

DEVELOPMENT MANAGEMENT COMMITTEE 16th MARCH 2026

Case No: 24/02116/FUL

Proposal: CHANGE OF USE OF LAND FOR THE STATIONING OF TWO MOBILE HOMES AND FOUR TOURING CARAVANS TO INCLUDE ESTABLISHMENT OF HARDSTANDING AND FENCES ON A TEMPORARY OR PERMANENT BASIS (PART RETROSPECTIVE)

Location: LAND AT ROSEFIELD, PARKHALL ROAD,
SOMERSHAM

Applicant: MR WILLIAM MC EWAN

Grid Ref: 535993 278841

Date of Registration: 14th November 2024

Parish: SOMERSHAM

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 approximately 0.37 hectares of land at Rosefield around 200 metres north-west of the built-up area of Somersham. The site is accessed via a private track off Parkhall Road. There are 17 permanent Gypsy and Traveller pitches in the immediate vicinity of the site, these are split between areas to the north and south of the track. The application boundary projects south from behind an existing single Gypsy and Traveller pitch across the length of the field.
- 1.2 Approximately 300 metres west of the site is public footpath 206/6 which is on lower ground than the application site. In terms of flood risk, the site is located in Flood Zone 1 (lowest probability of flooding from rivers and the sea). However, the Huntingdonshire Strategic Flood Risk Assessment 2017 (SFRA) identifies part of the site within a high-risk groundwater area and an area of the site at high risk of surface water flooding.

Proposal

- 1.3 This planning application seeks approval for the Change of use of land for the stationing of two mobile homes and four touring caravans (2 pitches) to include establishment of hardstanding and fences on a temporary or permanent basis (part retrospective). The proposal is part retrospective as 1 pitch is more complete than the other.
- 1.4 A previous application under reference 22/00518/FUL for a larger red line boundary and 4 pitches was refused under delegated powers on the 11th October 2023 for the following reasons:
1. There is insufficient information submitted to establish the Gypsy and Traveller status of the proposed occupiers in planning terms against the PPTS 2015 definition (taking in account the effect of the Court of Appeal Judgement *Lisa Smith v SSLUHC* [2022] EWCA Civ 1391). The proposal does not accord with any of the specific opportunities for development in the countryside contrary to Policy LP10 and Paragraphs 4.110 and 7.36 of the Huntingdonshire Local Plan to 2036.
 2. The depth of residential development proposed across the paddock would be unsympathetic to the prevailing pattern of adjacent development, fail to recognise the intrinsic character and beauty of the countryside, and would have a detrimental impact on the character and appearance of the area contrary to Policies LP10 part b and LP12 parts a and b of the Huntingdonshire Local Plan to 2036 and paragraph 130 parts a, b and c of the NPPF 2023.
 3. The Huntingdonshire Strategic Flood Risk Assessment 2017 (SFRA) identifies the site within a medium-high risk groundwater area and an area of the site at high risk of surface water flooding. The application is not accompanied by a site-specific Flood Risk Assessment and therefore the application fails to demonstrate that development would be in an acceptable location sequentially and that the health and safety of all occupants would not be put at risk through unacceptable flood risk. Future occupiers therefore would be placed at an unwarranted risk of flooding contrary to Policies LP5, LP15 and LP27 part g of the Huntingdonshire Local Plan to 2036 and paragraphs 162 and 167 of the NPPF 2023.
 4. The application is not accompanied by a completed Unilateral Undertaking for the provision of wheeled bins and therefore fails to comply with part H of the Developer Contributions Supplementary Planning Document (2011) and Policy LP4 of the Local Plan to 2036 meaning the needs of future residents would not be met with regard to waste management.
- 1.5 This application has been accompanied by the following:

- Design and Access Statement
- Supporting information
- Drawings
- Site Specific Flood Risk Assessment
- UU for bins

1.6 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](#)

2.5 Article 1 of the First Protocol (Human Rights Act) 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.

2.6 Occupants of gypsy and traveller 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.

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.

3.4 National Planning Policy for Traveller sites (Dec 2024)

For full details visit the government website

4. PLANNING HISTORY

Application site

- 4.1 22/00518/FUL - Change of use of land for the stationing of four mobile homes (static caravans) and eight touring caravans, to include establishment of hardstanding and fences on a temporary or permanent basis (partly retrospective). (REFUSED)

Immediate vicinity

- 4.2 0400062FUL - 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) (APPEAL ALLOWED)
- 4.3 17/01626/FUL - Change of use of the land to two residential pitches, one for Gypsies and Travellers who meet the planning definition, the other for a mix of Gypsies and Travellers who meet the planning definition and Romany Gypsies who do not, with the siting of six caravans of which no more than four would be static caravans, and the construction of two amenity blocks. (APPROVED)
- 4.4 18/01312/FUL - Change of use of the land to residential with the siting of three caravans of which no more than one would be static caravans, and the construction of an amenity block. (APPROVED)
- 4.5 20/00608/FUL - Change of use of the land to Gypsy and Traveller residential with the establishment of two residential pitches, each with the siting of two caravans of which no more than one can be static caravans and the construction of an amenity building. (APPROVED)
- 4.6 21/01491/FUL (same application site as 20/00608/FUL) - Use of the land for Gypsy and Traveller residential with the establishment of three residential pitches (APPROVED) *Same red line as above permission.*
- 4.7 21/02861/FUL - Change of Use of Land for the creation of 6no. Gypsy/Traveller pitches comprising the siting of 1no. Mobile Home, 1 no. Touring Caravan, and formation of hardstanding area, per pitch. (APPROVED)

5. CONSULTATIONS

- 5.1 Somersham Parish Council – Objection.
- Over development of the site

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 0.2ha of Grade 2 Agricultural Land. This loss would conflict with Policy LP10 to a degree. However, this amount of loss 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 part b, the previous application for 4 pitches was refused for the following reason:
- The depth of residential development proposed across the paddock would be unsympathetic to the prevailing pattern of adjacent development, fail to recognise the intrinsic character and beauty of the countryside, and would have a detrimental impact on the character and appearance of the area contrary to Policies LP10 part b and LP12 parts a and b of the Huntingdonshire Local Plan to 2036 and paragraph 130 parts a, b and c of the NPPF 2023.
- 7.9 The adjacent existing Gypsy and Traveller pitches are primarily sited just off the track, and the six pitches to the north-east are behind the group of nine residential properties which front Parkhall Road. The existing approved Gypsy and Traveller pitches do not protrude significantly across the field. The adjacent plot has approval for three pitches which extend south into the field from the track. The other approved pitches south of the track are individual pitches accessed directly from the track with paddock land to the rear.
- 7.10 The previous application site covered the full length of the field behind the existing Gypsy and Traveller pitch (approved by

17/01626/FUL). However, this current application represents not only a reduction in pitches, but also a reduction in red line site area, so it no longer covers the full length of the field, but stops short of it. This is considered to be a reduction in terms of a visual impact when compared with the previously refused application.

- 7.11 The site is set back from Parkhall Road and screened by existing hedging across the length of the field boundary on its eastern side approximately 200m west of Parkhall Road. When in leaf the hedging provides almost complete screening of all Gypsy and Traveller pitches on the south side of the track from Parkhall Road. During the winter months the hedging does not provide as much screening and the proposed development would be visible to some degree from Parkhall Road. It is unclear who owns and maintains the hedge and it does not have any protection from removal in terms of planning control.
- 7.12 Approximately 300 metres west of the site is public footpath 206/6 which is on lower ground than the application site. There is no landscape screening on this side of the wider site and the current unauthorised development is visible in long-distance views. It is considered that the proposed development would cause a degree of harm to the character and appearance of the area when viewed from public footpath 206/6. This harm could be mitigated by the planting of soft landscaping, which could be conditioned if the application were to be supported by Members.
- 7.13 Given the reduction in pitches from the previously refused scheme, and the reduced site area, Officers do not consider the proposed development would result in a level of visual harm that could not be mitigated via a soft landscaping scheme. For the above reasons, and subject to the above landscape conditions, Officers consider that the proposed development would recognise the intrinsic character and beauty of the countryside in accordance with Policy LP10 part b. The previous reason for refusal on visual amenity has therefore been addressed.
- 7.14 Given the scale and location of the proposed development, it is considered that it 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

- 7.15 A primary consideration is whether planning policies relating to gypsies and travellers are relevant in the consideration of this application.
- 7.16 The national Planning Policy for Traveller Sites (PPTS) document was updated December 2024 with an amended definition of Gypsies and Travellers in paragraph 1 within Annex 1:

1. . 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, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 7.17 This proposal seeks to provide 2 gypsy and traveller pitches. A pitch normally comprises one mobile, one static and an amenity block. However, pitches can contain a higher number of caravans given the size of the household.
- 7.18 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 located within the countryside.
- 7.19 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 could be supported in sustainable locations where they respect the scale of the nearest settled community and would be very strictly limited in open countryside that is away from existing settlements.
- 7.20 The Council would 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

- 7.21 The Local Plan to 2036 does not specifically allocate any sites for gypsies, travellers or travelling showpeople.
- 7.22 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’.

- 7.23 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.
- 7.24 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.
- 7.25 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.
- 7.26 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.
- 7.27 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.
- 7.28 Under the PPTS Policy B (plan making), 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.

7.29 Paragraph 11 of The PPTS (2024) 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.

7.30 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.

7.31 Policy H (decision taking), 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.

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

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

7.33 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.

- 7.34 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.
- 7.35 Since the refusal of the previous application in October 2023, the Council has since consulted on a Preferred Options Draft Local Plan to 2046. Comments received from stakeholders and statutory consultees will be processed, and reviewed, and further technical evidence will be gathered to inform the Proposed Submission Local Plan. The aim is to consult on that in summer 2026.
- 7.36 No gypsy or traveller sites were submitted in the call for sites process, and therefore none have been put forward as draft allocations in the new Local Plan.
- 7.37 In addition to this, and part of the evidence base document that will inform and shape the new Local Plan, the Council has recently published an updated Gypsy and Traveller (GTAA), Travelling Showperson, boat dwellers and other caravan dwellers Accommodation Assessment 2024 which can be viewed here: <https://www.huntingdonshire.gov.uk/planning/local-plan-update/evidence-library-for-local-plan-update/>
- 7.38 This concludes that there is an overall minimum need for 127 additional Gypsy and Traveller pitches across Huntingdonshire District over the period 2023/24 to 2045/46. Of this need, 36 are needed in the first five years, 69 over the period 2028/29 to 2041/42 and 22 over the period 2042/43 to 2045/46. Due to this, the Council is not currently meeting its need in terms of gypsy and traveller pitches.
- 7.39 Within the conclusion section of the report, it advises that in order to meet its need for pitches, the Council should consider intensifying and expanding existing sites. Members should note that each site should be assessed on its own merits, and each application should be assessed on its own merits.
- 7.40 The conclusion section of the report also goes on to state that notwithstanding evidence in this GTAA on need, additional need may arise over the plan period, for instance from a higher number of households moving into Huntingdonshire than anticipated. It is therefore recommended that the Local Plan references the need in the GTAA as a minimum need which is likely to be met but sets out policies to inform future planning applications for private sites.
- 7.41 On the basis of this, it is considered that there is a need for pitches within the district. This will be weighed up at the end of the report.

PPTS Paragraph 25 (b) the availability (or lack) of alternative accommodation for the applicants:

- 7.42 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.
- 7.43 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:

- 7.44 This proposal seeks to provide 2 gypsy and traveller pitches.
- 7.45 The previous application was refused for the following reason:

There is insufficient information submitted to establish the Gypsy and Traveller status of the proposed occupiers in planning terms against the PPTS 2015 definition (taking in account the effect of the Court of Appeal Judgement *Lisa Smith v SSLUHC* [2022] EWCA Civ 1391). The proposal does not accord with any of the specific opportunities for development in the countryside contrary to Policy LP10 and Paragraphs 4.110 and 7.36 of the Huntingdonshire Local Plan to 2036.

- 7.46 Information regarding gypsy/traveller status or personal circumstances has been provided with the application. 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.
- 7.47 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.
- 7.48 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:

- 7.49 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:

- 7.50 This proposal seeks to provide 2 gypsy and traveller pitches. Information regarding gypsy/traveller status or personal circumstances has been provided with the application. 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, which can be secured via a planning condition.

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

- 7.51 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:

- 7.52 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.

- 7.53 The proposal accords with this requirement. The site is 0.5 mile from Somersham Primary School and less than a mile from Somersham health centre. However, the policy also indicates distances from amenities i.e. schools, should be used as a guide rather than a fixed limit, and that account will also be taken of qualitative aspects, and in particular the nature of the route to the nearest primary school, including the presence or lack of pavements and/or cycle paths.

- 7.54 It is acknowledged that there is no pedestrian footpath along this part of Parkhall Road, and no lighting. The applicants would therefore likely be reliant on the use of a motor car to transport to the school or doctors. However, the trips by car are expected to be short journeys only in order to access the local surgery, schools and other shops and facilities. The village of Somersham is also within cycling distance so that older children and adults would be able to access facilities by bicycle, and not just by car. The benefits to the families would include a stable home base

where the family members would benefit from access to health care and educational facilities in a reasonably sustainable location having moved from a primarily roadside existence. Therefore, on balance, the location of the site is considered acceptable against this criterion.

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

- 7.55 As discussed earlier in this report during the assessment against Policy LP10 part b, the existing hedge screening of Rosefield when viewed from Parkhall Road mitigates the visual impact of the Traveller site development to a large degree when in leaf and to a lesser degree during winter months. It is unclear who owns and maintains the hedge and it is considered that its removal outside of planning control would mean the depth of residential development across the paddock in the open countryside would significantly harm the landscape if the visual impact of the development is not otherwise mitigated. The depth of development is visible in long-distance views from the public right of way footpath 206/6 to the west. It is considered that there is suitable space within the site for soft landscaping which could reinforce the existing screening from Parkhall Road and soften the visual impact from the public right of way to the west. However, given the proposed depth of residential development in the open countryside, which is discordant with its surroundings, at best soft landscaping could ensure the landscape is not significantly harmed. However, it is considered that in any event the proposed 2 pitch development on this site would cause a degree of harm to the character and appearance of the countryside.

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

- 7.56 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'.
- 7.57 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.

7.58 Other Gypsy and Traveller sites around Somersham in addition to Rosefield Parkhall Road (17 pitches), 15 pitches at Legacy Park and Hilltop Orchard (7). All of those sites are at least 0.85 miles distant from the main settled community; the Rosefield Parkhall pitches are the only pitches in close proximity to the main settled community in Somersham. It should be noted that Somersham is considered a Key Service Centre under Policy LP8 of the Local Plan. This means that Somersham is of a scale that has a range of services that meet many of the day to day needs of residents and to some extent those of other nearby settlements. It is therefore 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. However, future applications would be assessed on their own merits, and whether a threshold for the area has been met.

7.59 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

7.60 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, a landscaping condition is recommended to be sought to help mitigate the visual impact of the development.

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

7.61 The application site is located a significant distance from the main living areas of the adjacent residential dwellings to the east and would not have an unneighbourly relationship with the existing Gypsy and Traveller pitches such that there would be no significant impacts on the amenity of nearby residents or the effective operation of adjoining uses through noise, disturbance, obtrusive light, dust, odour, pollution and loss of privacy in accordance with criterion e and 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

- 7.62 Gypsy and Traveller sites tend to be self-sufficient sites. Children would play within the relatively large pitch areas without the need to be located near to formal recreation facilities. Meadowlands Park is located less than 500 metres from the application site. Given the countryside location of the site, it is considered that the proposal would result in a high standard of residential amenity for future occupiers.

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

- 7.63 On the previous application, the Highway Authority did not raise objection to the proposal. The access is considered safe subject to the implementation of improvements requested by the Highway Authority on previous consents within the immediate vicinity.
- 7.64 Previously, HDC Environmental Health requested a land contamination investigation and if necessary remediation which could be secured by condition. Officers recommend a contamination condition.
- 7.65 In terms of flood risk, the site is in Flood Zone 1 (lowest probability of flooding from rivers and the sea). However, the Huntingdonshire Strategic Flood Risk Assessment 2017 (SFRA) identifies part of the site within a high-risk groundwater area and an area of the site at high risk of surface water flooding.
- 7.66 National guidance and Policy LP5 of the Local Plan to 2036 seek to steer new developments to areas at lowest risk of flooding and advises this should be done through application of the Sequential Test, and if appropriate the Exceptions Test (as set out in paragraphs 170-179 of the NPPF 2024).
- 7.67 The previous application was refused for the following reason:

The Huntingdonshire Strategic Flood Risk Assessment 2017 (SFRA) identifies the site within a medium-high risk groundwater area and an area of the site at high risk of surface water flooding. The application is not accompanied by a site-specific Flood Risk Assessment and therefore the application fails to demonstrate that development would be in an acceptable location sequentially and that the health and safety of all occupants would not be put at risk through unacceptable flood risk. Future occupiers therefore would be placed at an unwarranted risk of flooding contrary to Policies LP5, LP15 and LP27 part g of the Huntingdonshire Local Plan to 2036 and paragraphs 162 and 167 of the NPPF 2023.

- 7.68 This application is supported by a site-specific Flood Risk Assessment (FRA).
- 7.69 In terms of groundwater, the FRA sets out that a detailed analysis using the Ambiental UK FloodMap4™ indicate that the site is at very low risk of groundwater flooding. The site's geology, consisting of West Walton Formation and Ampthill Clay Formation, typically restricts significant groundwater emergence. Officers therefore consider the risk of groundwater flooding has been addressed in this instance.
- 7.70 Turning to surface water flooding, Paragraph: 027 Reference ID: 7-027-20220825 of Planning Practice Guidance outlines that: In applying paragraph 175 a proportionate approach should be taken. Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied.
- 7.71 The FRA sets out that the internal levels will be higher than ground levels, with those external ground levels immediately outside of accommodation falling away from the thresholds and can be directed along a channel drainage system, ensuring the minimisation of storm water ingress. In addition, permeable paving and Suds features can be incorporated into the design.
- 7.72 The FRA that has been submitted with this application demonstrates that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development, without increasing flood risk elsewhere. The sequential test therefore does not need to be applied in accordance with PPG. The previous reason for refusal on flood risk has therefore been sufficiently addressed. A condition is recommended to secure SuDS.

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

- 7.73 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

- 7.74 It is understood that the applicant is part of a wider close family unit at Rosefield. However, there is no information provided as to future management arrangements within the site. Given the existing development and permissions in the wider vicinity, and that this application only seeks 2 pitches, a management condition is not considered reasonable.

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

- 7.75 The adjoining site is served by mains water and mains electricity, and as such it is considered feasible for the proposed development to also be served by these utilities. Small package sewage treatment plants are the preferred means of waste disposal when connection to mains drainage is not possible or impractical.

Biodiversity

- 7.76 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.
- 7.77 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 a grassed paddock. 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 is part retrospective. Therefore, subject to a condition for ecological enhancements, it is considered that in this case the proposal would meet the aims of Policy LP30 of the Local Plan.

Developer Contributions

Bins

- 7.78 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). The reason for refusal on lack of a UU for bins has therefore been addressed.

Other Matters

Intentional unauthorised development

7.79 The establishment of additional pitches on the site, without planning permission amounts to intentional unauthorised development, as such the 2015 ministerial statement (Green Belt and Intentional Unauthorised Development 2015) is relevant. By way of mitigation, the occupants have had limited options in respect of accommodation and has sought to regularise the situation through a planning application. Officers also acknowledge that there has been a significant delay in determining the application, which has added to the uncertainty the applicant faced.

Conclusion

7.80 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

7.81 Article 1 of the First Protocol (Human Rights Act) 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.

7.82 Occupants of gypsy and traveller 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.

7.83 There is therefore a need to have due regard to eliminating discrimination, advancing equality of opportunity and fostering good relations.

7.84 The Council has recently published an updated Gypsy and Traveller(GTAA), Travelling Showperson, boat dwellers and other caravan dwellers Accommodation Assessment 2024 which can be

viewed here: <https://www.huntingdonshire.gov.uk/planning/local-plan-update/evidence-library-for-local-plan-update/>

- 7.85 This concludes that there is an overall minimum need for 127 additional Gypsy and Traveller pitches across Huntingdonshire District over the period 2023/24 to 2045/46. Of this need, 36 are needed in the first five years, 69 over the period 2028/29 to 2041/42 and 22 over the period 2042/43 to 2045/46. Due to this, the Council is not currently meeting its need in terms of gypsy and traveller pitches.
- 7.86 Within the conclusion section of the report, it advises that in order to meet its need for pitches, the Council should consider intensifying and expanding existing sites. Members should note that each site should be assessed on its own merits, and each application should be assessed on its own merits.
- 7.87 The conclusion section of the report also goes on to state that notwithstanding evidence in this GTAA on need, additional need may arise over the plan period, for instance from a higher number of households moving into Huntingdonshire than anticipated. It is therefore recommended that the Local Plan references the need in the GTAA as a minimum need which is likely to be met but sets out policies to inform future planning applications for private sites.
- 7.88 It is considered that there is a lack of alternative accommodation for gypsies and travellers. Approval of these pitches will go towards the Council meeting some of this unmet need.
- 7.89 The establishment of additional pitches on the site, without planning permission amounts to intentional unauthorised development, as such the 2015 ministerial statement (Green Belt and Intentional Unauthorised Development 2015) is relevant. This weighs negatively against the application. By way of mitigation, the occupants have had limited options in respect of accommodation and has sought to regularise the situation through a planning application. Officers also acknowledge that there has been a significant delay in determining the application, which has added to the uncertainty the applicant faced.
- 7.90 It is therefore 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 on local infrastructure. However, future applications would have to be assessed on their own merits, and whether a threshold for the area has been met.
- 7.91 Members should note that the immediate vicinity benefits from existing planning permissions for permanent gypsy and traveller pitches, and those 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. Similarly with this site, there are no strong planning reasons to restrict the planning permission to a temporary nature or on the basis of a personal consent.

7.92 As outlined above, all the previous reasons for refusal have been addressed subject to the imposition of conditions. No other significant harm or conflict with policy has been identified.

7.93 The site is flood zone 1 and is therefore at the lowest risk of flooding. The proposal is in overall accordance with the Development Plan and there are no material considerations which indicate that permission should be refused. Any identified conflict or harm does not warrant a refusal of the application when weighed against the unmet gypsy and traveller need within the District. Taken all of that in account, it is considered that the application should benefit from permanent 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 (permanent)
- Approved plans
- Gypsy and traveller occupancy
- Maximum number of pitches/caravans
- Site development scheme (including landscaping, ecology enhancements, SuDS etc)
- Contamination

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

From: DevelopmentControl
Sent: 11 February 2025 11:03
To: DevelopmentControl
Subject: Comments for Planning Application 24/02116/FUL

Comments summary

Dear Sir/Madam,

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

Comments were submitted at 11/02/2025 11:03 AM from [REDACTED].

Application Summary

Address: Land At Rosefield Parkhall Road Somersham

Proposal: Change of use of land for the stationing of two mobile homes and four touring caravans to include establishment of hardstanding and fences on a temporary or permanent basis (part retrospective)

Case Officer: [REDACTED]

[Click for further information](#)

Customer Details

Name: [REDACTED]

Email: [REDACTED]

Address: The Norwood Building Parkhall Road Somersham Huntingdon

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 10th February 2025, Somersham parish council agreed to object to this proposal due to over development of the site.

Kind regards

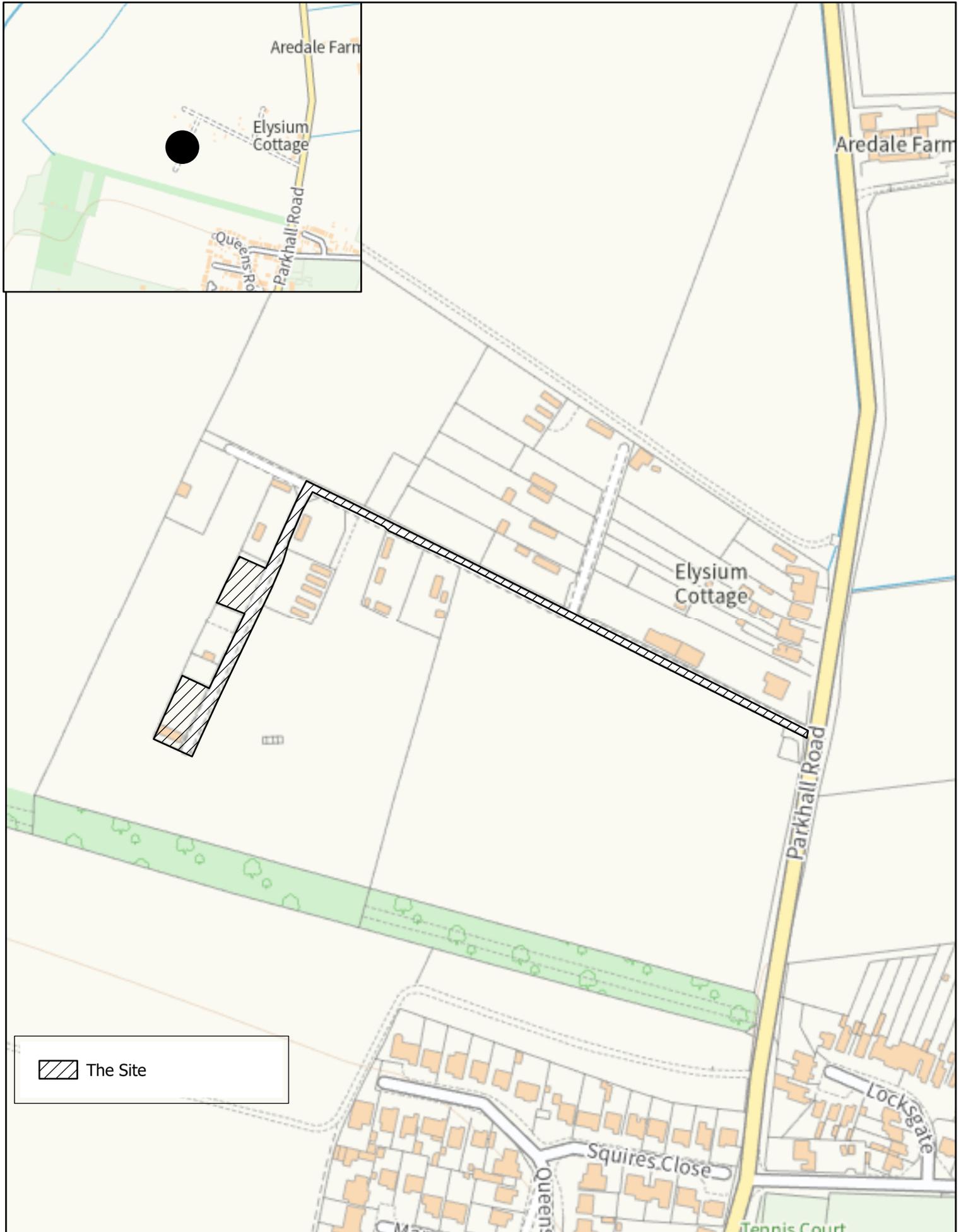
Development Management Committee

Application Ref: 24/02116/FUL

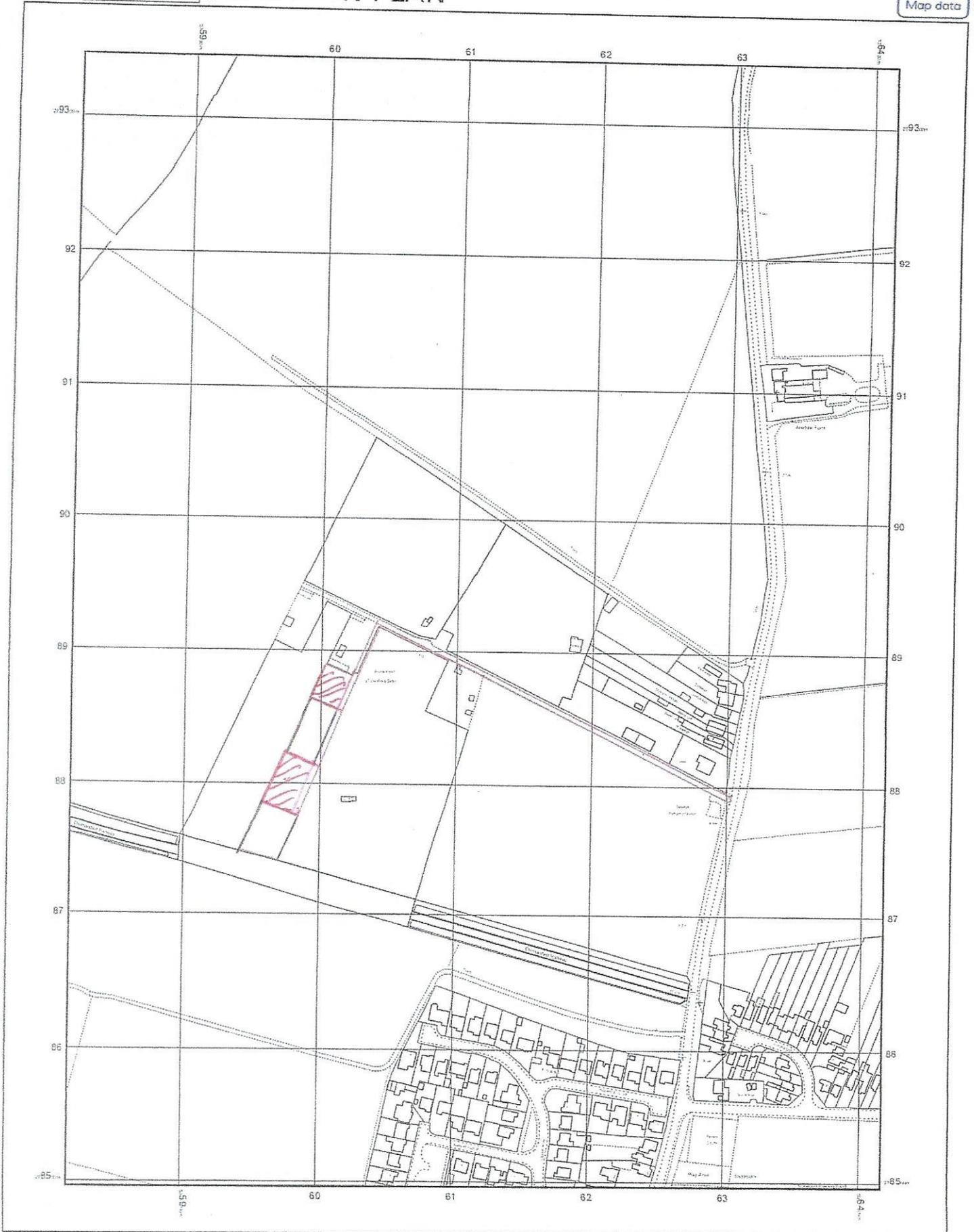


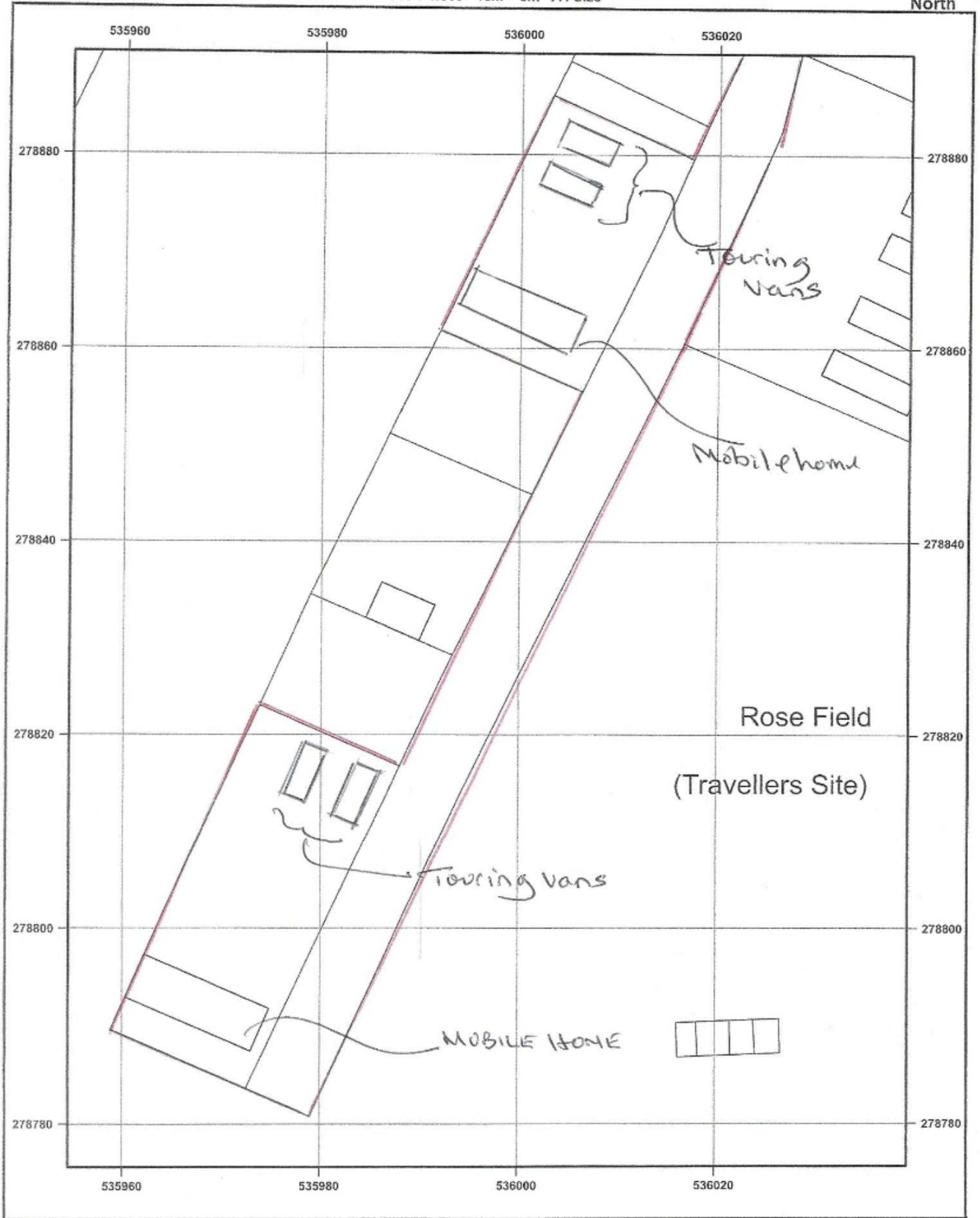
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Date Created: 04/03/2026



LOCATION PLAN





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LAND AT ROSEFIELD, PARKHALL ROAD, SOMERSHAM, CAMBRIDGESHIRE, PE28 3HF
Supplied by: www.ukmapcentre.com Product Info: www.ukmapcentre.com/block-plans-500-scale/
Serial No:300663
Centre Coordinates: 535997,278833
Production Date: 23/12/2024

