

Case No: 0802744FUL (FULL PLANNING APPLICATION)

Proposal: RETENTION OF USE OF LAND AS A CARAVAN SITE FOR GYPSY AND TRAVELLER RESIDENTIAL PURPOSES

Location: PUMPING STATION, PAXTON ROAD OFFORD DARCY

Applicant: MR B LAMB

Grid Ref: 521802 265932

Date of Registration: 16 September 2008

Parish: THE OFFORDS

RECOMMENDATION - APPROVE

1. DESCRIPTION OF SITE AND APPLICATION

- 1.1 The site extends to approximately 0.1 hectares and comprises the former Anglian Water Pumping Station brick built building and associated land surrounding. The site has been unused for a number of years. There is an existing vehicular access to the site which is gated.
- 1.2 The site is located on the southern edge of Offord D'Arcy. This site is in the open countryside beyond the defined environmental limits of the village, and the road is classified.
- 1.3 The proposal is for the retention of the use of the land as a caravan site for gypsy and traveller residential purposes and the application is retrospective in that the single mobile dwelling is already in situ.

2. NATIONAL GUIDANCE

- 2.1 **PPS1 – ‘Delivering Sustainable Development’.**
- 2.2 **PPS3 – ‘Housing’** provides guidance on the provision of new housing, making more efficient use of land, and other related issues.
- 2.3 **PPS7 – ‘Sustainable development in rural areas’.** Contains advice on a wide range of development in the countryside.
- 2.4 **PPG13 – ‘Transport’**
- 2.5 **PPS25 – ‘Flooding’**

- 2.6 **Circular 1/2006 – Planning for Gypsy and Traveller Caravan Sites**
– gives advice both the local planning authorities and gypsies and travellers on the planning process and dealing with gypsy and traveller caravan sites. Advice is given on how to make assessments for gypsy and traveller accommodation and the transitional arrangements in advance of such assessments.

For full details visit the government website <http://www.communities.gov.uk> and follow the links to planning, Building and Environment, Planning, Planning Policy.

3. **PLANNING POLICIES**

Further information on the role of planning policies in deciding planning applications can also be found at the following website: <http://www.communities.gov.uk> then follow links Planning, Building and Environment, Planning, Planning Information and Guidance, Planning Guidance and Advice and then Creating and Better Place to Live.

3.1 **East of England Plan - Revision to the Regional Spatial Strategy (May 2008)**

East of England Plan - Revision to the Regional Spatial Strategy (May 2008) Policies viewable at <http://www.go-east.gov.uk> then follow links to Planning, Regional Planning then Related Documents

- **SS1:** “Achieving Sustainable Development” – the strategy seeks to bring about sustainable development by applying: the guiding principles of the UK Sustainable Development Strategy 2005 and the elements contributing to the creation of sustainable communities described in Sustainable Communities: Homes for All.
- **H3:** “Provision for Gypsies and Travellers” – Provision should be made for sites/pitches to meet the identified needs of Gypsies and Travellers living within or resorting to their area.
- **ENV7:** “Quality in the Built Environment” - requires new development to be of high quality which complements the distinctive character and best qualities of the local area and promotes urban renaissance and regeneration.

The Single Issue Report was released in December 2008 and recommends that the additional pitch requirement for Huntingdonshire be increased from 20 to 25 for the period from 2006 – 2011.

3.2 **Cambridgeshire and Peterborough Structure Plan (2003)**

Saved policies from the Cambridgeshire and Peterborough Structure Plan 2003 are relevant and viewable at <http://www.cambridgeshire.gov.uk> follow the links to environment, planning, planning policy and Structure Plan 2003.

- None relevant.

3.3 **Huntingdonshire Local Plan (1995)**

Saved policies from the Huntingdonshire Local Plan 1995 are relevant and viewable at www.huntingdonshire.gov.uk/localplan95

- **En17** – development in the countryside will be restricted to that which is essential to the efficient operation of local agriculture and other rural uses.
- **H23** - there is a general presumption against new houses in the open countryside unless it is required for the efficient management of agriculture etc.
- **H41** – residential caravans will normally be permitted on a temporary basis where a special justification is established.
- **H44** – the Council will monitor the need for additional gypsy sites.

3.4 **Huntingdonshire Local Plan Alterations (2002)**

Saved policies from the Huntingdon Local Plan Alterations 2002 are relevant and viewable at www.huntingdonshire.gov.uk/localplan - Then click on "Local Plan Alteration (2002)

- None relevant

3.5 **Huntingdonshire Interim Planning Policy Statement 2007**

Policies from the Huntingdonshire Interim Planning Policy Statement 2007 are relevant and viewable at <http://www.huntsdc.gov.uk> click on Environment and Planning, then Planning then Planning+Policy then Informal policy statements where there is a link to Interim Planning Policy Statement 2007

- **H11** – Accommodation for gypsies, travellers and travelling show people – a development proposal within or adjoining a settlement for gypsies, travellers or travelling show people will be permitted where a local need is demonstrated, where community facilities are within a reasonable travelling distance, the site is served by water and sewerage, there would be no adverse effect on amenity of nearby residents, impact upon the character and appearance of the countryside is minimised, the development can be assimilated into its surroundings and it is not in an area at high risk of flooding.
- **G2** – Landscape character.

3.6 **Gypsy and Traveller DPD** – the Council have produced the Issues and Options Stage 1 which is currently out to public consultation. It is expected that Stage 2 Site Alternatives will be published for consultation in summer 2009.

4. **PLANNING HISTORY**

- 4.1 00/00603/OUT – Erection of a dwelling – Refused.
- 4.2 06/00258/FUL – Extension to building and Change of Use to Builders Store – Refused.

5. **CONSULTATIONS**

- 5.1 **Offord Cluny and Offord D’Arcy Parish Council – Recommends REFUSAL (copy attached).**
- 5.2 **Local Highway Authority – NO OBJECTIONS** subject to conditions.
- 5.3 **Environment Agency – Initial OBJECTION** due to lack of Flood Risk Assessment. A Flood Risk Assessment has now been submitted and they have confirmed that this is **ACCEPTABLE** subject to a condition relating to minimum floor levels.

6. **REPRESENTATIONS**

- 6.1 **TEN** letters of **OBJECTION** have been received which make the following points:

- Dangerous access as it makes a T junction with Orchard Gardens;
- Application should be described as retrospective;
- Enforcement action should have been taken immediately;
- Applicant told Parish Council he wished to keep horses which is not true;
- Previous application for builders store rejected;
- Work has been carried out and therefore permission a foregone conclusion;
- Decline in value of property;
- Query whether Council tax has been paid;
- Fear of site being expanded to include other gypsy or travellers
- Fear of crime;
- Offords already have to contend with the A14;
- Visual condition of the site;
- A landfill site would not be as bad as in 20 years time it would be landscaped;
- Query about lack of yellow advertisement notice of application;
- Query about the correct number of residents notified of the application;
- Sets a precedent;
- Mobile home established on site before planning permission granted which makes a mockery of the system and prejudices the non gypsy community;
- How many people and vehicles will be on the site?
- The mobile home was delivered from Orchard Way;
- Not appropriate site for a gypsy mobile home;
- Council should pay compensation to local residents;
- The site is in the wrong location as it is within the village boundaries; and,
- Fear of more caravans on the site.

7. SUMMARY OF ISSUES

- 7.1 The main issues for consideration are the acceptability of the proposed land use in this location; the impact on the character and appearance of the locality; and highway safety.

The Acceptability of the Proposed Land Use

- 7.2 Policy En17 of the Local Plan states that development outside of village limits should be restricted to that which is essential for the efficient operation of local agriculture, horticulture and forestry etc., with Policy H23 of the Local Plan stating that there is a general presumption against new dwellings in the countryside. The application does not seek consent for the erection of any new dwellings within this open countryside location, but does constitute residential development.
- 7.3 The applicant has confirmed his gypsy status in the application documents and further information relating to this will be reported at the meeting.
- 7.4 Whilst clear from the above assessment of the relevant Local Plan policies, development outside of the village limits should normally be resisted, regard must be given to government guidance, particularly Circular 1/2006, which whilst not superseding all aspects of the Council's Local Plan, is the most up to date guidance from Central Government in relation to Gypsies and Travellers. Additionally regard must be given to Development Plan policy, in particular, Policy H3 of the Regional Spatial Strategy and H11 of the Interim Planning Policy Statement, both of which encourage the Local Planning Authority to permit development proposals that meet the accommodation needs of gypsies or travellers where a local need for the scale and nature of development proposed is demonstrated and where (amongst other criteria) adequate schools, shops and other community facilities are within reasonable distance and can be reached by foot, cycle or public transport; and the development is not in an area at risk of flooding.
- 7.5 In order, therefore, to assess the acceptability of this land use in this location, regard must be given to the assessment of local need, assessing the existing level of provision, the need for sites in the area, the availability or lack of accommodation for the appellant and whether the use of the site would be sustainable in terms of access to community facilities, accessibility and flooding.

Local Need

- 7.6 To assess local need regard must be had to the criteria as set out within paragraph 45 of Circular 01/06. A Gypsy and Traveller Accommodation Assessment (GTAA) covering Huntingdonshire as part of a wider study of part of the Cambridgeshire sub-region was published in May 2006. This presents the level of need for Huntingdonshire as an additional 15 - 25 pitches up until the end of 2010.

- 7.7 The Regional Spatial Strategy (RSS) Single Issue Review on consultation period closed on the 16 May 2008, the document was tested at the Examination in Public which commenced on the 20 October 2008. The Panel Report was released in December 2008 and recommends that the additional pitch requirement for Huntingdonshire be increased from 20 to 25 for the period 2006 – 2011. This is considered to be a material planning consideration in the determination of this application.
- 7.8 The Council have produced a Gypsy and Traveller Sites DPD Issues and Options Stage 1 – Principles and Processing document and this is currently out to public consultation, Stage 2 – Site Alternatives is anticipated to be published for consultation by summer 2009.
- 7.9 The Bi-Annual Gypsy and Traveller Count shows that Huntingdonshire has a very small number of Gypsy and Travellers with few changes annually. The July 2007 Count shows there is one local authority site at St Neots with 20 pitches and 38 caravans, 7 sites on Gypsy owned land (a total of 16 caravans), and 3 roadside encampments. Other than the St Neots' site, families are distributed in rural locations, usually in traditional agricultural areas near the fen, but near larger settlements with facilities like Somersham (where there are currently 3 families). With the exception of the County Council owned site at St Neots, local Gypsy and Traveller families in this area have one or two families or extended family, living on sites with a maximum of 4 pitches housing up to 8 caravans.
- 7.10 Until such time as the final number of pitches required in Huntingdonshire by the RSS is finally confirmed and a site specific Gypsy and Traveller Site Allocation DPD has been adopted, the District Council is conscious of the need to make transitional arrangements for Gypsies and Travellers and the advice found in Circular 01/2006 advises that Local Planning Authorities should give consideration to granting temporary permissions where there is unmet need but no available alternative gypsy and traveller site provision in an area. This is not however considered to mean that every proposal and site should be supported.
- 7.11 Accordingly, the Local Planning Authority needs to make transitional provision on appropriate sites until such time as appropriate site allocations are made in the DPD. In this regard, a three year temporary permission was granted in May 2007 for 4 pitches at a site on Somersham Road, St Ives (planning reference 0700959FUL) and a three year temporary permission for one pitch was granted In November 2007 on land at corner of St Ives Road and Pidley Sheep Lane, Pidley. (reference 0701841FUL). A temporary permission was given on appeal in 2008 for 10 pitches at Brington (reference 0700273FUL) Transitional arrangements have therefore been made for 15 pitches to date.
- 7.12 From this brief summary of the current need within Huntingdonshire as a whole, it cannot be denied that there is a need for gypsy and traveller sites. However, due to the current status of Local and Regional policy it is not considered that a permanent planning permission should be forthcoming. Careful regard should however be given to the potential use of this site as a transitional arrangement, by virtue of granting a temporary planning permission.

Availability of Alternative Accommodation for the Applicant

- 7.13 When assessing this element, regard must not only be given to the availability of alternative accommodation, but also the suitability of that alternative accommodation, the particular need of the applicant and families involved and financial resources available.
- 7.14 The applicant is currently living on the site and has stated that if planning permission were to be refused then he would have no alternative but to live on the roadside to the detriment of the health and education needs of his children.
- 7.15 No other information has been submitted regarding the availability and adequacy of any alternative accommodation.

Sustainability

- 7.16 At the heart of planning policy is sustainable development. In terms of rural areas, Circular 01/2006 indicates that whilst rural settings are acceptable in principle as gypsy and traveller sites, in assessing the suitability of such sites, local planning authorities should be realistic about the availability, or likely availability, of alternatives to the car in accessing local services. To this end, the Circular advises that sites on the outskirts of built-up areas may be appropriate and local planning authorities should first consider locations in or near existing settlements with access to local services, e.g. shops, doctors and schools. Circular 01/06 makes it clear that access to GPs and schools, as well as the promotion of peaceful and co-existence between the site and the local community and the provision of a settled base, are also an important part of sustainability considerations.
- 7.17 In this case the site, although defined as being within the countryside, is located on the edge of the village adjacent to the built up area. The Offords have local facilities including a school, and shop. It is therefore considered that the site is relatively sustainable and meets the advice within Circular 01/2006.

Flooding

- 7.18 When assessing sustainability regard must also be given to the issue of flooding. In this instance, the site is located within Flood Zone 2 and the Environment Agency considers the type of development proposed to be 'more vulnerable' and therefore required a flood risk assessment. A Flood Risk Assessment has now been submitted and the Environment Agency have confirmed that a mobile home is acceptable in this location and the floor level is set no lower than 15.63 metres ODN. The submitted Flood Risk Assessment confirms that the floor level of the mobile home is at 15.63 metres ODN. This should be imposed as a condition and they also recommend that the mobile home be anchored to the new concrete base.

Impact on the Character and Appearance of the Locality

- 7.19 The site is within the Ouse Valley character area in the Huntingdonshire Landscape Assessment. There are no particular features on the site other than the small pumping station building. Since this site is on the very edge of the village, when approaching from the south it will be seen against the backdrop of the village. When approaching from the north the use of the site is only apparent when you are opposite the site due to significant vegetation by the sides of the road. It is therefore considered that the impact of the use upon the character of the area is not so adverse that a temporary consent should not be granted for this reason.

Highway Safety

- 7.20 The County Council Highways Authority does not object to the continuing use of this access subject to conditions which would require turning for vehicles, the entrance gates being set further back and the provision of a metalled/sealed surface for the access. The existing gates are set back 4 metres from the edge of the highway and the access is 4.5 metres wide. The width of the access is adequate, although the gates would need to be set back an additional 1 metre in order to allow vehicles to wait clear of the highway whilst opening the gate. Following additional consultation with the County Council Highways they have confirmed that this would be acceptable. A condition would therefore be required to ensure that the gates are set back 5 metres from the edge of the carriageway.

Other Matters

- 7.21 Some objections including a detailed objection from the Parish Council have been received; these objections raise a number of issues, many of which have been addressed in the assessment above. The loss of property value is not a material planning considerations.
- 7.22 Additionally concerns have been raised as to whether the correct number of people were notified about the application and whether the application was advertised correctly. A total of 7 properties on the other side of the High Street opposite the site have been notified of the proposal; the application was not advertised as there was no legal requirement for this. The fear of crime has been raised but there is no evidence to support such an objection. There is a fear that additional gypsy homes may be put on the site, but it should be noted that only one pitch has been applied for and this could be controlled with the imposition of an appropriate condition. Comments have been expressed about the application being retrospective and whilst this is regrettable, the application must still be considered on its merits. The improvements to the A14 are unrelated to the consideration of this application. The consideration of a planning application against all the relevant policies and in the correct procedure would not generate the requirement for the payment of compensation.
- 7.23 There is no evidence to suggest that the use would have a significant adverse effect on the amenity of nearby residents or operations of adjoining land uses.

- 7.24 The Government is committed to ensuring that gypsies and travellers have the same rights and responsibility as every other citizen, and, in this respect, Human Rights provisions should be an integral part of the decision making process. Local Authorities should consider the consequences of granting or refusing planning permission on all involved. This issue has been taken into account in this case and the applicant has stated that the consequence of a refusal would be that he would have no alternative but to live on the roadside to the detriment of the health and education needs of his children.

Conclusion

- 7.25 In conclusion, an accessible location for gypsy/traveller accommodation in the countryside may be considered suitable for a temporary period as part of transitional arrangements until such time as an appropriate up to date local Gypsy and Traveller policy is in place. By virtue of its location adjacent to the edge of the village, it is considered that the application site is sustainable. Given the comments with respect to visual impact and other issues above and having regard to the guidance in Circular 01/2006, and Policy H11 of the Huntingdonshire Interim Planning Policy Statement 2007, it is considered that a temporary permission should be granted in this instance.

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.

8. **RECOMMENDATION – APPROVE**, subject to conditions to include the following:

- Nonstand -** Temporary 3 years
- Nonstand -** Occupation restricted to gypsy traveller
- Nonstand -** Restricted to 1 pitch and 1 caravan
- Nonstand -** Minimum Floor levels
- Nonstand -** The mobile home shall be anchored to the concrete base.
- Nonstand -** Parking and Turning to be provided and retained
- Nonstand -** Entrance gates shall be set back
- Nonstand -** Details of Access Construction

Background Papers:

Planning Application File Reference: 0802744FUL
East of England Plan – Revision to the Regional Spatial Strategy May 2008
Cambridgeshire and Peterborough Structure Plan, 2003
Huntingdonshire Local Plan, 1995
Huntingdonshire Local Plan Alteration, 2002

Huntingdonshire Interim Planning Policy Statement 2007
Huntingdonshire Local Development Framework Submission Core Strategy
2008

CONTACT OFFICER - enquiries about this Report to Jennie Parsons,
Development Control Team Leader ☎ 01480 388409.

Case No: 0802744FUL Full Planning Application

Proposal: Retention of use of land as a caravan site for Gypsy and
traveller residential purposes

Location: Pumping Station, Paxton Road Offord Darcy

Applicant: Mr B Lamb

Grid Ref: 521802 265932