

# DEVELOPMENT MANAGEMENT COMMITTEE 17<sup>th</sup> FEBRUARY 2025

**Case No:** 23/02266/FUL

**Proposal:** CHANGE OF USE OF PART ORCHARD TO PROVIDE THREE GYPSY/TRAVELLER MOBILE HOMES AND ASSOCIATED TOURER PARKING AND LAYING OF ASSOCIATED HARDSTANDING AND PROPOSED DAYROOM TO REPLACE EXISTING MOBILE HOME

**Location:** HILLTOP ORCHARD, ST IVES ROAD, SOMERSHAM

**Applicant:** MR ANDREW SMITH

**Grid Ref:** 534507 277190

**Date of Registration:** 22<sup>ND</sup> November 2023

**Parish:** SOMERSHAM

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## RECOMMENDATION - APPROVE

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

### 1. DESCRIPTION OF SITE AND APPLICATION

#### Site and Surroundings

- 1.1 The application site comprises a parcel of land to the west of a group of 3 mobile homes within Hilltop Orchard. The application site boundary also includes an existing concrete base for a mobile home adjacent to the site frontage. The development would utilise the existing vehicular access off St Ives Road (B1086).
- 1.2 The site is in the open countryside and is at a low risk of flooding from all sources. No designated heritage assets, TPO trees or public right of way would be affected by the development.
- 1.3 The site has come forward in elements.
- 1.4 There have been several planning permissions at the wider site (land edged in blue) of Hilltop Orchard in the past 10 years. These include the creation of a total of four Gypsy and Traveller pitches as well as alterations to the access, retention of stables and laying of hardstanding, and amendments to the arrangement of mobile homes and dayrooms within the site.

- 1.5 The current approved situation is that there are two dayrooms adjacent to the site entrance, and an access track leading to three mobile homes and space for the parking of three tourers associated with the three mobile homes adjacent to the northern boundary (approved by 17/00017/FUL). There is also a concrete base for a mobile home (approved by (1302016FUL) to the north of the main parking and turning area. It is this concrete base which is subject to the proposed dayroom under this application. Beyond the existing mobile homes further west are stables and associated hardstanding (approved by 1301257FUL).
- 1.6 There are two sheds within the main parking and turning area, one of which is indicated on the proposed plans, but these are unauthorised. Condition 8 of 17/00017/FUL which covers those areas of the site states: No sheds or amenity/utility buildings other than those shown on the approved drawings shall be erected or placed on the site.

#### Proposal

- 1.7 This application seeks approval for the change of use of part of the Orchard to provide three new gypsy/traveller mobile homes and associated tourer parking and laying of associated hardstanding and proposed dayroom to replace existing mobile home.
- 1.8 This proposal seeks to provide an additional 3 gypsy and traveller pitches. This combined with the 3 existing gypsy and traveller pitches already on the adjacent land, would result in a total of 6 pitches on site served from the same access. Supporting information with the application outlines that no information regarding gypsy/traveller status or personal circumstances is required in this instance because the proposal is policy compliant. It should be approved subject to a condition restricting occupation to only gypsies and travellers.
- 1.9 This application has been accompanied by the following:
- Design and Access Statement
  - Supporting information
  - Drawings
- 1.10 Officers have scrutinised the plans and have familiarised themselves with the site and surrounding area.

## **2. NATIONAL GUIDANCE**

- 2.1 The National Planning Policy Framework (NPPF 2024) sets out the three objectives - economic, social and environmental - of the planning system to contribute to the achievement of sustainable

development. The NPPF 2024 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 2024 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.

2.4 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
- LP8: Key Service Centres
- 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 (SPD) and Guidance:

- Huntingdonshire Design Guide Supplementary Planning Document (2017)
- Developer Contributions SPD (2011)
- Huntingdonshire Landscape and Townscape SPD (2022)
- Huntingdonshire Strategic Flood Risk Assessment (2017)
- Cambridgeshire Flood and Water SPD (2017)
- LDF Developer Contributions SPD (2011)
- Annual Monitoring Review regarding housing land supply (2020)

- Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021)

Local policies are viewable at <https://www.huntingdonshire.gov.uk>

- 3.3 The National Design Guide (2021):
- C1 - Understand and relate well to the site, its local and wider context
  - I1 - Respond to existing local character and identity
  - I2 - Well-designed, high quality and attractive
  - B2 - Appropriate building types and forms
  - M3 - Well-considered parking, servicing and utilities infrastructure for all users
  - N3 - Support rich and varied biodiversity
  - H1 - Healthy, comfortable and safe internal and external environment
  - H2 - Well-related to external amenity and public spaces
  - H3 - Attention to detail: storage, waste, servicing and utilities.

For full details visit the government website

#### **4. PLANNING HISTORY**

- 4.1 1301257FUL - Alterations to existing access with hardstanding. Retention of existing stables with new hardstanding. (Permission granted 19.09.2013)
- 4.2 1302016FUL - Change of use of part of orchard to one gypsy/traveller pitch comprising two mobile homes, two touring caravans, washroom, dayroom including accommodation for disabled child and carer, and hardstanding. (Permission granted 03.12.2015)
- 4.3 16/80188/COND - Condition information for 1302016FUL - C11, C12 (Condition Reply 28.06.2016)
- 4.4 17/00017/FUL - Change of use of part orchard, laying of associated hard standing, and demolition of existing barns to provide three additional Gypsy/Traveller mobile homes, erection of new washroom facilities and retention of play area. (Permission granted 14.05.2018)
- 4.5 19/00020/FUL - Relocation of approved Gypsy/Traveller mobile home and erection of dayroom. (Permission granted 17.08.2020)
- 4.6 20/01624/NMA - Non Material Amendment to application 19/00020/FUL: Delete condition 10 from permission because site in question is not within the red line. (Refused 23.03.2021)
- 4.7 21/01733/S73 - Variation of Condition 2 (Plans) on 19/00020/FUL (Relocation of approved gypsy/traveller mobile home and erection

of dayroom) to swap the positions of the mobile home and dayroom and make minor changes to the orientation and elevations of the dayroom. (Permission granted 24.01.2022)

- 4.8 22/01658/FUL - Change of use of part orchard to provide three gypsy/traveller mobile homes and associated tourer parking, laying of associated hardstand and proposed day room to replace existing mobile home (refused)

## **5. CONSULTATIONS**

- 5.1 Somersham Parish Council – Recommend refusal.
- Over development of the site
- 5.2 Cambridgeshire County Council’s Highway Authority – No objection.
- 5.3 Huntingdonshire District Council’s Environmental Protection Officer – No objection.

## **6. REPRESENTATIONS**

- 6.1 No representations have been received.

## **7. ASSESSMENT**

- 7.1 When determining planning applications, it is necessary to establish what weight should be given to each plan’s policies in order to come to a decision. The following legislation, government policy and guidance outline how this should be done.
- 7.2 As set out within the Planning and Compulsory Purchase Act 2004 (Section 38(6)) and the Town and Country Planning Act 1990 (Section 70(2)) in dealing with planning applications the Local Planning Authority shall have regard to have provisions of the development plan, so far as material to the application, and to any other material considerations. This is reiterated within the NPPF (2024). The development plan is defined in Section 38(3)(b) of the 2004 Act as “the development plan documents (taken as a whole) that have been adopted or approved in that area”.
- 7.3 In Huntingdonshire the Development Plan (relevant to this applications) consists of:
- Huntingdonshire’s Local Plan to 2036 (2019)
  - Cambridgeshire & Peterborough Minerals and Waste Local Plan (2021)
- 7.4 The statutory term ‘material considerations’ has been broadly construed to include any consideration relevant in the circumstances which bears on the use or development of the land: Cala Homes (South) Ltd v Secretary of State for Communities and

Local Government & Anor [2011] EWHC 97 (Admin); [2011] 1 P. & C.R. 22, per Lindblom J. Whilst accepting that the NPPF does not change the statutory status of the Development Plan, paragraph 2 confirms that it is a material consideration and significant weight is given to this in determining applications.

- 7.5 The main issues to consider in the determination of this application are:
- The Principle of Development (Including Impact upon the Character and Appearance of the Area, Amenity, Flood Risk and Highway Safety, Access, and Parking Provision)
  - Biodiversity
  - Developer Contributions
  - Other matters

**The Principle of Development (Including Impact upon the Character and Appearance of the Area, Amenity, Flood Risk and Highway Safety, Access, and Parking Provision)**

- 7.6 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.”
- 7.7 With regard to part a, the proposal would result in the loss of approximately 950 square metres of Grade 2 Agricultural Land. This loss would conflict with Policy LP10 to a degree. However, this amount of loss (equivalent to 0.095ha) is not considered to be significant in terms of the availability of best and most versatile land across the district.
- 7.8 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.

## Gypsy and Traveller Status

- 7.9 A primary consideration is whether planning policies relating to gypsies and travellers are relevant in the consideration of this application.
- 7.10 The national Planning Policy for Traveller Sites (PPTS) document was updated December 2023 with an amended definition of Gypsies and Travellers in paragraph 1 within Annex 1:
1. *For the purposes of this planning policy “gypsies and travellers” means: Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.*
- 7.11 Paragraph 2 within Annex 2 goes on to state:
2. *In determining whether persons are “gypsies and travellers” for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:
    - a) *whether they previously led a nomadic habit of life*
    - b) *the reasons for ceasing their nomadic habit of life*
    - c) *whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.**
- 7.12 This proposal seeks to provide an additional 3 gypsy and traveller pitches. Supporting information with the application outlines that no information regarding gypsy/traveller status or personal circumstances is required in this instance because the proposal is policy compliant. It should be approved subject to a condition restricting occupation to only gypsies and travellers.
- 7.13 When assessing the location of the site against the built-up areas definition and the tables on pages 53 to 55 of the Local Plan to 2036, the site lies outside the built-up area of Somersham, which is a Key Service Centre, the site is therefore considered to be within the countryside.
- 7.14 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.

- 7.15 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 Policy LP27.

Need for Gypsy and Traveller sites

- 7.16 The local Plan to 2036 does not specifically allocate any sites for gypsies, travellers or showpeople.
- 7.17 As stated above, the site is not located within the built-up area of Somersham, 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) updated in December 2024 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’.
- 7.18 Paragraph 4 of the NPPF (2024) 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 24 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.
- 7.19 Paragraph 25 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.
- 7.20 Paragraph 27 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.
- 7.21 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.
- 7.22 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.
- 7.23 Paragraph 11 of The PPTS (2015) 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.
- 7.24 Paragraph 13 of the PPTS (2024) 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.
- 7.25 Policy H, paragraph 23 of the PPTS (2024) 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.

7.26 In line with PPTS Paragraph 25, following factors are considered:

*PPTS Paragraph 25 (a) The existing level of provision and need for traveller pitches:*

7.27 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 28 of the PPTS, states that the absence of a 5-year supply of deliverable sites paragraph 11(d) of the NPPF apply. Local Planning authorities should consider how they could overcome planning objections to a particular proposal using planning conditions or planning obligations.

7.28 Policy LP27 of the Huntingdonshire Local Plan to 2036 refers to The Cambridgeshire, Kings Lynn & West Norfolk, Peterborough and West Suffolk Gypsy and Traveller Accommodation Assessment 2016 (GTAA 2016), which 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.

7.29 Since the refusal of the previous application in September 2023, the Council has undertaken updating the GTAA to inform the Local Plan Review. Officers have had sight of a draft updated GTAA which demonstrates an unmet need within the District. The full extent of the need is still under review.

*PPTS Paragraph 25 (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.

7.31 It is therefore considered that there is a lack of alternative accommodation for the applicants.

*PPTS Paragraph 25 (c) other personal circumstances of the applicant:*

7.32 This proposal seeks to provide an additional 3 gypsy and traveller pitches. Supporting information with the application outlines that no information regarding gypsy/traveller status or personal circumstances is required in this instance because the proposal is policy compliant. It should be approved subject to a condition restricting occupation to only gypsies and travellers. Policy LP27

of Huntingdonshire's Local Plan to 2036 is therefore relevant and the application will be assessed with regard to any travellers not just those with local connections.

7.33 Article 1 of the First Protocol Human Rights sets out that a person is entitled to the peaceful enjoyment of his possessions and that no one shall be deprived of his possessions except in the public interest. Article 8 of the Human Rights Act states that everyone has the right to respect for his private and family life and his home. Refusing would represent an interference with the home and family life of the proposed occupiers, such that both Articles would be engaged. There is also a positive obligation imposed by Article 8 to facilitate the gypsy way of life.

7.34 The future potential occupants of the proposed pitches are an ethnic minority, and thus have the protected characteristic of race under s149(7) of the Equality Act 2010. The proposal would meet the needs of those persons with a relevant protected characteristic, by reason of race, and so, as required by section 149(1) of the Equality Act 2010, the public sector equality duty is applicable.

*PPTS Paragraph 25 (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:*

7.35 The criteria within policy LP27 is therefore relevant and is discussed within material considerations below.

*PPTS Paragraph 25 (e) that they should determine applications for sites from any travellers and not just those with local connections:*

7.36 This proposal seeks to provide an additional 3 gypsy and traveller pitches. Supporting information with the application outlines that no information regarding gypsy/traveller status or personal circumstances is required in this instance because the proposal is policy compliant. It should be approved subject to a condition restricting occupation to only gypsies and travellers. Policy LP27 of Huntingdonshire's Local Plan to 2036 is therefore relevant and the application will be assessed with regard to any travellers not just those with local connections.

Sustainability in terms of Policy LP27 of Huntingdonshire's Local Plan to 2036

7.37 Policy LP27 of the Local Plan to 2036 sets out a range of criteria to be satisfied. These are set out below, and the scheme is subsequently assessed against the provisions of each of these criteria:

*LP27.a) The location is within 1.5 miles of a primary school and 2 miles of a GP surgery:*

- 7.38 Paragraph 26 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.
- 7.39 The proposal is within the threshold distance of 1.5 miles to a primary school. The NHS 'Find a GP' service identifies Parkhall Surgery 1.3 miles from the site as being the nearest catchment surgery and that it is currently accepting new patients. Therefore, in this case both are considered acceptable in simple distance terms.
- 7.40 It is recognised that due to the speed of St Ives Road, the lack of street lighting and that the site is approximately 0.6 miles from the nearest footpath heading into the built-up area of Somersham, it is likely that occupants of the site would 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 also recognised that the scale of the proposed development (three 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.

*LP27.b) The character and appearance of the wider landscape would not be significantly harmed:*

- 7.41 The site is well screened from public view by existing hedgerows. There are glimpse views of the existing Traveller site from St Ives Road, mainly at the access. However, the proposed siting of the three pitches would be well set back into the site behind the existing pitches and adjacent to the trees and hedging on the boundary with Meadowcroft. There are no public footpaths in the area that the proposed development would be visible from. It is noted that condition 10 of planning permission 19/00020/FUL ensures the hedge on the roadside boundary of the site is to be retained at a minimum height of 2.5 metres and that if it is removed or becomes defective, it shall be replaced in accordance with a scheme to be submitted to and approved by the Local Planning Authority.
- 7.42 The proposed day room on the existing concrete base of a former mobile home would benefit from the hedge screening on the roadside boundary described above. The proposed building is in a simple rectangular form 14.0m x 7.5m in area with a pitched roof 4.8m to the ridge. The proposed dayroom would

intensify the built form at the site and would be partly visible from the road. However, it would be sited within an existing residential traveller site in place of a former mobile home and in an area where there is a concentration of buildings in the locality such that in this case, it is considered that the dayroom would not be seen as an anomalous feature in the countryside and is of acceptable scale and appearance subject to details of external materials which could be agreed by condition.

7.43 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 have an internal ceiling height above 3.05 metres.

7.44 Overall, it is considered that the scale and siting of the proposed development coupled with the existing landscape screening to the roadside boundary (retained as part of 19/00020/FUL) would satisfactorily mitigate the visual impact of the proposed development and minimise its impact on the character and appearance of the wider landscape. The proposal is therefore considered to accord with this criterion.

*LP27.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*

7.45 LP27, criterion c) is based on the national Planning Policy for Traveller Sites (2024) 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'.

7.46 LP27, criterion c) is based on the National Planning Policy for Traveller Sites (2024) paragraphs 14 and 26. Paragraph 26 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'. However, the nearest settled community in this context is considered to be the village of Somersham rather than the sporadic dwellings nearby. The 2011 Census showed around 0.12% of the usually resident population of Huntingdonshire identified as being gypsies and travellers, significantly lower than the 0.22% average of the GTAA 2016 study area.

7.47 Other Gypsy and Traveller sites around Somersham in addition to Hilltop Orchard (currently 4 permitted pitches) are 13 pitches at Rosefield to the north of the village and 4 pitches (with a further

11 pitches with a temporary consent) at Legacy Park approximately 1 mile north-east of the built-up edge of Somersham. At Rosefield there are a further 2 pitches subject to planning application 24/02116/FUL which was made on a part-retrospective basis and is currently pending consideration. In terms of the overall community of Somersham, the existing and permitted Gypsy and Traveller pitches together with the three pitches proposed under this application, would equate to 24 pitches and 1.45% of the dwellings in the parish. This is higher than the average Gypsy and Traveller representation across the district. However, 8 of the pitches (or 11 taking into account this proposal) are at least 0.85 miles distant from the main settled community; the Rosefield pitches (13 permitted and 4 proposed) are the only pitches in close proximity to the main settled community in Somersham. It is not considered that the scale of this proposal, when considered collectively with other nearby Traveller sites, would dominate the nearest settled community nor place undue pressure of local infrastructure.

- 7.48 Paragraph 7.41 of the Local Plan which states, “It is anticipated that new Gypsy and Traveller sites will be in the form of small family sized sites of up to four pitches although some larger sites that already exist, or new sites of up to eight pitches, may be appropriate depending upon local circumstances.” Overall, it is considered that the proposal is acceptable against this criterion.

*LP27.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*

- 7.49 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. As discussed under part b above, the existing landscaping around the boundaries of Hilltop Orchard minimises the visual impact of the development in this rural setting. This application does not propose any alteration to the existing boundary treatments of Hilltop Orchard. It is unclear what the proposed boundary treatment is between the mobile homes. However, as the proposed mobile homes are set back into the site behind existing mobile homes and the frontage hedgerow is being retained (condition 10 of 19/00020/FUL), it is considered that the visual impact associated with the boundary treatment would likely be minimal and would not have an enclosing impact on the application site. Confirmation of the boundary internal boundary treatments could be secured by condition. The proposal is therefore considered to accord with this criterion.

*LP27.e) There will not be a significant adverse effect on the amenity of nearby residents or the effective operation of adjoining uses*

- 7.50 To the south and west of Hilltop Orchard are arable fields. Opposite the site frontage is an agricultural worker's dwelling and associated barns. To the north is Meadowcroft which is a residential dwelling set within a large plot. Given the scale and siting of the proposed development and separation to the adjacent arable fields and agricultural worker's dwelling, it is not considered that the proposal would have an adverse effect on the amenity of these uses.
- 7.51 The main matter for consideration against this criterion given the proposed layout of the development is the impact on Meadowcroft. 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."
- 7.52 It is proposed for the three pitches to be located to the north of the existing mobile homes and set back 4 metres from the boundary. This boundary is formed of mature hedging and there are also trees inside the boundary of Meadowcroft in this area which would provide additional screening. At their closest point the proposed mobile homes would be approximately 40 metres from the games room at Meadowcroft and approximately 45 metres from the rear projection of the dwelling which is a swimming pool. There would be approximately 58 metres between the mobile homes and the main habitable rooms of the neighbouring dwelling.
- 7.53 The proposed dayroom on an existing concrete base for a mobile home would be approximately 40 metres from the side elevation of Meadowcroft and therefore the building would not have any notable adverse amenity impact on Meadowcroft. It is considered the main impact on Meadowcroft is the increased noise and disturbance that would result from the proposed intensification of Hilltop Orchard for residential purposes. The increased population at the site and associated increase in vehicle movements and families and children playing near the boundary would likely have some degree of adverse impact on Meadowcroft. The existing hedging on the boundary and trees within Meadowcroft against this boundary currently provides effective screening from obtrusive light and noise associated with vehicular movements and domestic paraphernalia within Hilltop Orchard.
- 7.54 There has been notable change to Hilltop Orchard in the past 10 years through part changes of use to residential including the laying of hardstanding, a play area and dayrooms. It is recognised that the proposal would increase the existing amenity impact on Meadowcroft to some degree. However, given the scale and layout of the proposed development and separation distances from the main living areas of Meadowcroft, it is considered that it would not be justifiable to refuse the application on the grounds of amenity impact in this instance as it is considered, on balance, that

occupiers of Meadowcroft would maintain a high standard of amenity in accordance with Policy LP14 of the Local Plan.

*LP27.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*

- 7.55 The Council's Environmental Health Team were consulted on the application raised no issues in terms of noise impact for proposed residents, and it is noted the proposed mobile homes would be well set back in the site away from the road and behind the three existing mobile homes. The proposed block plan shows an acceptable amount of shared recreational space in addition to shared dayroom facilities. 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.

*LP27.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*

- 7.56 In terms of Highway safety, Cambridgeshire County Council Highways were consulted on the application and stated that the access has previously been assessed and approved for shared dwelling use and found to be acceptable. It was also noted that the proposal does not inhibit parking and turning. The Council's Environmental Health team have raised no issues in terms of risk of contamination or air quality upon future occupiers. In terms of flood risk, the site is located in an area at the lowest risk of flooding from all sources. Therefore, considering the specialist consultee comments and constraints of the site, it is considered that future health and safety of occupiers would not be put at risk, and the proposal is considered acceptable against this criterion.
- 7.57 It is recognised that there is currently limited spacing between the caravans on the site, and this raises fire risk concerns. However, it is noted that the approved site plan for the 3 mobile homes currently on the site (17/00017/FUL) sets them apart between approximately 6.5m and 7.5m which is acceptable. The applicant has not laid the site out in accordance with the approved plan. The proposed site plan shows the three mobile homes subject to this application adequately separated above 6 metres which is considered acceptable. Measures to prevent and minimise fire risks would be set out on the caravan site licence.
- 7.58 There is some concern that the spacing between the touring caravan parking areas is limited and may increase the risks and impacts associated with a fire. This could be addressed via a site development scheme condition.



*LP27.h) There is adequate space for operational needs, including the parking and turning of vehicles*

- 7.59 It is considered that the proposed plans demonstrate there is adequate space for vehicles to park, and enter and leave the site in a forward gear and therefore the proposal is acceptable against this criterion.

*LP27.i) There are appropriate management arrangements in place, where the site may have multiple owners or tenants or be used for transit purposes*

- 7.60 Given that this is an addition of 3 gypsy and traveller pitches to a site that benefits from permission for 4 gypsy and traveller pitches, and the proposal is not seeking a personal consent, a management condition is recommended.

*LP27.j) The site can be safely and adequately serviced by infrastructure*

- 7.61 The accompanying design and access statement states that each mobile home will be serviced with water and electricity and that the existing approved treatment plant has capacity to take the three additional proposed units. The Council's Environmental Health Team have noted that plans on the previous permission show this to be a Tricel Novo UK24 Package Treatment Plant. Tricel's website states this unit is suitable for 8-24 people, so if the number of people on site is likely to exceed this then additional/alternative sewage provision will be required. All sewage systems will need to meet both the Environment Agency's binding rules and Building Regulations. It is considered that the site can be appropriately serviced by infrastructure and therefore the proposal is acceptable against this criterion.

## **Biodiversity**

- 7.62 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.
- 7.63 The application is not accompanied by an ecological assessment. It is considered that there would be some degree of loss in biodiversity given the proposal would replace part of an orchard

with caravans and hardstanding. However, it is considered that the level of biodiversity loss in this instance would be relatively minor. In this case it is considered that the low level of biodiversity loss could be satisfactorily mitigated by ecological enhancements which could be secured by condition. The application is not subject to statutory Biodiversity Net Gain as it predates the introduction of the legislation. Therefore, subject to a condition for ecological enhancements, it is considered that in this case the proposal would not lead to a net loss in biodiversity in accordance with Policy LP30 of the Local Plan.

## **Developer Contributions**

### Bins

- 7.64 Part H of the Developer Contributions SPD (2011) requires a payment towards refuse bins for new residential development. A completed signed and date Unilateral Undertaking has been submitted with the application. On this basis the proposal would provide a satisfactory contribution to meet the tests within the CIL Regulations. The proposal would accord with Policy LP4 of the Huntingdonshire Local Plan to 2036 and the Developer Contributions Supplementary Planning Document (2011).

## **Other Matters**

### Intentional unauthorised development

- 7.65 The establishment of additional pitches on the site, without planning permission amounts to intentional unauthorised development, as such the 2015 ministerial statement is relevant.

## **Conclusion**

- 7.66 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 7.67 The wider site benefits from two previous planning permissions for gypsy and traveller pitches (4 in total). Both of these permissions only had a condition imposed stating the site shall not be occupied by any persons other than gypsies and travellers. The permissions were therefore not granted on a personal basis. This means that these permitted pitches can be occupied anybody who meets the definition of a gypsy/traveller as defined in Annex 1 to Planning Policy for Traveller Sites (PPTS) December 2024.
- 7.68 A previous application for an additional 3 gypsy and traveller pitches was refused under delegated powers. It is noted that the application included information on whether the proposed occupants would meet the gypsy and traveller definition, including personal circumstances. The application was refused on the basis

there was insufficient information submitted to establish the Gypsy and Traveller status and the lack of a signed and dated UU for bins. No other harm or conflict was identified.

- 7.69 This proposal seeks to provide an additional 3 gypsy and traveller pitches. Supporting information with the application outlines that no information regarding gypsy/traveller status or personal circumstances is required in this instance because the proposal is policy compliant. It should be approved subject to a condition restricting occupation to only gypsies and travellers.
- 7.70 Since the refusal of the previous application in September 2023, the Council has undertaken updating the GTAA to inform the Local Plan Review. Officers have had sight of a draft updated GTAA which demonstrates the council still has an unmet need. The full extent of the need is still under review.
- 7.71 It is considered that there is a lack of alternative accommodation for gypsies and travellers.
- 7.72 The site is flood zone 1 and is therefore at the lowest risk of flooding. The proposed development is acceptable in terms of its impact on the character and appearance of the wider landscape and countryside, amenity and highway safety. The proposed development is considered to be compliant with relevant policy, and for these reasons, the proposal should be granted planning permission with a condition imposed stating the site shall not be occupied by any persons other than gypsies and travellers.

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

- 3 year implementation permission
- Approved plans
- Gypsy and traveller occupancy
- Maximum number of pitches/caravans
- Site development scheme
- Management of the site

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388388 and we will try to accommodate your needs.

**CONTACT OFFICER:**

Enquiries about this report to **Lewis Tomlinson Senior Development Management Officer** – [lewis.tomlinson@huntingdonshire.gov.uk](mailto:lewis.tomlinson@huntingdonshire.gov.uk)

**From:** DevelopmentControl  
**Sent:** 03 January 2024 12:13  
**To:** DevelopmentControl  
**Subject:** Comments for Planning Application 23/02266/FUL

## Comments summary

Dear Sir/Madam,

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 03/01/2024 12:12 PM from [REDACTED]

### Application Summary

Address: Hilltop Orchard St Ives Road Somersham

Proposal: Change of Use of Part Orchard to provide three gypsy/traveller mobile homes and associated tourer parking and laying of associated hardstand and proposed dayroom to replace existing mobile home

Case Officer: Lewis Tomlinson

[Click for further information](#)

### Customer Details

Name: [REDACTED]

Email: executiveofficer@somersham-pc.gov.uk

Address: The Norwood Building, Parkhall Road, Somersham, Huntingdon PE28 3HE

### Comments Details

Commenter Type: Town or Parish Council

Stance: Customer objects to the Planning Application

Reasons for comment:

Comments: Further to the meeting held on the 18th December 2023, the Parish Council agreed to object to this proposal due to overdevelopment of the site, (as per previously submitted comments.)

Kind regards

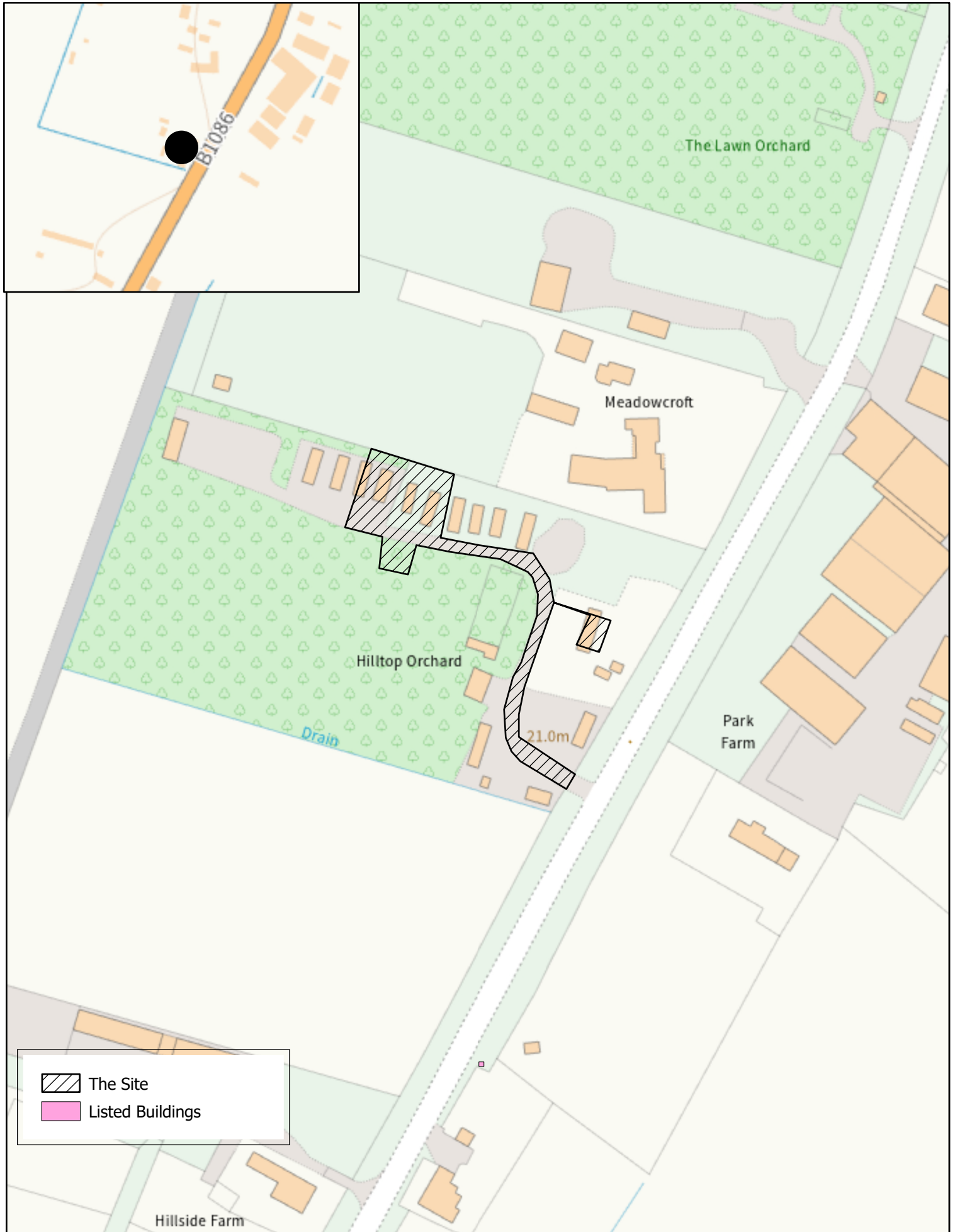
# Development Management Committee

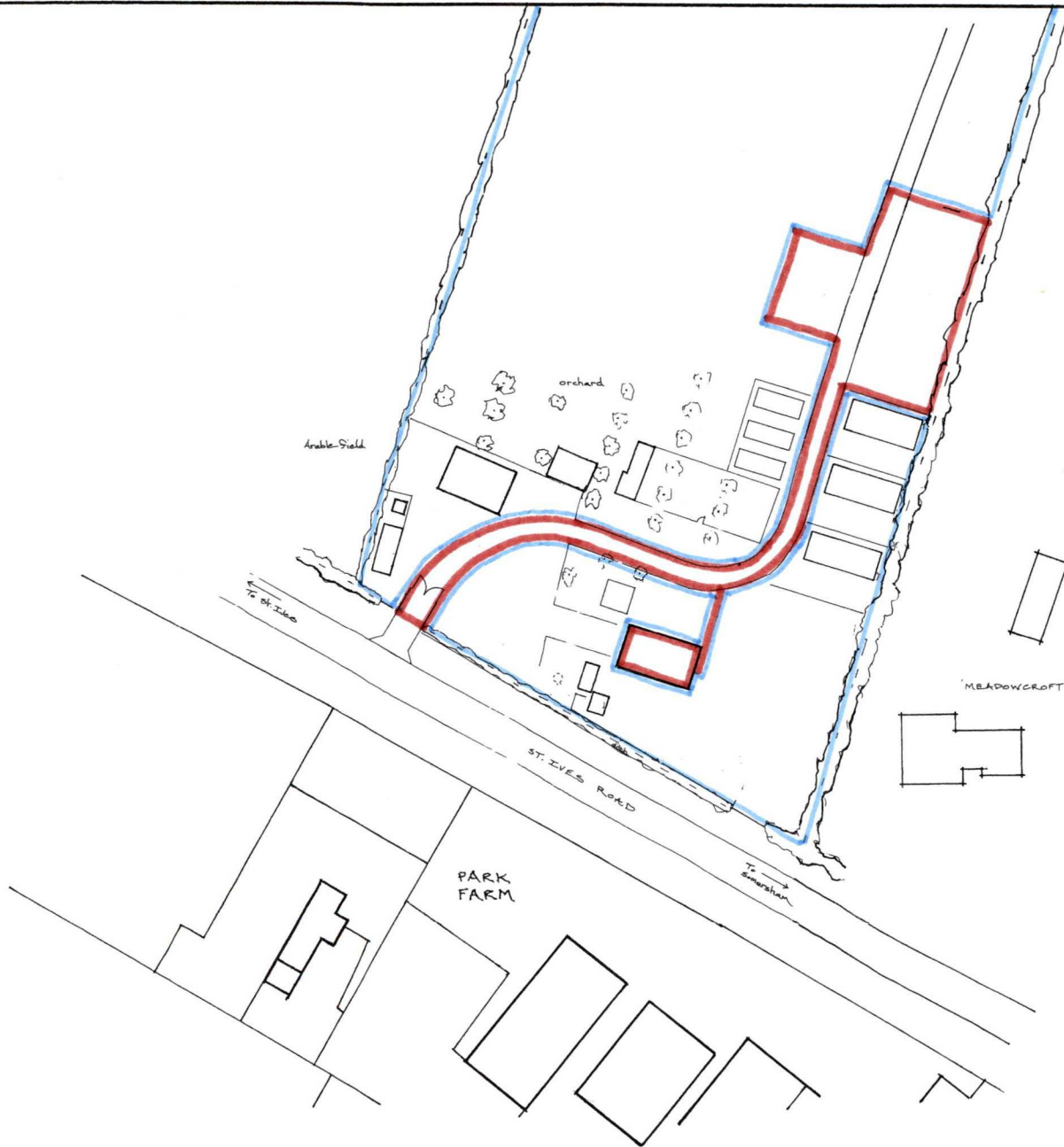
Application Ref: 23/02266/FUL



Scale = 1:1,500

Date Created: 05/02/2025





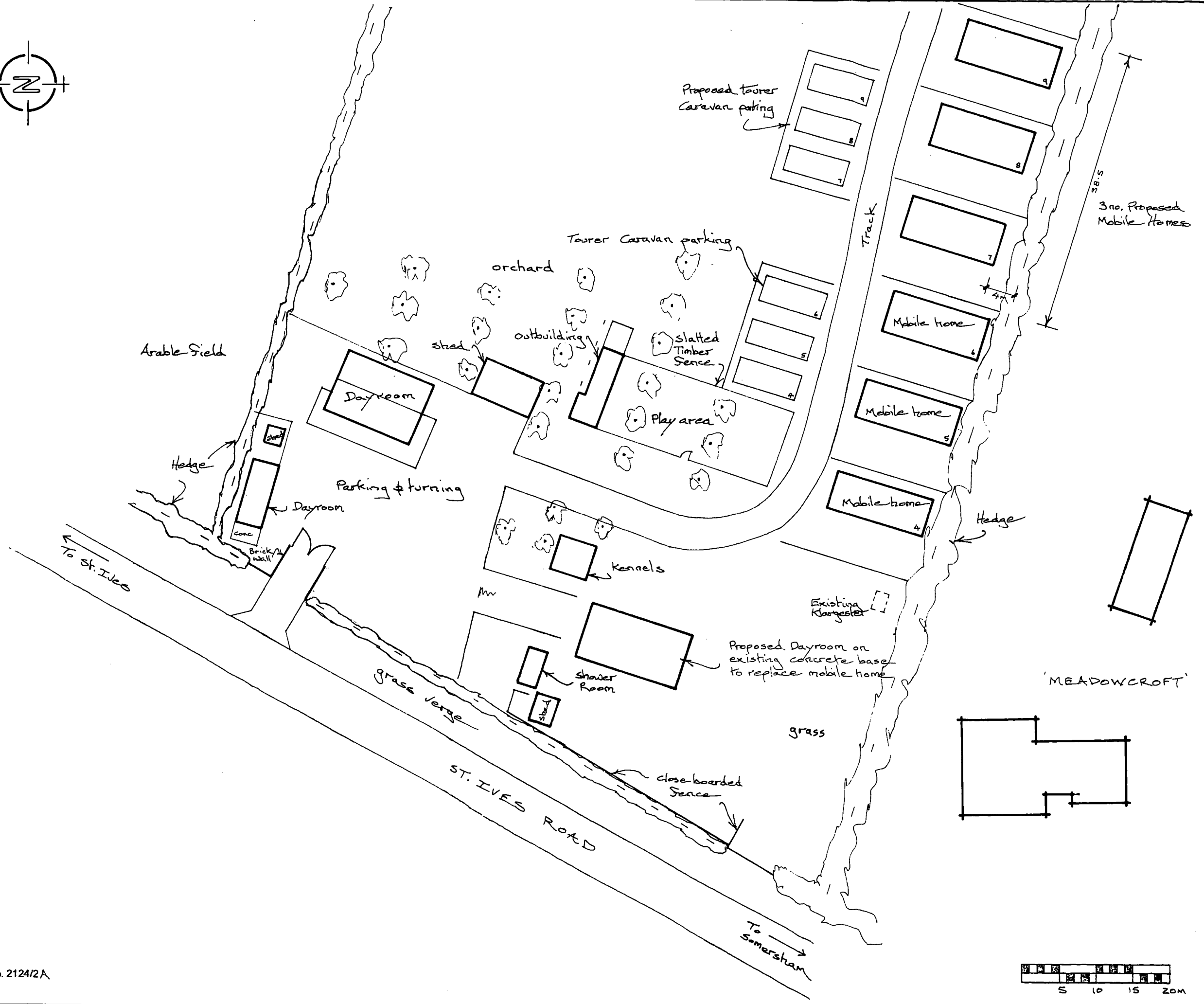
**M R England Architectural Designs**  
 39 High Street Warboys Huntingdon Cambs PE28 2TA  
 01487 822503 Copyright  
 E-mail: [martinenland@hotmail.co.uk](mailto:martinenland@hotmail.co.uk)

**PROJECT**  
 Proposed Development  
 at Hilltop Orchard  
 St. Ives Road  
 Somersham  
 Cambs

**DRAWING**  
 Location Plan

SCALE: 1/1250 DATE: April 2021 DWG No. 1966/1





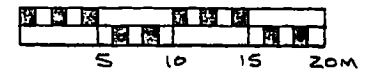
Rev A 18-8-22: Dayroom to replace extg mobile home...

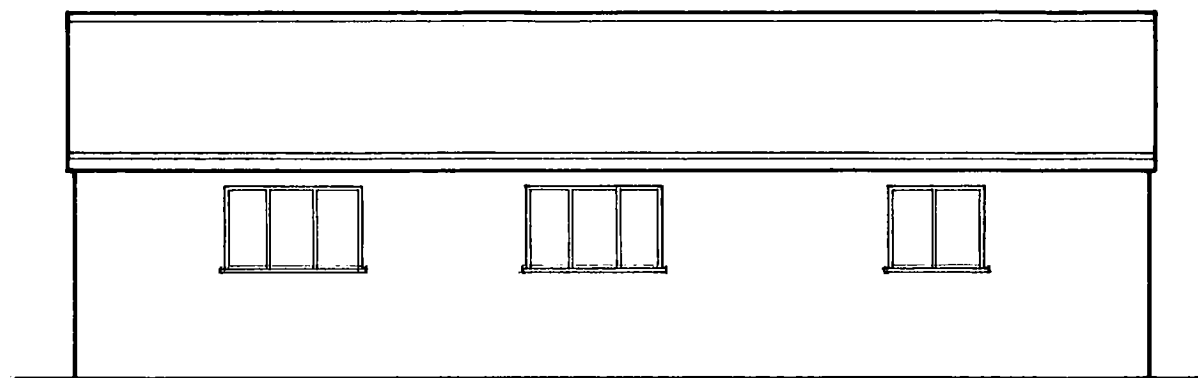
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**PROJECT**  
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at Hilltop Orchard  
St. Ives Road  
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Huntingdon Cambs

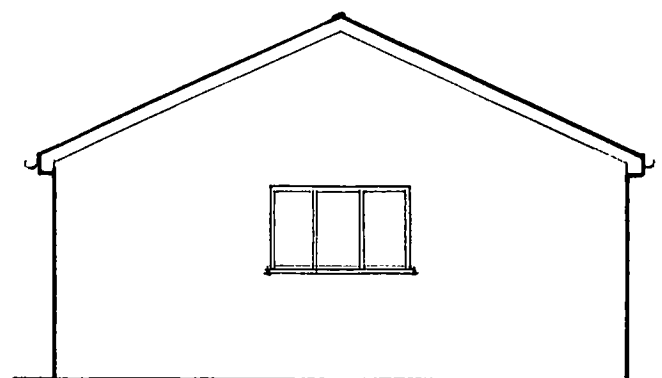
**DRAWING**  
Block & Roof Plan

SCALE: 1/500@A3 DATE: June 2022 DWG No. 2124/2A

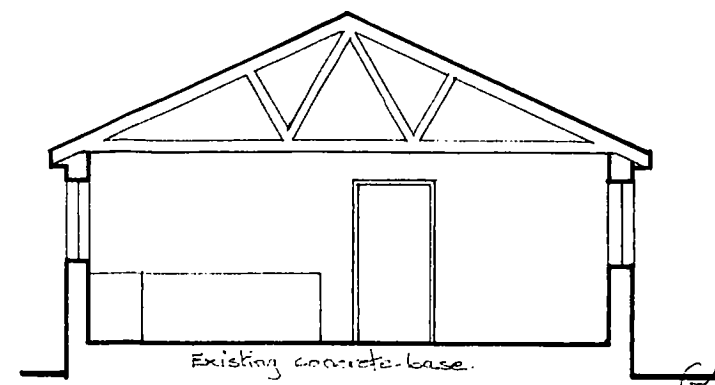




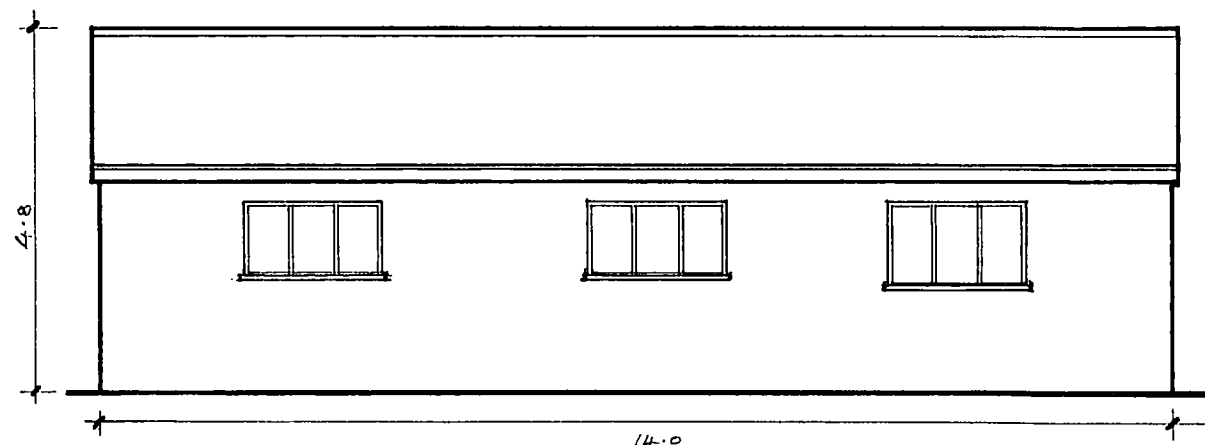
EAST ELEVATION



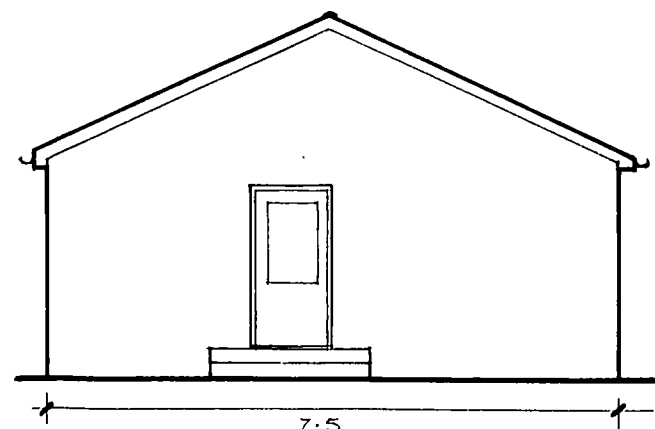
SOUTH ELEVATION



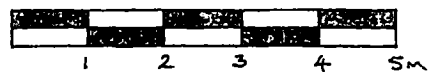
SECTION



WEST ELEVATION



NORTH ELEVATION



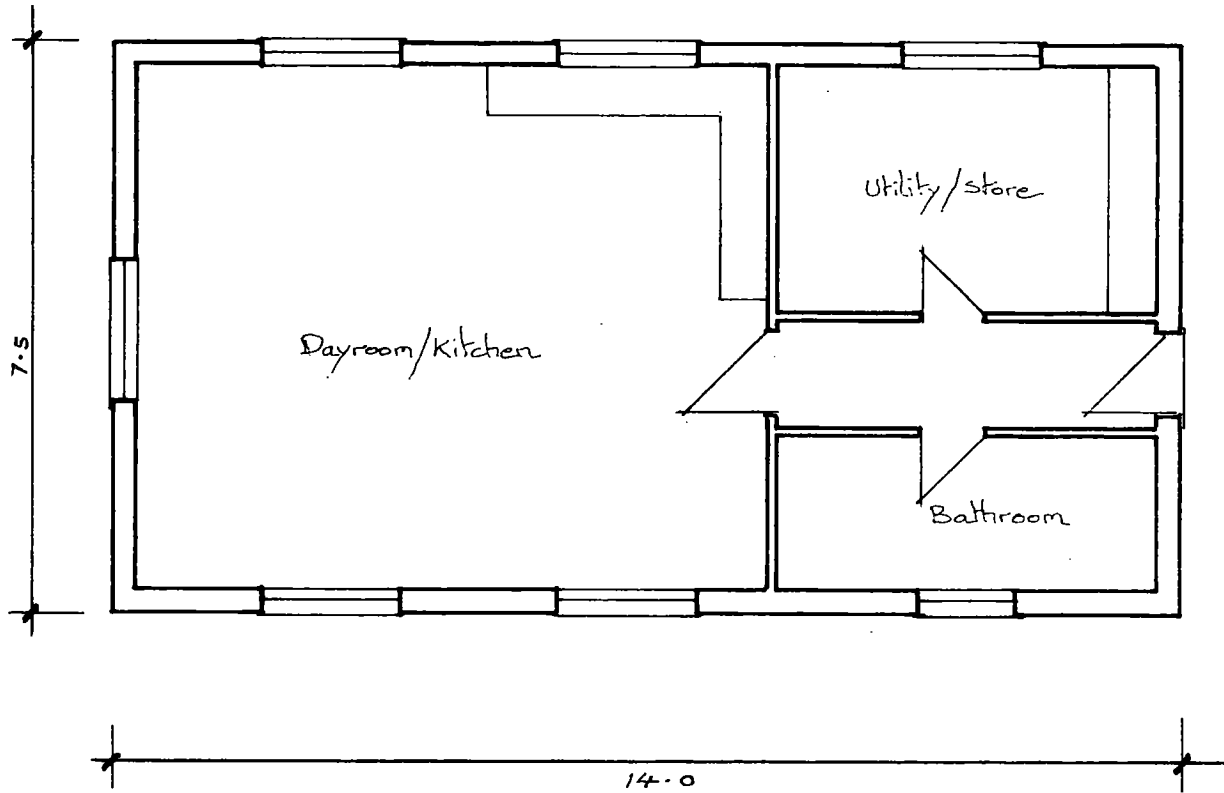
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PROJECT  
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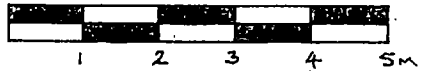
DRAWING  
Dayroom - Elevations

SCALE: 1/100@A3 DATE: August 2022 DWG No. 2124/4





FLOOR PLAN



**M R England Architectural Designs**  
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**PROJECT**  
 Proposed Development  
 at Hilltop Orchard  
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**DRAWING**  
 Dayroom – Floor Plan

SCALE: 1/100@A4 DATE: Aug 2022 DWG No. 2124/3