

**Case No:** 0803522FUL (FULL PLANNING APPLICATION)

**Proposal:** PERMANENT CHANGE OF USE OF AGRICULTURAL LAND TO A TRAVELLERS SITE WITH 6 PITCHES INCLUDING NEW VEHICULAR ACCESS ROADWAY AND HARDSTANDING

**Location:** LAND NORTH OF THE PADDOCK CHATTERIS ROAD

**Applicant:** MR F ADAMS

**Grid Ref:** 537929 279270

**Date of Registration:** 19.12.2008

**Parish:** SOMERSHAM

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**RECOMMENDATION - REFUSAL**

**1. DESCRIPTION OF SITE AND APPLICATION**

- 1.1 *This report is substantially the same as that for application 0803523FUL. For ease of reference sections that are different are identified in italic type.*
- 1.2 *This site is located approximately 2.9 km north east of the centre of Somersham, on the B1050 road between Somersham and Chatteris. The applicant's land holding amounts to 0.80 ha, although this application relates only to a section at the rear together with the access road. The proposed access is at the centre of the frontage. The main body of the site measures 48m by 135m. The site is vacant agricultural land. A substantial amount of planting has been undertaken recently, notably around the boundaries of the land but also to mark out the individual pitches. The planting is a mix of laurel and native tree species. There are open ditches along the eastern and southern boundaries of the site, and a 9m wide maintenance strip, as required by the Middle Level Commissioners, along the southern side. There is an access from the B1050 at the south eastern corner of the land, and a recently laid hardcore road serving the entire length of the land.*
- 1.3 There is a dwelling immediately to the south of the site, and an equestrian centre (with temporary dwelling) to the north and west. The paddocks for this centre extend along the northern boundary of the site. Beyond the paddocks, to the north, is a plant nursery with dwelling and there is a dwelling a short distance away on the opposite side of the road. Elsewhere, development is scattered, and the landscape is very open, being generally devoid of landscape features.
- 1.4 *The proposal is for a permanent change of use of the land to a travellers' site with six pitches and the provision of a new access. The existing access will be closed and the hardcore road will be removed.*

*A new access will be constructed close to the centre of the frontage and the access road to the site will run along the northern boundary of the site inside the newly planted hedge. There will be one mobile home and one touring caravan per pitch. Landscaping has already been provided as part of the proposal.*

- 1.5 *The application is for a six pitch travellers' site. The names and circumstances of those hoping to live on the site have been provided in the Planning, Design and Access Statement. The intended occupants are 12 adults and 9 children, ranging in age from 2 to 17 years. They are all part of the applicant's extended family.*
- 1.6 The site is in the open countryside, and the land is liable to flood. The road is classified (B1050).

## **2. NATIONAL GUIDANCE**

- 2.1 **PPS1 – Delivering Sustainable Development (2005)** contains advice on the operation of the plan-led system.
- 2.2 **PPS3 – “Housing” (2006)** sets out how the planning system supports the growth of housing completions needed in England.
- 2.3 **PPS7 – Sustainable development in rural areas (2004)**. Sets out the Government's planning policies for rural areas, including country towns and villages and the wider, largely undeveloped countryside up to the fringes of larger urban areas.
- 2.4 **PPS9 – Biological and Geological Conservation (2005)**. sets out planning policies on the protection of biodiversity and geological conservation through the planning system.
- 2.5 **PPG13 Transport (2001)** provides guidance in relation to transport and particularly the integration of planning and transport.
- 2.6 **PPS25 – Development and Flood Risk (2006)** sets out Government policy on development and flood risk. Its aims are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk. Where new development is, exceptionally, necessary in such areas, policy aims to make it safe, without increasing flood risk elsewhere, and, where possible, reducing flood risk overall.
- 2.7 Circular 1/2006 – Planning for Gypsy and Traveller Caravan Sites.

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) 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 Panel Report on the Single Issue review of Policy H3 was issued in December 2008. It recommends that the additional pitch requirement for Huntingdonshire be increased from 20 to 25 for the period 2006 to 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
- 3.3 Huntingdonshire Local Plan (1995) Saved policies from the Huntingdonshire Local Plan 1995 are relevant and viewable at [www.huntingdonshire.gov.uk/localplan95](http://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, horticulture, forestry, permitted mineral extraction, outdoor recreation or public utility services.
  - **En20:** landscape scheme – wherever appropriate a development will be subject to the conditions requiring the execution of a landscaping scheme.
  - **En22:** “Conservation” – wherever relevant, the determination of applications will take appropriate consideration of nature and wildlife conservation.
  - **H23** Outside Settlements - general presumption against housing development outside environmental limits with the exception of specific dwellings required for the efficient management of agriculture, forestry and horticulture.

- **H44** Gypsy Sites – the need will be monitored to provide additional facilities for gypsies to supplement the Local Authority owned site and existing private facilities.
  - **CS8:** “Water” – satisfactory arrangements for the availability of water supply, sewerage and sewage disposal facilities, surface water run-off facilities and provision for land drainage will be required.
- 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](http://www.huntingdonshire.gov.uk/localplan) - Then click on "Local Plan Alteration (2002)
- None relevant
- 3.5 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
- **P8** – Development in the Countryside – Outside the defined limits of the Market Towns and Key Centres and the existing built framework of the Smaller Settlements development will be restricted to: that which is essential to the efficient operation of agriculture, horticulture or forestry, or required for the purposes of outdoor recreation; the alteration, replacement or change of use of existing buildings in accordance with other policies; limited and specific forms of housing, business and tourism development, as provided for within the Local Development Framework; or land allocated for particular purposes.
  - **P10** – Flood Risk – development should: not take place in areas at risk from flooding, unless suitable mitigation/flood protection measures are agreed; not increase the risk of flooding to properties elsewhere; make use of sustainable drainage systems where feasible; be informed by a flood risk assessment where appropriate.
  - **G2** – Landscape Character – development proposals should respect and respond appropriately to the distinctive qualities of the surrounding landscape.
  - **G3** - Trees, Hedgerows and other environmental features – development proposals should minimise the risk of harm to trees, hedgerows or other environmental features of visual, historic or nature conservation value.
  - **G4** – Protected Habitats and Species – development proposals should not harm sites of national or international importance for biodiversity or geology. Proposals will not be permitted if they potentially damage County Wildlife sites, Local Nature Reserves, Ancient Woodland, Important Species or Protected Roadside verges, unless they significantly outweigh the harm.

- **B4** – Amenity - developments should not have an unacceptable impact upon amenity of existing or future occupiers.

3.6 Policies from the Huntingdonshire Local Development Framework submission Core Strategy 2008 are relevant and viewable at <http://www.huntsdc.gov.uk> click on Environment and Planning then click on Planning and then click on Planning Policy where there is a link to the Local Development Framework Core Strategy.

- **CS1**: “Sustainable development in Huntingdonshire” – all developments will contribute to the pursuit of sustainable development, having regard to social, environmental and economic issues. All aspects will be considered including design, implementation and function of development.
- **CS6**: “Gypsies, Travellers and Travelling Showpeople” - Account will be taken of the need to ensure that Gypsies, Travellers and Travelling Showpeople are accommodated in sustainable locations where essential services such as water and sewerage are provided and with good access by foot, cycle or public transport to services such as education and health. Providing sites in appropriate locations will help prevent the social exclusion of Gypsies, Travellers and Travelling Showpeople and conflict with settled communities. Consideration will be taken of the preference of many Gypsies, Travellers and Travelling Showpeople for a rural location with a degree of separation from the settled community.
- The number of pitches should be appropriate to the size of the site and the availability of infrastructure and services and facilities in accordance with the general principles set out in the settlement hierarchy. The selection of sites is subject to criteria.

3.7 Huntingdonshire Landscape and Townscape Assessment 2007

- Gypsy and Traveller DPD – the Council has produced the Issues and Options Stage 1 which was published for consultation in January 2009. It is expected that Stage 2 Site Alternatives will be published for consultation in Summer 2009.

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

4.1 0702530FUL – Temporary change of use of land from agriculture to caravan/mobile home travellers site (six pitches). Refused on 19th December 2007. Copies of the layout plan and decision notice are attached.

4.2 0704185FUL – Temporary change of use of land from agriculture to caravan/mobile home travellers site (six pitches) including new vehicular access, associated roadway and hardstanding. The location of the pitches was the same as 0702530FUL but the access was different. The application was withdrawn by the applicant on the 13th December 2008.

4.3 0801685FUL – Temporary change of use of land from agriculture to caravan/mobile home travellers’ site (two pitches). The application

was refused on 14th July 2008. Copies of the layout plan and decision notice are attached.

- 4.4 *0803523FUL – Permanent change of use of agricultural land to travellers' site for 2 pitches including new vehicular access, associated roadway and hardstanding. This application is considered elsewhere on this agenda.*

## 5. CONSULTATIONS

- 5.1 **Somersham Parish Council – REFUSE** (copy attached)
- 5.2 **Local Highway Authority (CCC) – No objections** in principle.
- 5.3 **The Wildlife Trust** – any development should be a minimum of 30m from any barn owl nest. The access over the drain should be constructed using a box culvert to limit the disturbance to any water voles living in the drain.
- 5.4 **Natural England – No objections** subject to adequate protection for the owls and voles.
- 5.5 **Environment Agency** – The revised flood risk assessment is acceptable and the Agency has no objections to the proposal. Two conditions relating to the height of the floors above ground level and the secure anchorage of the mobile homes have been suggested.
- 5.6 **Middle Level Commissioners – No objection.** Comment that consent has not been given for the proposed culvert, and that a number of trees have been planted in the maintenance strip. The applicant has replied by stating that consent has been granted for additional culverting (but not in the position of the new access) and that any trees have been replanted elsewhere in the site.
- 5.7 **Fenland District Council** – No observations.
- 5.8 **Environment Health Officer** – The site is within 250m landfill buffer and could potentially have migrating landfill gases within the ground. The applicant is advised to carry out an investigation to establish the presence or otherwise of landfill gases or ensure that the air gap between the ground and the base of the mobile homes is kept clear to allow the free flow of air.

## 6. REPRESENTATIONS

- 6.1 Neighbours – 92 letters of objection have been received. The following points have been raised:-
- 6.2 The proposal will have an adverse impact on the amenities of the immediate neighbours. The development will be visually intrusive, and the present planting will provide little screening, especially in winter, when most of the plants lose their leaves. The new planting will take too long to become effective. The proposal will result in increased noise, disturbance and loss of privacy through the use of the site itself, and also from the vehicles using the access and parking areas. There would be light pollution from vehicles and the

caravans. Barking dogs could be a problem, as could the burning of rubbish. The site could attract litter and scrap vehicles.

- 6.3 There would be an adverse impact on adjacent businesses. This could affect the equestrian centre in particular where the increase in noise and disturbance could spook the horses, and cause them to panic. This could lead to injury to very valuable animals. As a consequence, owners could remove their animals from the centre, with serious financial consequences, and the possible risk of closure. The number of pitches is irrelevant – it is the increase in the amount of noise and disturbance which will put the horses at risk. A number of the paddocks directly adjoin the proposed site, and the horses using them are very likely to be frightened by the increased activity. There would be no restriction on the use of the remainder of the site for, for example, recreational uses. If the equestrian business fails as a result of the proposal, the employee will lose her job, and the owner will lose her livelihood and home. So much mitigation work is required as to make the site unsuitable for the proposed development. Tree screens could cause the horses to panic as they are susceptible to disturbance from sources they cannot see.
- 6.4 Adverse impact on the character of the landscape. This was one of the reasons for refusing the original application, and the reason remains good. This is a greenfield site, in an open landscape, and any development will be prominent and visually intrusive. The buildings have the potential of being fairly sizable (up to 15m by 6m), and will be seen from considerable distances. They will not be screened by the existing vegetation, and any new planting will take a considerable time to mature and become effective. The planting may not provide screening at ground level. Caravans and mobile homes are out of character with the area.
- 6.5 Adverse impact on wildlife. The proposal will result in the loss of a wildlife habitat and feeding areas for the local fauna. The locally nesting barn owls would suffer from the use of the site, and the increased noise and disturbance, as would a number of other bird species. A number of these are protected by legislation. The construction of the access to the site and the culverting of the ditch could affect water voles living in the ditch. The development would adversely affect the natural breeding cycle of the local wildlife.
- 6.6 Access and highway issues. The relocation of the access to the centre of the site has not alleviated the concerns expressed in respect of the earlier scheme. This was a reason for refusal and the circumstances have not changed. The access will be onto a fast stretch of road, and slow moving vehicles entering and departing the site will exacerbate existing traffic hazards. The road is already prone to accidents. Visibility is poor in both directions, and is blocked by trees in the verges. Use of the road has increased substantially in recent years and is likely to continue to do so with additional development in the Chatteris area.
- 6.7 Personal circumstances of the applicant – the applicant owns a house in Huntingdon, and business premises in Wyton. He appears to be settled and cannot be considered to be a traveller as he no longer has a nomadic life style. His parents are disabled and also appear to be settled. If the applicant does not follow a nomadic life style, there

is no justification to support the application, and there is no compelling reason why they should be located in Somersham. The applicant has no connection with Somersham. Why would the applicant want to leave his present accommodation?

- 6.8 Need for additional traveller accommodation – Somersham already has its fair share of travellers sites (there are three in the vicinity), and the village should not be expected to accommodate any more. The existing sites are some distance from the nearest residential properties and two are on temporary consents only. Recent consents should not be taken as setting a precedent for further permissions in the area. The existing site on the St Ives road could be expanded to take additional pitches. There are no guarantees that the named residents would continue to reside on the site.
- 6.9 The location of the site is not sustainable – there are no facilities near the site, and all journeys would be undertaken by private vehicle. There is no bus service, nor footpath serving the site. The site would not be suitable for permanent accommodation, and therefore it would not be appropriate to grant a temporary planning permission.
- 6.10 The proposal does not meet the criteria, laid down in policy H11 of the HIPPS, by which such applications should be judged.
- 6.11 This is not a site where permanent dwellings would be permitted and there is no justification for allowing mobile homes in this location as an exception to established policy.
- 6.12 The proposal would result in a loss of value to adjacent properties.
- 6.13 Determination of the application would be premature in advance of the adoption of the DPD on Traveller provision.
- 6.14 The proposal would be contrary to the provisions of the Human Rights Act in that it would deprive residents of the peaceful enjoyment of possessions (Art 1), the right to private and family life (Art 8) and the right to the enjoyment of property (Art 14)
- 6.15 The proposal would set a precedent for future development, either on this site, or others close by. The site could expand to take more families. The number of residents on the site would dominate the local settled community and they are unlikely to integrate. This is contrary to paragraph 54 of circular 1/2006.
- 6.16 The site is a possible area for mineral extraction and should be protected from development. The proposal is premature in advance of the adoption of the Minerals and Waste DPD, presently being prepared by the County Council.
- 6.17 The proposal could overload local and site services.
- 6.18 The circumstances of the proposal have not changed since the previous refusal, and the reasons used then are still valid.
- 6.19 The proposal could exacerbate flooding in the area.



- 6.20 The provision of traveller sites should be spread across the District and not concentrated in one area.
- 6.21 The roadway was constructed without any form of permission, and should be removed. It could be construed as fly tipping.
- 6.22 The weight of local opposition should count strongly against the proposal.
- 6.23 Brown field site should be used first before green field sites are considered.
- 6.24 There will be noise and disturbance during the construction period.
- 6.25 There are no services to the site, and there could be a loss of amenity because of the use of generators. The disposal of sewage could lead to health issues.
- 6.26 The equine report commissioned by the applicant is weighted in favour of the proposal.

## **7. SUMMARY OF ISSUES**

- 7.1 The main issues are:
- Whether the site is an appropriate location for the scale of use proposed having particular regard to accessibility to services and facilities, as well as other sustainability considerations referred to in paragraph 64 of Circular 1/2006
  - Impact on the character and appearance of the locality
  - Impact on residential amenity
  - Impact on neighbouring businesses
  - Impact on protected species
  - Drainage
  - Highway safety
  - Whether, if there is any harm and conflict with policy on the above issues, there are material considerations which outweigh that harm and conflict, including whether or not the applicant's and other intended occupiers are gypsies as defined in Circular 1/2006; the need for more gypsy sites in the area; the likelihood and timescale for identified needs to be met through the development plan system; the applicant's personal and family circumstances and accommodation alternatives.

**The acceptability of the site for the scale of use proposed having particular regard to accessibility to services and facilities, as well as other sustainability considerations referred to in paragraph 64 of Circular 1/2006**

- 7.2 The development plan includes the Regional Spatial Strategy for the East of England (the East of England Plan (EEP)), the Cambridgeshire and Peterborough Structure Plan 2003 (CSP), the Huntingdonshire Local Plan 1995 (HLP) and the Huntingdonshire Local Plan Alteration 2002 (HLP A). The policies in these documents are of limited relevance and the application does not directly conflict with policy H3 of the EEP or policy H44 of the HLP.

- 7.3 The Inspector who dealt with the recent public inquiry in respect of a proposed gypsy site at Brington Road, Catworth (the Catworth Inspector) noted that Policy Core Strategy policy CS6 had superseded policy H11 of HIPPS and, although he could give it some weight, it had not been tested for soundness by an Examination. He therefore, in the absence of up-to-date and adopted policy, considered that Circular 1/2006 was the most relevant policy advice and should have the greatest weight in the decision. That approach has been followed in this report.
- 7.4 Circular 1/2006 makes it clear that gypsy sites are acceptable in principle in the countryside. This advice is considered to override any apparent conflict with conventional policies for the constraint of residential development in the countryside.
- 7.5 With regard to sustainability, paragraph 54 of the Circular advises local authorities to be 'realistic about the availability, or likely availability, of alternatives to the car in accessing local services'.
- 7.6 The site is in open countryside 2.9km (1.8miles) from the centre of Somersham village. For the first 1.6km (1 mile) the route is along a busy stretch of B class road with no footway or lighting. The road is wide enough for two vehicles to pass and there is a grass verge which pedestrians could use as a refuge. On this section traffic travels at or around the speed limit of 60mph. There is also a quarry access on this section of the route. For the remaining 1.3km (0.8 miles) (from Dews garage) the route is within the built-up area, there is a footway and the speed limit is 30mph. It is considered that the distance to the village primary school and the nature of the route are such that pupils would not be likely to walk or cycle to school. Adults might cycle to the village to use the good range of facilities that it has. There is no public transport serving the site. It is likely that the majority of journeys to and from the site would be made by private motor vehicle.
- 7.7 The other aspects of sustainability referred to in the Circular are:  
a) the promotion of peaceful and integrated co-existence between the site and the local community;  
b) the wider benefits of easier access to GP and other health services;  
c) children attending school on a regular basis;  
d) the provision of a settled base that reduces the need for long distance travelling and possible environmental damage caused by unauthorised encampment; and,  
e) not locating sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans.
- 7.8 The overall thrust of these considerations is to recognise the sustainability advantages of a settled lawful site in any location compared with unauthorised camping. Consideration (a) relates to the scale of the use and whether or not it dominates the nearest settled community.
- 7.9 *It is considered that although this proposal for six pitches would be significant in relation to the permanent dwellings adjacent to the site it would not dominate them, given the separation distances. If this proposal was to go ahead in addition to the proposal for two pitches*

*on the frontage it is considered that there would be an unsatisfactory relationship with the existing dwellings. Paragraph 54 of Circular 1/2006 advises that sites should respect the scale of, and not dominate the nearest settled community. The cumulative impact of 8 pitches spread along the whole depth of the site would not respect the scattered group of dwellings in this part of the community. In terms of Somersham as a whole, this proposal, even in conjunction with two pitches on the frontage and the other temporary and permanent sites in the parish, at St Ives Road (5 pitches on 2 sites) and Parkhall Road (1 pitch), would not dominate the settled community given the broad spread of the sites and the overall modest number of pitches.*

- 7.10 *With regard to considerations (b) and (c), half of the proposed families are not travelling and have access to medical and education facilities.*
- 7.11 *Under consideration (d), half of the named prospective families are travelling so there would be only limited benefit in terms of reduced long distance travelling.*
- 7.12 The issue of flooding, consideration (e) is dealt with in more detail below but there is no objection.
- 7.13 Conclusion - The distance to Somersham, which is a Key Service centre with a good range of services and facilities, is moderate. In terms of transport mode and distance from services it is considered that the site does not perform well enough to justify granting permanent planning permission in advance of the detailed consideration of a range of sites that will take place in the DPD. Following the approach taken by the Catworth Inspector, the scale of the development proposed has not been taken into account in making this assessment of accessibility but it is relevant in considering the weight that should be given to the merits or disadvantages of the site's accessibility. The greater the number of pitches, the more services residents will need regular access to, the greater the number of car journeys that will be made and the greater the disadvantage for residents when a motor vehicle is not available. The benefits of a settled, lawful site are in this case limited but it is considered that the distance to services is not so far as to be a reason to justify refusal of a temporary permission under the transitional arrangements.

#### **Impact on the character and appearance of the locality**

- 7.14 The site is in the Fen Margin Landscape Character Area identified in the Huntingdonshire Landscape and Townscape Assessment. It is characterised by its flat topography and the presence of woodland and treed hedgerows. The site is on the very eastern edge of this area where it abuts the expansive open area of the Fens landscape which is much less vegetated. The landscape has no protective designation. Built development in the vicinity of the application site is scattered, and is confined to a number of isolated buildings standing in large tracts of open land. A substantial amount of planting around the boundaries of the land, and within it, has been undertaken recently. This planting has some limited effect now and it will reduce the visual impact of the development with time, but will not hide it in its entirety.

- 7.15 *The six pitch site is set back from the road and this will open it up to views from the south across open farmland. The pitches will initially be very visible but screening and landscaping would filter views over time. Circular 1/2006 says that in designated landscapes such as National Parks and AONB permission should only be granted when the development will not compromise the objectives of designation. Less important local landscape designations should not be used, in themselves, to refuse permission for gypsy sites. In this open Fen edge area any gypsy site is likely to be prominent until screen landscaping matures. It is considered that the impact on views and the character of the countryside is such that the site does not perform well enough to justify granting permanent planning permission in advance of the detailed consideration of a range of sites that will take place in the DPD. It could be unreasonable to require landscaping for a temporary permission but in this case the applicant has offered to landscape the site and has already carried out significant planting which has some effect which will increase over time. It is considered that the short-term harm in terms of landscape impact is not sufficient to warrant a refusal of planning permission for a temporary period.*

#### **Impact on residential amenity**

- 7.16 It is difficult to be precise about the impact of the use on the amenities of the immediate residential neighbours but, given that the site is presently unused, some increase in noise and disturbance is inevitable. The Circular refers specifically to the noise and disturbance from vehicles using sites, and to potential business activities. Using average traffic statistics, each pitch could generate around six vehicle movements per day, potentially giving 36 movements per day in total. These would be spread across the day, although there may be some concentration at the morning and evening peaks. Following the refusal of application 0702530FUL, the position of the access has been moved away from 'The Paddock', the dwelling located to the south of the site, towards the centre of the site frontage. An access in this position will limit the impact of vehicular movements on 'The Paddock' to a level which would not warrant a refusal.
- 7.17 No business activity is proposed to take place in the site and this could be the subject of a condition. Within the site, there would be the normal activity associated with human occupation but, any disturbance would not readily support a reason for refusal in terms of impact on residential amenity. The development will be clearly visible from a number of the adjacent properties but the new landscaping will provide some filtering and the planting could be reinforced. Adjoining properties could be viewed by occupiers of the site, but, as with noise and disturbance, any loss of privacy would not be significant enough to warrant a refusal.
- 7.18 Overall, it is considered that the combined effect of the two sites proposed on the amenities of the adjoining dwellings would be sufficient to justify a refusal as set out in paragraph 7.9 above.

## Impact on the neighbouring equestrian business

- 7.19 The main aspects of this issue are:
- whether the proposal would have a significant adverse effect on the operation of the Long Drove Dressage Centre;
  - if the effect is significant, whether there are any reasonable mitigation measures which could be taken by the applicant or others to lessen or prevent the impact;
  - whether a temporary permission to act as a 'trial run' would be appropriate;
  - whether the impact of the proposed development would be comparable with other impacts that could occur anyway; and
  - the impact from construction noise and disturbance.
- 7.20 Although not part of the adopted development plan, the Submission Core Strategy is at an advanced stage in the adoption process with an Examination in Public having recently taken place. Policy CS6 sets out criteria to guide the provision of gypsy/traveller sites. One of the criteria states that there would be no significant adverse effect on the operations of adjoining land uses. It is repeated in the Gypsy and Traveller Sites DPD Consultation. It can be seen to relate to the statement in Circular 1/2006 that consideration of sustainability in its widest sense should include consideration of 'the promotion of peaceful and integrated co-existence between the site and the local community'. Furthermore, support for considering the impact on nearby uses is found in the advice in Circular 11/95 on Planning Conditions which talks about assessing a use which may be potentially detrimental to nearby uses.
- 7.21 The main concerns are:
- the risk to the well-being of the dressage horses at the Centre;
  - the risk to staff trying to handle distressed or excitable horses;
  - the effect on the Centre's financial viability if it were to lose customers or clients because of the actual risk to the horses or the perception of risk by their owners.
- 7.22 It is clear from the attached independent report from Landscape commissioned by the Council that there may well be some impact on the adjoining Dressage Centre business. The question is whether there will be a significant adverse impact.
- 7.23 *The proposal involves six pitches. It locates the mobile home sites on the side furthest from the centre boundary with existing/proposed screening and a tarmac roadway between the pitches and the common boundary. Whilst information about the intended occupants is provided, if consent were to be granted the make-up and identity of occupants could change over time such that the numbers of children could increase or decrease. The scheme is likely to be occupied by around 26 people. The scheme is such that there would be potential exposure to noise and disturbance over a broad front along/adjacent to a number of paddocks associated with the Centre.*
- 7.24 The application is for residential use only, not business use. It is expected that it will give rise to an element of normal domestic noise, vehicular traffic and the general paraphernalia associated with domesticity including washing lines, garden furniture, etc. The most likely period when there would be significant levels of noise or

increase in disturbance would be light summer evenings, weekends and school holidays when there would be more children on the site perhaps playing football, flying kites, riding bicycles and generally playing in and around the pitches. By their nature children tend to be excitable and sometimes unpredictable with screaming, shouting, running and general noisy activities including the kicking of balls and so on. It is possible therefore that at certain times these activities could cause surprise to horses.

- 7.25 The horses at the Centre are predominantly 'warmblood' type animals typical of dressage and sport-horse varieties. Due to the breed, style of training and management they can be nervous and highly strung, although it is noted that they have to be able to compete in noisy arenas. The main risk of injury would be during the day when the majority of horses would be out in the grass paddocks and unexpected, sudden or loud noises emanating from the neighbouring site could cause disturb or panic them. This could cause young or nervous horses to bolt or flee, running the risk of muscle based injuries and in extreme cases horses escaping from the premises by breaking through fences. A number of the horses at the Centre are young and/or will have arrived relatively recently because of the regular turnover. The nature of the business of horses-for-sale means that they have little time to acclimatise to the site and this is when risk is greatest.
- 7.26 The applicant's equestrian report identifies a number of livery yards in urban or suburban locations where horses are able to cope with the level of disturbance normally associated with housing. In this case it is not clear whether there would be a period of adjustment which would happen quickly and with little or no damage or injury to horses or an ongoing, albeit, relatively low but sufficiently frequent and unpredictable level of disturbance which would lead to problems with horse management. The applicant's consultant considers that incidents would be very infrequent, if at all, and unlikely to cause serious upset or injury to horses but the Centre's owner and vet nevertheless consider that horses could be injured.
- 7.27 The Council's consultant is of the view that none of the elements of domestic noise and disturbance are individually likely to be sufficient to create widespread or frequent potential for injury or accident to horses. However, if there is sufficient concern by horse owners that their animals could be damaged as a result of infrequent noise or disturbance, there is still the possibility that horses would be removed. Whilst disturbance which would scare horses on a regular basis is not expected, with valuable young stock being present on a daily basis even occasional exposure that is within normal residential tolerances may not be acceptable to the Centre's clients.
- 7.28 The Council's consultant considers that if a significant number of clients (greater than 20%) choose to leave this is likely to have a serious adverse impact on the Centre's financial viability at least for a short period of time. Most of the clients have stated that they will leave. There may be a period of "adjustment" until the impact of a mobile home site can be measured based on real experience rather than perception but if the reduction in numbers were likely to occur for longer than a few weeks or months it could have a serious and irreversible impact on the financial sustainability of the Centre.

- 7.29 It is by no means certain how many owners will remove their horses if this application is approved, but it is more likely that owners will remove horses if, as seems to be the case here, there are centres offering similar facilities in the area. The planning authority cannot be certain whether the proposed use would result in a significant adverse impact on the Dressage Centre, nor can it be certain that it will not.
- 7.30 Mitigation - The Centre's boundary to the site has a post and rail dog-proof fence and a hawthorn hedge has been planted recently. This planting, together with that recently carried out on the application site and the further planting and fencing proposed would, in time, offer a significant screen, which would assist in reducing the impact of any noise or disturbance. The Council's Consultant considers it unlikely that the screening would guarantee total or complete reduction in disturbance and it is likely that there would always be the risk of some impact. Even the construction of a low earth bund would not eliminate all noise and disturbance.
- 7.31 Comparable impacts from the existing land use or permitted development - The applicant's equestrian report points out that noise and disturbance could arise from agricultural or limited equestrian use and those activities which could be operated for between 14 and 28 days under the General Permitted Development Order (GDPO). In considering whether the impacts of a development could have a harmful effect, it can be appropriate to consider whether those effects would occur anyway through events outside the control of the planning authority. At present the site is essentially quiet; its lawful agricultural use could give rise to limited or anticipated periods of noise, such as combine harvesting or ploughing, during which it may be possible for individual horses to be removed from their paddocks and stabled as prior notice could be given to the Centre.
- 7.32 Part 4 of Schedule 2 to the GPDO gives certain rights to hold events on open land and Part 5 allows land to be used on a temporary basis as a caravan site, subject to certain restrictions. Notwithstanding these possibilities, it is considered that a temporary or permanent permission for full time occupation would give rise to the risks that have been identified and that they would therefore be unacceptable.
- 7.33 Construction Noise - It is likely that there would be a significant level of noise and disturbance associated with construction work on the site as well as relatively brightly coloured machinery in use. Construction is however likely to last only a matter of a few weeks. It is considered that because the work is predictable and manageable the impact could be controlled to an acceptable level by the imposition of a construction management condition requiring that prior notice be given to the Centre.
- 7.34 Conclusion - Given that the removal of horses and the difficulties in attracting new owners may well have an immediate/short-term and fatal impact on the Dressage Centre business as well as putting the horses and staff at risk, on balance, it is felt that the proposal should not be approved.
- 7.35 In circumstances where a use may be "potentially detrimental to existing uses nearby but there is insufficient evidence to enable the

authority to be sure of its character or effect, it might be appropriate to grant a temporary permission in order to give the development a trial run, provided that such a permission would be reasonable having regard to the capital expenditure necessary to carry out the development” (Circular 11/95). The extent of capital expenditure required in this instance is not considered to be prohibitive for a temporary consent. However, the risks associated with a reasonable length of trial run would be comparable with those associated with a permanent permission. Given that the removal of horses and the difficulties in attracting new owners may well have an immediate/short-term and fatal impact on the Dressage Centre, on balance, it is felt that the proposal should not be approved even on a temporary basis.

### **Impact on protected species**

- 7.36 Barn owls, water voles and other fauna have been reported using the site, and both Natural England and the Wildlife Trust have commented on the proposal. Neither has raised an objection to the development, but both have recommended that precautions are taken to mitigate the effects of the proposal in the event of planning permission being granted. These could be secured by conditions.

### **Drainage**

- 7.37 The site is in the flood plain but neither the Environment Agency, nor the Middle Level Commissioners, have objected to the proposal although a number of comments have been made and the Environment Agency has suggested conditions if the development is permitted. The applicants intend to install a self contained sewage treatment unit to deal with foul sewage from the site. This is the preferred means of dealing with foul drainage in locations away from mains drainage.

### **Highway safety**

- 7.38 The LHA has no objections to the application as the required visibility splays can be achieved. These splays will provide a view of oncoming traffic for vehicles leaving the site and forward vision of turning traffic for other road users. Their maintenance can be controlled by condition. The amount of traffic generated by the development is likely to be limited and the advice in the Circular is that proposals should not be rejected if they would give rise to only modest additional daily traffic movements. It is acknowledged that a number of accidents have occurred in the vicinity but there is no evidence to suggest that the situation will be exacerbated if the application is approved.

**Whether, if there is any harm and conflict with policy on the above issues, there are material considerations which outweigh that harm and conflict, including whether or not the applicant’s and other intended occupiers are gypsies as defined in Circular 1/2006; the need for more gypsy sites in the area; the likelihood and timescale for identified needs to be met through the development plan system; the applicant’s personal and family circumstances and accommodation alternatives.**



- 7.39 *The status of the applicant and other occupiers - If permission was to be granted there would be no planning reason to limit the occupation of the pitches to named people. The particular needs of the proposed occupiers, based on the information submitted, are no greater than the general gypsy/traveller population. To that extent the status of the applicant and others named in the application is not a determining issue. As in the Catworth case, a planning permission should be subject to a condition limiting the occupation of the site to gypsies and travellers as defined in paragraph 15 of Circular 01/2006, namely "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 dependant's educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such."*
- 7.40 Both applications have to be considered on the basis that the pitches could be occupied by any of the named people or other gypsies.
- 7.41 The need for more gypsy sites in the area - The East of England Plan (EEP) was approved in May 2008 but policy H3 is subject to a single policy review. A draft policy was submitted to the Secretary of State in February 2008 and it was the subject of an Examination by a Panel of Inspectors in October. The draft policy proposed 20 additional pitches in Huntingdonshire in the period 2006-11 and a further 18 pitches in the period 2011-21. The Panel report, published in December, recommended increasing these numbers to 25 and 21 respectively. The East of England Regional Assembly which prepares regional policy will consult in the next few months on Proposed Changes to the draft policy based on the Panel's recommendations.
- 7.42 The District Council published a Gypsy and Traveller Sites Development Plan Document Issues Consultation: Principles and Processes in January 2009. As at November 2008 only 1 additional permanent pitch had been granted planning permission (Parkhall Road, Somersham). Temporary consents for a total of 16 pitches have been granted (10 at Catworth, 4 at Somersham Road, St Ives, 1 at St Ives Road/Pidley Sheep Lane, Pidley and 1 at Paxton Road, Offord D'Arcy).
- 7.43 The Council has submitted its Core Strategy to the Secretary of State. Policy CS6 supersedes policy H11 of HIPPS. The Core Strategy is undergoing its Examination and the Inspector's report is expected in Summer 2009. Policy CS6 does not address the number of pitches (dealt with in the review of EEP policy H3), rather it sets out the proposed criteria for identifying sites, although one of the issues considered in the Gypsy and Traveller Sites DPD is whether further criteria are needed.
- 7.44 Paragraphs 45 and 46 of Circular 1/2006 advises that where there is unmet need but no available alternative gypsy and traveller site provision in an area but there is a reasonable expectation that new sites are likely to become available at the end of that period local planning authorities should give consideration to granting a temporary permission. Such circumstances may arise when a local planning authority is preparing its site allocations DPD. In such circumstances

local planning authorities are 'expected to give substantial weight to the unmet need in considering whether a temporary planning permission is justified. The fact that a temporary permission has been granted on this basis 'should not be regarded as setting a precedent for the determination of any future applications for full planning permission for the use of the land as a caravan site'.

- 7.45 Availability of alternative accommodation for the applicant - An assessment of alternative accommodation within the locality must also be carried out. At the time of writing, only 3 of the 10 pitches approved at Brington Road, Catworth are currently occupied and as such this site, which has temporary permission, could provide suitable alternative accommodation for gypsies. As noted above, temporary consents have been granted for 16 pitches in order to provide accommodation until permanent sites can be found through the Gypsy and Traveller sites DPD process, probably towards the end of 2010. There is therefore still a need for between 4 and 9 pitches to meet the need identified by the EEP Single Policy Review for the period up to 2011. In principle this site could contribute to meeting the district-wide need.
- 7.46 The overall conclusion on this issue is that there is a requirement for between 4 and 9 pitches to meet the district-wide need to 2011 which would justify a temporary permission in all respects other than the cumulative impact on neighbouring residential properties if implemented in conjunction with the other current proposal and the harm to the neighbouring equestrian centre business resulting from this proposal for the reasons set out above.

#### **Other matters**

- 7.47 Many issues have been raised by local residents, and these have been summarised above. The principal planning ones have been addressed by the subsequent comments, and others, especially those relating to the overall selection of sites will be addressed during the preparation of the DPD. The loss of property values is not a material planning consideration.
- 7.48 On the question of mineral extraction, the land to the west of Long Drove is identified in the Cambridgeshire and Peterborough Minerals Local Plan as an Area of Approved Working. The application site which is to the east of Long Drove is not in this area nor is it in an Area of Search within which potential new sites may be identified.
- 7.49 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, but it is considered that the provisions of the European Court of Human Rights do not override the material planning considerations in this instance.

## Conclusions

- 7.50 Unlike previous applications on the land the proposal is for a permanent gypsy site. The application has been considered on this basis but also, as a permanent permission is considered to be inappropriate, the site's suitability for a temporary permission has also been considered.
- 7.51 **Sustainability** – The site is not considered to be sufficiently accessible to services to warrant the grant of permanent permission in advance of the consideration of the full range of potential sites that will be carried out in the preparation of the Gypsy and Travellers Sites DPD and thereby the proposal would be contrary to policy CS6 of the Submission Core Strategy. In view of the requirement for pitches (temporary or permanent) to meet the district-wide need until the DPD has been adopted a temporary permission could be granted in respect of this issue.
- 7.52 **Impact on the character and appearance of the locality** – It is considered that the impact on views and the character of the countryside is such that the site does not perform well enough to justify granting permanent planning permission in advance of the detailed consideration of a range of sites that will take place in the DPD and thereby the proposal would be contrary to the provisions of policy CS6 of the Submission Core Strategy. With suitable landscaping, the impact of the development for a temporary period on the character and appearance of the area is acceptable in view of the advice in Circular 1/2006 that gypsy sites are acceptable in principle in the countryside. For the duration of a temporary permission the screening effect of new landscaping would be limited but district-wide requirement for pitches would outweigh any harm.
- 7.53 **Impact on residential amenity** - The impact of this development in isolation on neighbouring and nearby residential properties is acceptable but the cumulative impact with application 0803523FUL, if both proposals were to go ahead, would be detrimental to the amenities of nearby residential properties. The proposal would be contrary to policy CS6 of the Submission Core Strategy in this respect and to the advice in paragraph 54 of ODPM Circular 1/2006 that sites should respect the scale of, and not dominate the nearest settled community. For the same reason a temporary consent is not appropriate.
- 7.54 **Impact on neighbouring equestrian business** - The proposed development would have a significant adverse effect on the neighbouring equestrian business contrary to policy CS6 of the Huntingdonshire Interim Planning Policy Statement and the advice in Circular 1/2006 that sites should be considered with regard to peaceful and integrated co-existence with the local community. For the same reason a temporary consent is not appropriate.
- 7.55 **Impact on protected species** - Subject to the imposition of appropriate conditions, the development would not cause harm to protected species or their habitats. The development would comply with policies En22 of the Huntingdonshire Local Plan and G4 of the Huntingdonshire Interim Planning Policy Statement.

- 7.56 **Drainage** - Subject to the imposition of appropriate conditions, satisfactory means of foul and surface water drainage are available. The development would comply with policies CS8 of the Huntingdonshire Local Plan and P10 of the Huntingdonshire Interim Planning Policy Statement.
- 7.57 **Highway safety** - Subject to the imposition of appropriate conditions, a safe means of access can be provided. The development would comply with policy T1 of the Huntingdonshire Interim Planning Policy Statement.

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**8. RECOMMENDATION – REFUSE**, for the following reason:

- 8.1 The site is not sufficiently accessible to services and facilities by means of travel other than private motor vehicles to justify granting permanent planning permission in advance of the consideration of alternative sites as part of the preparation of the Council's Gypsy and Traveller Sites Development Plan Document and the proposal would thereby be contrary to policy CS6 of the Huntingdonshire Local Development Framework Submission Core Strategy 2008 and advice in Circular 1/2006 – Planning for Gypsy and Traveller Caravan Sites.
- 8.2 The impact on views and the character of the countryside is such that the site does not perform well enough to justify granting permanent planning permission in advance of the detailed consideration of a range of sites that will take place in the DPD and thereby the proposal would be contrary to the provisions of policy CS6 of the Huntingdonshire Local Development Framework Submission Core Strategy 2008.
- 8.3 The development of the site as proposed would, if permitted in conjunction with the development of application site 0803523FUL, for a temporary period or permanently, result in a number and extent of pitches that would be detrimental to the amenities of nearby residential properties because it would not respect the scale of, and would dominate the nearest part of the settled community contrary to policy CS6 of the Huntingdonshire Local Development Framework Submission Core Strategy 2008 and to the advice in paragraph 54 of ODPM Circular 1/2006
- 8.4 The proposal would be contrary to the provisions of policy CS6 of the Huntingdonshire Local Development Framework Submission Core Strategy 2008 in that the development would, by reason of the noise and disturbance likely to be generated by the proposed use, have a significant adverse effect on the operations of the adjoining dressage centre whether permitted for a temporary period or permanently.

**BACKGROUND PAPERS:**

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 Alterations (2002)  
Huntingdonshire Interim Planning Policy Statement 2007  
Huntingdonshire Local Development Framework Submission Core Strategy  
2008  
Circular 1/2006 – Planning for Gypsy and Traveller Caravan Sites  
Huntingdonshire Landscape and Townscape Assessment 2007

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