymakers and legislators.”*
- 7.33 In addition, part 2 section 11 of the Children Act 2004 states that *“Each person and body to whom this section applies must make arrangements for ensuring that— their functions are discharged having regard to the need to safeguard and promote the welfare of children”*

**d) 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, should be used to assess applications that may come forward on unallocated sites:**

- 7.34 The criteria within policy LP27 is therefore relevant and is discussed below.

**e) that they should determine applications for sites from any travellers and not just those with local connections.**

- 7.35 The applicants appear to have local connections. However, the application will be assessed with regard to any travellers not just those with local connections.

- 7.36 The applicants appear to fulfil the definition of Gypsy and Travellers and therefore Policy LP27 of Huntingdonshire's Local Plan to 2036 is relevant.

Sustainability assessment against Policy LP27 of Huntingdonshire's Local Plan to 2036:

- 7.37 *a. The location is within 1.5 miles of a primary school and 2 miles of a GP surgery* - The proposal is within the threshold distance of 1.5 miles to a primary school. The NHS 'Find a GP' service identifies the Stanground Surgery 2.1 miles from the site as being the nearest catchment surgery and that it is currently accepting new patients. Paragraph 7.39 of the Local Plan notes that the distances should be considered a guide rather than a fixed limit, therefore in this case both are considered acceptable in simple distance terms.

- 7.38 Application 1301209FUL was for a similar application (two Gypsy and Traveller pitches) within the same paddock but located to the south-west of this application site and was refused by the Development Management Panel, contrary to Officer recommendation. Access to services was discussed within the appeal decision for 1301209FUL (APP/H0520/W/15/3004390). In terms of policy context, the appeal was determined in December 2015 which was before the adoption of the Huntingdonshire Local Plan to 2036 but after the Government published an updated version of the PPTS (31<sup>st</sup> August 2015) which replaced the 2012 version and remains the latest version of the Government's planning policy for traveller sites. The appeal scheme was therefore assessed by the Inspector with regard to the current version of the PPTS.

- 7.39 Paragraph 25 of the PPTS states that Local Planning Authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Within the appeal decision for 1301209FUL the Inspector considered the site

(which is considered comparable to this application site in terms of access to services) is reasonably close to Farcet and could not be described as away from an existing settlement so would be in line with the approach set out in the PPTS. The Inspector noted that Farcet has a Primary School, Public House and small convenience store/post office, and that the larger settlement of Yaxley with a greater range of services is farther away to the west where the Health Centre and village shopping centre are approximately 2.7 miles from the site. It was also acknowledged that Peterborough, with its large range of shopping, employment and service provision, lies a few miles to the north of the appeal site.

- 7.40 Comments have been received by the Parish Council, MP Shailesh Vara and neighbours regarding the capacity of Farcet Primary School. This was also discussed by the Inspector within the appeal decision for 1301209FUL and it was noted at the time that some of the classes were full but there are other primary and schools and secondary education in Yaxley, and it was concluded that the proposal for a small site for two families would not place undue pressure on local infrastructure. It is noted that there are also several other primary schools within a few miles in Hampton and Stanground.
- 7.41 It is considered that the site is reasonably close to education and health services. Given the speed of the road and the lack of pedestrian infrastructure and street lighting on Straight Drove, it is likely that occupants will rely on the use of private car to access services and facilities and this conflicts to a degree with part a of Policy LP27 and an objective of Policy LP16 (Sustainable Travel) which is to support an increasing proportion of journeys being undertaken by sustainable travel modes. However, it is recognised that the scale of the proposed development (two pitches) is relatively minor, and occupants would be reasonably close to services and facilities such that required car journeys would be relatively short in distance and therefore the level of harm associated with a reliance of private car usage in this instance is considered to be limited.
- 7.42 *b. The character and appearance of the wider landscape would not be significantly harmed* - The site is flat and is bounded by trees and hedges along the frontage to Straight Drove; there are no public rights of way in the vicinity from which the proposal would be visible. The mobile homes and touring caravans would be required to comply with the sizes set out within the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 and therefore will not be taller than 3.05 metres. The proposed day rooms are 8m x 5m in area and approximately 2.4m and 4.5m in eaves and ridge height. The proposed residential use of the site comprising caravans, day rooms and hardstanding for 2 pitches, would detract from its current green rural character and appearance. However, the existing tree and

hedge screening to the front of the site would minimise the visual prominence of the development. While some glimpse views of the site are possible and more so during winter months, it is not considered that these views would have a significant harmful impact on the character and appearance of the wider landscape given the amount and scale of development proposed.

7.43 The proposed block plan indicatively shows additional tree and hedge planting which would reinforce the frontage screening to Straight Drove and provide a soft enclosure to the development area. Full details of landscaping and boundary treatments could be secured by condition, and it is considered that an appropriate landscape scheme, similar to that indicated on the proposed block plan, would satisfactorily mitigate the relatively low level of harm that would be caused to the character and appearance of the area. Subject to conditions, the proposal is considered acceptable against this criterion.

7.44 *c. The location and scale of sites does not dominate the nearest settled community, when the proposal is considered collectively with other nearby traveller sites - LP27, criterion c)* is based on the national Planning Policy for Traveller Sites (2015) paragraphs 14 and 25. Paragraph 25 states that: "Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure." No definition is provided of what should be considered the 'nearest settled community'. There are no other recorded sites nearby and the proposal for two pitches only, concurs with the guidance provided in paragraph 7.41 of the Local Plan that small sites suitable for a single family group, typically of up to 4 pitches are likely to better meet the criterion. It is not considered that the proposed development would dominate the nearest settled community and therefore the proposal is considered acceptable against this criterion.

7.45 *d. The proposed boundary treatment provides a good balance between minimising the development's impact on surrounding countryside and its integration into the local community –* Paragraph 7.42 of the Local Plan states that appropriate boundary treatments should be provided which facilitate integration with the local community rather than completely enclose the site forcing a sense of isolation. It is considered that the proposed post and rail fencing inside native hedging and trees (shown on the proposed block plan) around the perimeter of the development area would minimise the developments impact on the countryside while preventing a barrier between the site and the local community. The only element of close boarded fencing is between the proposed mobile homes and parking areas of the two pitches which would not have significant prominence or a considerable enclosing impact. Overall, it is



considered that the balance referred to in criterion d) can be achieved.

- 7.46 *e. There will not be a significant adverse effect on the amenity of nearby residents or the effective operation of adjoining uses –*  
The neighbour representations regarding amenity impacts are noted. It is recognised that the proposed development of the site and associated vehicle movements would result in some degree of noise disturbance and obtrusive light to the adjacent residential properties in contrast to the existing use of the site as a paddock. However, it is not considered that these impacts would be significantly detrimental to the amenity standards of the adjacent residents noting the separation distance between them and the main body of the site. There is approximately 35 metres (including Straight Drove) separating the nearest proposed dayroom and caravan to the nearest existing residential property and the site is significantly detached from the nearest business. It is considered that the level of separation and the scale of the proposed development (2 pitches) would ensure a high standard of privacy is retained for neighbours and would not have a significant detrimental impact on the use, enjoyment or effective operation of adjacent businesses. Within the neighbour representations there is also reference to concerns regarding nuisance and crime. However, these concerns have not been substantiated in terms of how the proposed development would increase these risks. It is not considered that this scale, type and design of the proposed development in this location raises the likelihood of nuisance or crime.
- 7.47 The appeal for 1301209FUL was dismissed by The Planning Inspectorate only on the grounds of significant adverse effect on the living environment and well-being of the residents of Conquest House. The pitches previously proposed under application 1301209FUL were adjacent to the boundary with Conquest House. This application proposes two pitches adjacent to the Straight Drove frontage approximately 75 metres north-east of those previously proposed under application 1301209FUL. It is considered that the proposed separation distance from the site to Conquest House together with the boundary treatments and indicative landscaping shown on the proposed block plan would significantly minimise the impact of noise and disturbance to residents of Conquest House and significantly minimise the risk of occupants of Conquest House and the proposed pitches coming across each other in unforeseen circumstances which could lead to increases in challenging behaviour. These were particular concerns of the Inspector as set out in the appeal decision for 1301209FUL.
- 7.48 Concerns regarding waste disposal have been raised within the neighbour representations. A signed Unilateral Undertaking for the provision of wheeled bins has been submitted by the applicant which would ensure the appropriate waste bins are

provided to occupants of the pitches. Bin stores are indicatively shown on the proposed block plan which are significantly separated from adjacent properties and within a reasonable walking distance to the roadside where bins can be collected in the same way as the settled community.

- 7.49 Conditions can be imposed to prevent intensification of the use and prevent commercial activity on the site, restrict the stationing, parking or storage of commercial vehicles, and to control external lighting so that potential amenity impacts, particularly noise, disturbance and obtrusive light, are minimised. Overall, subject to conditions, it is considered that the proposed development would not have a significant adverse effect on the amenity of nearby residents or the effective operation of adjoining uses and is acceptable against this criterion.
- 7.50 *f. The site provides a high level of residential amenity for the proposed residents, for example in relation to protection from noise and provision of play facilities* – The Council's Environmental Health Team were consulted on the application and raised no issues in terms of noise impact to future occupiers. The proposed block plan shows gated accesses from the pitches to a relatively large amenity space to the south which would provide a suitable place for children to play. Given the location and proposed layout of the site, it is considered that the proposal would result in a high standard of residential amenity for future occupiers and is acceptable against this criterion.
- 7.51 *g. The health and safety of occupants is not put at risk, including through unsafe access to sites, poor air quality, contamination or unacceptable flood risk* - The site is located in flood zone 1 and at a low risk of flooding. The access is considered safe subject to improvements requested by the Highway Authority which can be secured by condition. Within their consultation response, HDC Environmental Health have raised no concerns regarding contamination. The site is not affected by oil or gas pipelines or electricity pylons. It is remote from any major road or railway that could generate air pollution. Overall, it is considered that the site location is appropriate from a health and safety perspective and is acceptable against this criterion.
- 7.52 *h. There is adequate space for operational needs, including the parking and turning of vehicles* - The proposed plans demonstrate there is adequate space for vehicles to park, and enter and leave in a forward gear and therefore the proposal is acceptable against this criterion.
- 7.53 *i. There are appropriate management arrangements in place, where the site may have multiple owners or tenants or be used for transit purposes* – This criterion is not considered to be relevant in this instance as the proposal is for a single family site for two pitches.

- 7.54 *j. The site can be safely and adequately serviced by infrastructure* – The applicant has confirmed that there is an existing electrical mains connection on the site which was installed around 6-7 years ago. The applicant has also confirmed that the site is capable of securing a mains water connection to serve the site and that there is an existing water connection to the south-west of the site where the existing stables is. It is considered that the site can be appropriately serviced by infrastructure and therefore the proposal is acceptable against this criterion.
- 7.55 Overall, it is recognised that the proposed development does not meet with any of the specific opportunities for development in the countryside as set out in Paragraph 4.110 of the Local Plan. Although, subject to conditions, the proposal is considered acceptable in terms of Policy LP10 when assessed against its own criteria. This is because the proposal would not result in an unacceptable loss of best and most versatile agricultural land, would recognise the intrinsic character and beauty of the countryside and would not give rise to noise, odour, obtrusive light or other impacts that would adversely affect the use and enjoyment of the countryside by others.
- 7.56 The proposal would broadly accord with the Local Plan Policy LP27 relating to Gypsies and Travellers. The proposal is considered acceptable in terms of the geographical distance to the nearest primary school and doctors' surgery, the impact on the character and appearance of the area, the amenity of future occupiers and neighbours, health and safety, highway safety, flooding and servicing by infrastructure.
- 7.57 This policy seeks to very strictly limit new traveller sites in open countryside that is away from existing settlements. This wording is repeated in paragraph 25 of the PPTS. A material consideration in this case is that in determining the appeal relating to application 1301209FUL (following the adoption of the latest version of the PPTS) the Inspector considered that the adjacent site is reasonably close to Farcet and could not be described as away from an existing settlement so would be in line with the approach set out in PPTS. Given the similar location of this site to that proposed under 1301209FUL in relation to the distance from Farcet, it is considered that it would not be reasonable to object to the principle of the development due to the site's separation from Farcet.
- 7.58 The speed of the road and the lack of pedestrian infrastructure and street lighting on Straight Drove is undesirable. However, occupants would be reasonably close to services and facilities such that required car journeys would be relatively short in distance and therefore the level of harm associated with a reliance of private car usage in this instance, bearing in mind the

small scale of development proposed, is considered to be limited.

- 7.59 Having considered all of the above factors and with regard to the NPPF, the PPTS and Policy LP27 of the Local Plan, as well as the shortage of alternative Gypsy and Traveller pitches in the district, the principle of the development is considered acceptable, subject to all other material planning considerations, which are discussed below.

### **Impact upon the Character and Appearance of the Area**

- 7.60 Policies LP11 and LP12 of the Local Plan and the Huntingdonshire Design Guide SPD (2017) set out key principles of good design to support proposals that respond positively to their context, integrate successfully with the surrounding built form and create well designed and sustainable developments that are functional to meet the needs of present and future occupiers.
- 7.61 As discussed within the principle of development section (paragraphs 7.42 – 7.43), subject to a condition relating to details of landscaping and boundary treatments, as well as a condition for details of external materials of the day rooms, it is considered that the relatively low level of harm that would result from the development could be satisfactorily mitigated in this instance.
- 7.62 Bearing in mind the existing screening of the site to Straight Drove, the absence of a public right of way network in the area around the site, and the indicated reinforcement of the boundary planting and screening of fencing, it is considered that the visual impact of the proposed development from any publicly accessible location would be minimal.
- 7.63 Subject to conditions, the proposed development is considered acceptable against policies LP10, LP11, LP12 and criteria b) and d) of Policy LP27 of the Local Plan and the NPPF 2021 in this regard.

### **Residential Amenity**

- 7.64 Policy LP14 of the Local Plan states, *“A proposal will be supported where a high standard of amenity is provided for all users and occupiers of the proposed development and maintained for users and occupiers of neighbouring land and buildings.”*
- 7.65 As discussed within the principle of development section (paragraph 7.46 – 7.49) , the scale of the proposed development in relation to the separation distance to the adjacent residential properties would not give rise to any significant amenity impacts.

In addition, occupiers of the application site would benefit from a high standard of amenity.

- 7.66 Conditions can be imposed to prevent intensification of the use, restrict the number of pitches, and caravans, and prevent commercial activity on the site, restrict the stationing, parking or storage of commercial vehicles, and to control external lighting so that potential amenity impacts, particularly noise, disturbance and obtrusive light, are minimised. Overall, subject to conditions, it is considered that the proposed development would not have a significant adverse effect on the amenity of nearby residents and is acceptable against Policy LP14 of the Local Plan and the NPPF 2021 in this regard.

### **Flood Risk and Drainage**

- 7.67 As discussed within the principle of development section (paragraph 7.51), the site is at low risk of flooding from all sources and therefore, bearing in mind the scale of the proposed development, neither the sequential and exceptions tests nor a site-specific flood risk assessment are required in this instance.
- 7.68 Some concern has been raised within the neighbour representations regarding flood risk and the suitability of soakaways. However, given the small scale of the proposal and low risk of flooding identified, the full details of foul and surface water drainage would be addressed under building regulations and other relevant legislative requirements in this case.
- 7.69 It is therefore considered that the proposed development is acceptable in terms of flood risk and drainage in accordance with Policies LP5, LP6 and LP15 of the Local Plan and the NPPF 2021 in this regard.

### **Highway Safety, Access, and Parking Provision**

- 7.70 Vehicular access to the site is proposed via the existing access point off Straight Drove. Within their consultation comments, Cambridgeshire County Council Highways raised no objection to the proposed development but recommended conditions to ensure the access be upgraded to accommodate two-way vehicle movements.
- 7.71 Within the site there are two car parking spaces per pitch and adequate areas of hardstanding so that vehicles can turn and exit the site in a forward gear. It is considered that the amount of space for the parking and turning of vehicles within the site is acceptable in relation to the scale of the proposed development.
- 7.72 Policy LP17 of the Local Plan states that a proposal that includes residential development will be expected to provide at least one clearly identified secure cycle space per bedroom for all

dwellings (C3 Use Class), unless it can be demonstrated that this is unachievable. It is considered there is sufficient space within the site to store cycles and the precise details of this can be secured by condition.

- 7.73 Subject to conditions, the proposal is considered to be acceptable with regard to highway safety, access and parking provision in accordance with Policies LP16 and LP17 of the Local Plan and the NPPF 2021 in this regard.

### **Biodiversity**

- 7.74 Policy LP30 of the Local Plan states that a proposal will be required to demonstrate that all potential adverse impacts on biodiversity and geodiversity have been investigated. A proposal that is likely to have an impact, either direct or indirect, on biodiversity or geodiversity will need to be accompanied by an appropriate appraisal, such as a Preliminary Ecological Appraisal, identifying all individual and cumulative potential impacts on biodiversity and geodiversity. A proposal will ensure no net loss in biodiversity and provide a net gain where possible, through the planned retention, enhancement and creation of habitats and wildlife features, appropriate to the scale, type, and location of development.
- 7.75 The application is accompanied by an Ecological Appraisal carried out by Allied Ecology dated September 2022. The report states that subject to implementation of the recommended mitigation and safeguarded measures, it is considered that no significant harm to any habitats or faunal species will occur as a result of the proposed development.
- 7.76 Recommended mitigation measures include bat sensitive lighting, carry out a phase 2 survey for bats if trees are proposed for removal (which they currently are not), a check for badger presence prior to the commencement of works, instructions for construction workers to minimise risks to fauna, and controlled habitat clearance which may impact nesting birds.
- 7.77 Recommended enhancement measures include new native species planting, inclusion of wildflower grassland area and that any non-native species should include varieties listed on the RHS 'Plants for Pollinators' database which are of elevated value for nectar-consuming invertebrate species, such as bees, moths and butterflies.
- 7.78 It is considered that the submitted Ecological Appraisal makes an appropriate assessment of the ecological impacts of the proposed development. It is also considered that the potential impacts of the proposed development on protected species can be appropriately mitigated, and that the development can achieve a net gain in biodiversity subject to conditions. Subject to

those conditions, the proposal would accord with Policy LP30 of the Local Plan and the NPPF 2021 in this regard.

### **Conclusion and Planning Balance**

- 7.79 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. In assessing applications, it is necessary to first consider whether the proposal accords with the Development Plan as a whole, notwithstanding non-compliance that may occur with individual policies, and having regard to the reasoning for those policies together with others in the Local Plan.
- 7.80 New Gypsy and Traveller sites are not listed as a specific opportunity for development in the countryside set out in paragraph 4.110 of the Local Plan. The Local Plan Policy for new Gypsy and Traveller sites does not specifically exclude the potential for such development in the countryside but states that it should be very strictly limited in open countryside that is away from existing settlements. It has been established within this report that the site is not considered to be 'away' from Farcet and is broadly acceptable against the other criteria of Policy LP27 as well as the specific criteria of Policy LP10 itself.
- 7.81 The element of the proposal which conflicts with Policy LP27 is the qualitative aspects of the route from the site to the nearest Primary School and Doctors Surgery which are acceptable in geographical distance. The route from the site into the village by walking or cycling is substandard as there is no linking pedestrian infrastructure or street lighting along this part of Straight Drove which has a speed limit of 60mph. However, the required car journeys would be relatively short in distance and therefore the level of harm associated with a reliance of private car usage in this instance, bearing in mind the small scale of development proposed, is considered to be limited.
- 7.82 Subject to conditions, the proposed development is considered acceptable in terms of the impact on the character and appearance of the area, the amenity of future occupiers and neighbours, health and safety, highway safety, parking, flooding and ecology.
- 7.83 In summary, it is considered that when assessed as a whole, the proposed development accords with the Development Plan.
- 7.84 The applicants have demonstrated that they meet the definition of Gypsy / Travellers set out in the PPTS and have personal circumstances, including a desire for their children to enrol in full-time education, which indicate that a permanent base is required. It has been established that there is a shortage of Gypsy and

Traveller sites in the district and a lack of alternative accommodation which would mean, if the application is refused, the applicants would resort to a roadside existence or unauthorised doubling up with family and friends.

- 7.85 The conditions set out below would ensure future occupiers meet the definition of Gypsy / Travellers, would safeguard against the intensification of the site and minimise the likelihood of adverse amenity impacts, would secure a landscaping scheme, ecological enhancements, external lighting, access improvements and bin and cycle storage.
- 7.86 Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is therefore recommended that planning permission should be granted subject to the imposition of appropriate conditions.

**8. RECOMMENDATION - APPROVAL subject to conditions to include the following**

- Time limit
- Approved plans
- Maximum number of caravans
- Maximum number of pitches
- Occupancy criteria
- No commercial activities
- Restriction on commercial vehicles over 3.5 tonnes
- Materials for day rooms
- Landscaping including boundary treatments
- Landscape maintenance
- Ecology mitigation and enhancements
- Access improvements
- Removal of permitted development rights for gates across access
- Implementation and retention of parking and turning areas
- Bin and cycle storage
- External lighting

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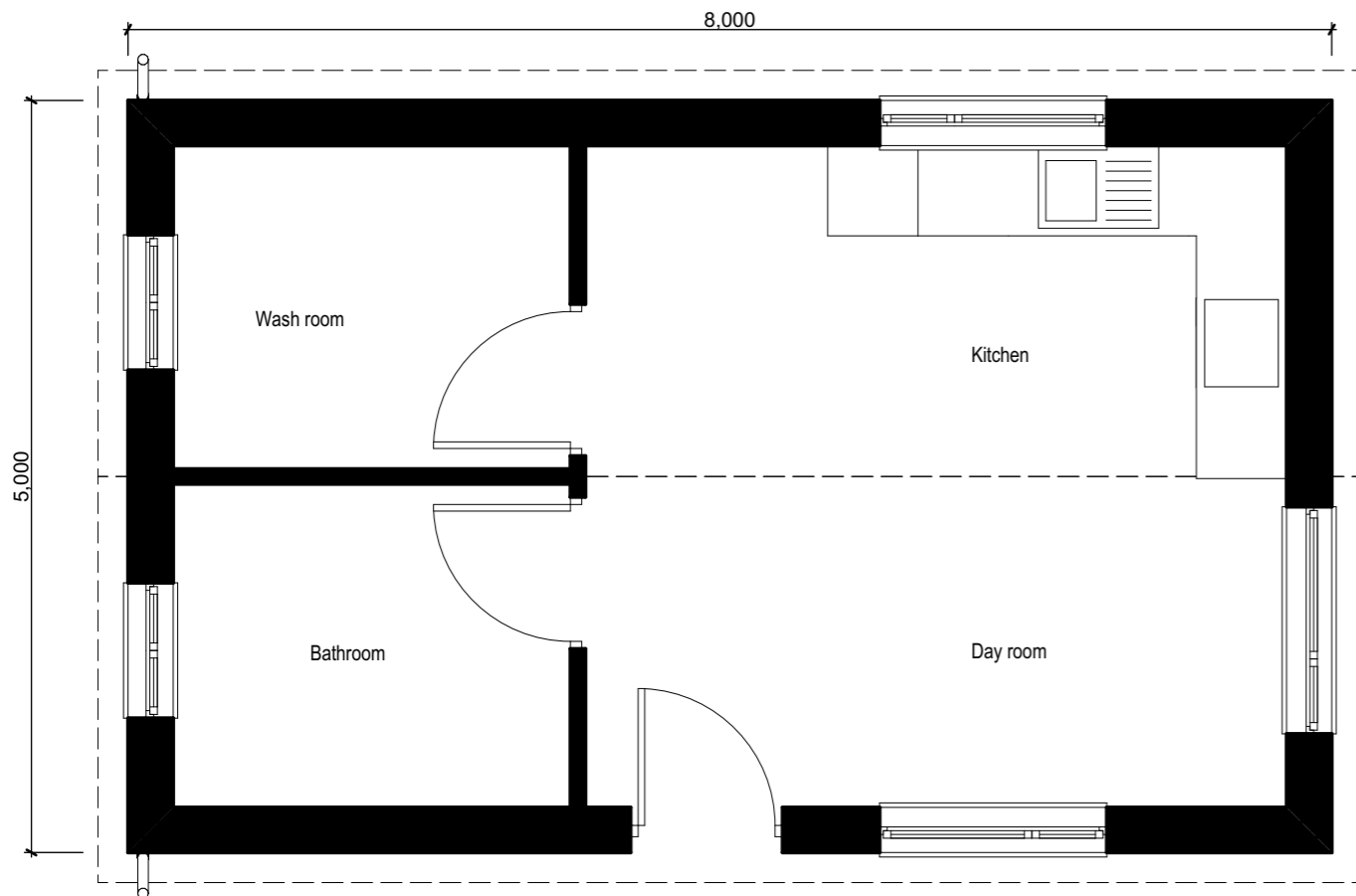




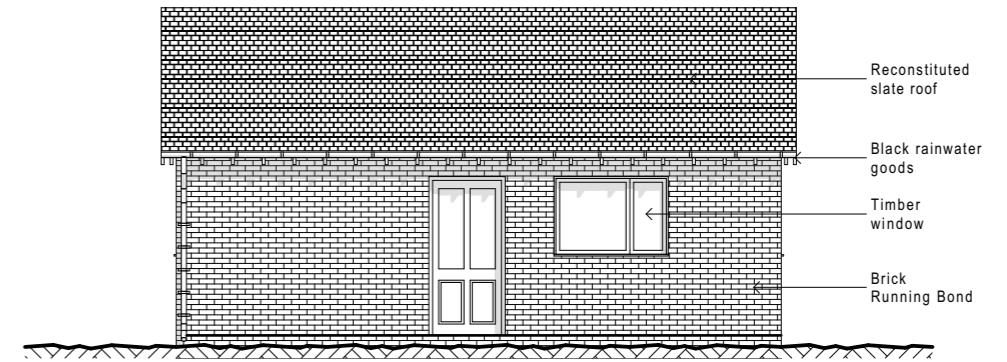




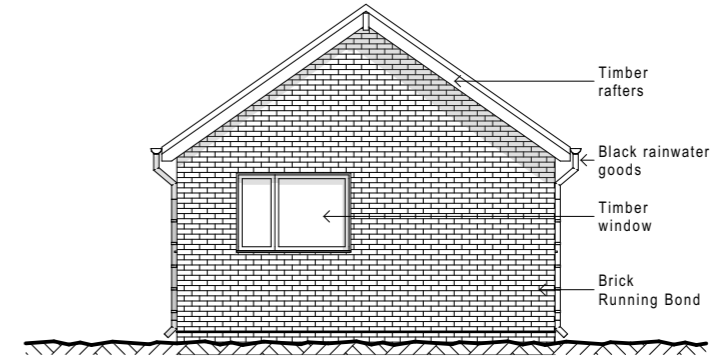




1:50 Utility/Day Room - Indicative internal layout



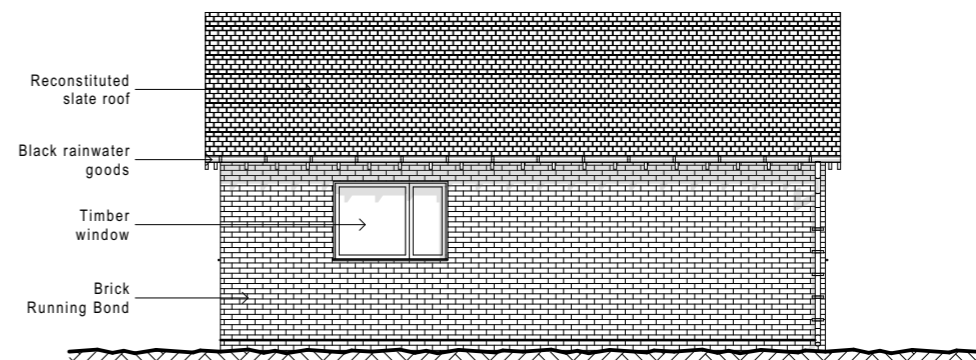
1:100 Principle Elevation



1:100 Side 1 Elevation



1:100 Side 2 Elevation



1:100 Rear Elevation

**LEGEND**

Notes: Do not scale from this drawing; except for planning application purposes.

Rev.	Date	Amendments	Author

Client:	Mr Billy Joe Viden	Scale:	1:50, 1:100 @ A3
Project title:	Land adjacent to Conquest House, Straight Drove, Farcet, Peterborough, Cambridgeshire, PE7 3DJ	Project:	21_1179
Drawing title:	Utility/Day Room - Indicative internal layout	Drg. No.:	21_1179_005 KL

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