

Case No: 0900013FUL (FULL PLANNING APPLICATION)

Proposal: CHANGE OF USE OF LAND TO TRAVELLERS SITE WITH THE STATIONING OF A MOBILE HOME AND TRAVELLERS CARAVANS FOR A TRAVELLER FAMILY

Location: LAND SOUTH EAST OF OLD TOLLBAR HOUSE TOLL BAR LANE KEYSTON

Applicant: MR W SIGGERY

Grid Ref: 505021 276109

Date of Registration: 18.02.2009

Parish: BYTHORN & KEYSTON

RECOMMENDATION - REFUSAL

1. DESCRIPTION OF SITE AND APPLICATION

- 1.1 This site is located close to the A14 in the open countryside outside the village of Bythorn. Bythorn village lies approximately 0.7km to the south east of the application site. The village of Keyston is approximately 0.6km to the south west. The site is accessed off Toll Bar Lane and is opposite an existing Lay-by. Hardstanding is already present on the site and it is enclosed by fencing. The site slopes down towards the A14 and the existing vegetation surrounding the site provides screening.
- 1.2 The application seeks consent for the change of use of the land for use as a gypsy and traveller site, comprising one pitch for Mr Siggery and his family, which equate to one static caravan and one touring caravan, plus additional space on the pitch for the accommodation of two further touring caravans for extended family members to reside when visiting.

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 in 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 **PPG13: "Transport" (2001)** provides guidance in relation to transport and particularly the integration of planning and transport.

- 2.5 **PPG24: “Planning & Noise” (1994)** guides planning authorities on the use of planning powers to minimise the adverse impact of noise.
- 2.6 **Circular 01/2006: 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.
- 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
- **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.

- **En17:** "Development in the Countryside" - development in the countryside is restricted to that which is essential to the effective operation of local agriculture, horticulture, forestry, permitted mineral extraction, outdoor recreation or public utility services.
 - **En20:** Landscaping Scheme. - Wherever appropriate a development will be subject to the conditions requiring the execution of a landscaping scheme.
- 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 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.
 - **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 risk of harm to trees, hedgerows or other environmental features of visual, historic or nature conservation value.
 - **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. Subject to set criteria.

3.8 Huntingdonshire Landscape and Townscape Assessment (2007)

3.9 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 0700852FUL - Erection of stables – refused

4.2 0600510FUL - Erection of stables – refused

4.3 0500387FUL - Siting of mobile home for traveller family – refused – appeal dismissed (copy of Inspectors decision attached)

4.4 0402165OUT - Erection of bungalow and garage with all matters reserved except access – refused

4.5 00/00078/FUL - Erection of petrol filling station – refused

5. CONSULTATIONS

5.1 **Bythorn and Keyston Parish Council – OBJECTION** (copy attached)

5.2 **Catworth Parish Council** – Inspector noted that the site at Brington was refused by the Planning department for a number of reasons and these reasons for objection would apply to this application. (copy attached)

5.3 **Brington and Molesworth Parish Council – OBJECTION** (copy attached)

5.4 **CCC Highways – NO OBJECTION**, subject to conditions

5.5 **HDC Environmental Health** – site is within Noise Exposure Category B and it would not be possible to provide adequate mitigation measures, suggest that the site is not suitable for the proposed use

6. REPRESENTATIONS

6.1 1 letter of support has been received in response to the consultation exercise, 1 letter of support was received via the agent from the Northamptonshire NHS Public Health specialist, 1 letter of support from Autism Independent UK and 2 letters of support have been received from schools attended by the applicant's son. (copies enclosed)

6.2 63 letters of objections have been received in response to the application, the comments made are as follows:

- * contrary to policy, only infilling permitted and this does not constitute infilling

- * no benefit to Bythorn or Keyston

- * consider that sites should be established in locations which are sustainable and accepted by existing settled community to avoid future confrontation

- * Council should take a strategic view on provision of travellers sites, rather than being pressurised by speculative applications on less suitable sites

- * not sustainable, only accessible by vehicles, significant distance from shops, schools, medical facilities and other basic requirements

- * concern that the main driver is to increase the value of the land or to rent the land to other gypsy and travellers to ensure compensation if a bridge is built

- * near A14, seen a traffic increase, the site is also on a blind bend

- * concern over potential accident at B663/A14 junction and need to build a bridge. The purchase of the land would be more difficult if already designated as a travellers site

- * concerns associated with Mr Siggery's Autistic son and the location of the site. The inspector in 2005 considered the site unsuitable, also further concern with two further young children to be brought on to the site

- * consider the appeal of 2005 is relevant to this application

- * approval of the site would result in a disproportionate concentration in this area

- * families are not local to the area and consider they may be taking advantage of the recent temporary consent at Brington

- * green belt land and unsuitable for accommodation

- * no justification for the move for either the applicant or associated members of his family

- * Brington site is not comparable

- * Do not consider that gates could be achieved on the site and set back 15 metres

- * Brington decision refers to children of primary school age, this is not relevant on this site

- * Understand that the land previously owned by Mr Siggery is not previously developed

- * Has the Council identified further funds for sound proofing on the A14 – will the tax payer fund this development?

- * Only 95 residents in the village, proposal would see a significant increase

- * Grant of temporary consent at the Brington site brings HDC up to or about its required number of pitches for 2011 and any shortfall should

not give Mr Siggerys application any precedence over the previous unsuitability of the site

- * Consider that as Mr Siggery owns the site at Ringstead he could have accommodated his family when it was extended in 2006

- * Access is dangerous and lack of footpath

- * If the junction can be improved or widened then the application site may be needed

- * Has potential to increase noise, volume of traffic, light and pollution

- * Concern over impact on Conservation Area

- * HGV's park in the existing layby

- * Question the gypsy status of the applicant

- * No unmet need

- * Concern over noise levels on the site

- * Concern over contamination and asbestos on the site

- * Brington site is undersubscribed

- * Land has been transformed from a field suitable for agricultural purpose to partially tarmac area

- * If the application were allowed it would pre-empt the DPD

- * Development would erode the natural beauty, character and tradition of the area and this is at a time when heritage and open spaces should be reserved

- * Site has never been used as a truck stop or café

- * Does not consider that proposal would provide a home for several families without a suitable home

- * Other families that are said to need accommodation are already living on sites elsewhere, and children are already in schools where they currently live, no need to move onto this site

- * Concerns over the applicants motives to locate a caravan on the site

- * nothing has changed since the since previous applications except the A14 has become more congested

- * the proposal would cause a hazard to those passing the site and using the bridleway

- * parking space for two vehicles would appear inadequate and envisage more vehicles

- * Human rights and race relation requirements should not give a group any additional rights to establish a site in contravention of planning control

- * Local gypsy and traveller accommodation need for Huntingdonshire is defined in draft policy documents as 40 pitches by 2011, currently 26 in place with a further 9 being the subject of an application or appeal, need is therefore met

- * Residential property on this site would not be supported

- * Permitting the proposal in terms of numbers would be wrong and set a precedent for development of all future sites both locally and nationally

- * Pollution from A14

- * No recreational spaces available

- * Should not be necessary to permit another site a couple of miles away

- * 40% of traffic on the A14 is made up of heavy goods vehicles, with an increase in noise and risk of accidents

- * additional traffic shall exit onto the A14 and exacerbate the risk of injury

- * concern over access and traffic using the existing road

- * question why Hunts DC should be responsible for those on unauthorised sites in Braintree and the West Midlands

7. SUMMARY OF ISSUES

- 7.1 The main issues to consider are:
- * The acceptability of the land use
 - * Scale of development
 - * Sustainability
 - * Impact on the character and appearance of the locality
 - * Impact on residential amenity and noise
 - * Highway safety
 - * Gypsy status of the applicant
 - * Local need, availability of alternative accommodation and personal circumstances

Background

- 7.2 The applicant has referred to the recent appeal decision at Thrapston Road, Catworth (Brington site) as a material consideration. This appeal decision highlighted the relevant policies contained within the Development Plan, with Policy CS6 of the Submission Core Strategy (currently under examination) superseding policy H11 of the Huntingdonshire Interim Planning Policy Statement. It was concluded that in the absence of an up to date adopted and relevant policy on the selection of gypsy sites, Circular 01/2006 is the most relevant policy and should have the greatest weight.
- 7.3 The Catworth site was granted consent for a temporary period of four years. The Inspector indicated that the site was poorly located for access to shops, services and facilities, with the exception of a primary school. However, it was recognised that there is a substantial need for more gypsy sites, all the intended occupiers had a need for a lawful pitch, there are no available alternatives and it is likely to be four years before additional sites are available through the development plan process.
- 7.4 The Inspector concluded that on balance the positive factors in favour of the appeal, when considered on a four year temporary period did outweigh the harm identified in the appeal decision.
- 7.5 Whilst a temporary consent has been granted at Brington, this does not reduce the number of permanent sites that need to be provided in the District. This consent is only temporary and the Local Planning Authority is ultimately required to provide permanent pitches.

The acceptability of the proposed land use

- 7.6 The site lies outside the defined environmental limits of Bythorn and outside of the built framework in the open countryside. The application site has not had a commercial history and it would seem that only a small part of the site would have appeared to have provided access to a former transport café, which was located on the corner of Toll Bar Lane and the B663. The site is also partly enclosed by fencing and has had hardcore laid down over recent years.
- 7.7 Development in the countryside is generally restricted to that which is essential to the efficient operation of agriculture, horticulture, forestry

or other similar activities. There is a general presumption against housing development in the countryside except where dwellings are required for the efficient management of agriculture, forestry and horticulture. Whilst this application does not specifically seek dwellings in the countryside, it does seek a form of residential development.

- 7.8 However, Circular 01/2006 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 of restraint of residential development in the countryside.

Scale of development

- 7.9 The proposed development seeks one pitch on the site. The applicant seeks consent for one mobile home and traveller van and the provision to site two additional traveller vans for extended family members. The mobile home shall accommodate the applicant and his family, with two other traveller vans each housing two adults and one child.
- 7.10 Given the scale of the proposal and whilst noting the population of the village, it is not considered that this would dominate the existing settled community.

Sustainability

- 7.11 The site lies approximately 0.7 km to the north west of the village, there is a lack of footpaths leading into the village and there are at present no facilities in the village, as the existing public house has recently been partially burnt down. The bus service in the village is also very limited, there are only two bus services, one on Tuesday from Huntingdon to Thrapston and another bus service, every 3rd Wednesday of the month from Huntingdon to Kettering.
- 7.12 Using the NHS website the nearest doctors to the site, in the district, is in Kimbolton approximately 5.1 miles from the site.
- 7.13 When considering the issue of sustainability, it is necessary to have regard to paragraph 64 of Circular 01/2006 and look beyond merely the issue of travelling distances to facilities. The issues identified within the Circular are as follows:
- 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.
- a) The site has been located outside of the settlement of Bythorn. The site is of a small scale and given this relationship it is considered

that this would allow for integration and co-existence between the site and the local community.

b) The village of Bythorn does not benefit from any services and has only a limited bus service. In essence, it is not located in a sustainable location. To access any services it would be necessary to use a private vehicle, however it would provide for a settled base and allow access to these services, even if these cannot be reached through sustainable transport methods.

c) There are two school age children associated with the site, the applicant's daughter is home schooled and as such would not need to travel. The applicant's son would continue to attend Isebrooke School in Kettering and would travel by car. The applicant has indicated that the distance from the site to the school to the application site is less than they currently travel at present. There is not a need for the applicant to be located on this site due to educational requirements, for the reasons outlined above.

d) The site would not reduce the need to travel for the applicant as they are already on an authorised site. It is recognised however that for the two family groups which are situated in the West Midlands and Essex this would provide a more settled base for certain periods of time.

e) The site is located in Flood Zone 1 of the Environment Agency's Flood maps and as such would not be located in an area of high flood risk potential.

7.14 It is evident that this site is not located in the most sustainable location, given the distance to services and facilities, although it does share some similarities with the recent Catworth appeal site, although the Catworth site was close to Brington Primary School.

Impact on the character and appearance of the locality

7.15 The site lies within the Northern Wolds, character area and at present is partially fenced, with hard core having been laid down over recent years. The site is mostly screened by the existing hedgerow and slopes away towards the A14. Clear views of the site are difficult to obtain, except when standing directly in front of the access to the site.

7.16 There are no significant landscape features on the site or surrounding the site. The surrounding land is agricultural. To the north lies a detached dwelling and to the north west lies an agricultural building.

7.17 Mindful that gypsy and traveller sites are acceptable in principle in the countryside, it is not considered that the addition of a stationed caravan would significantly harm the landscape character. Whilst views may be gained of the caravan this would not be significantly detrimental to the area, especially when having regard to the proximity of the site to the A14.

7.18 Neither is it considered that this application would harm the Conservation Area of Bythorn, as there is no direct relationship.

Impact on residential amenity

- 7.19 There is only one residential property in the vicinity of the site, this is approximately 42.5 metres to the northwest. Having regard to the proposal it is not considered that this would harm residential amenity by reason of noise and disturbance, increase in traffic or light pollution. The site is in a relatively isolated position, in relation to the village and the proposal would effectively relate to the provision of one single dwellinghouse on the site. As such, it could not be considered that the occupants of this site would have a detrimental impact on the residential amenity of those properties located in the vicinity of the site.
- 7.20 Regard must also be given to the residential amenity that would be afforded to the occupiers of the application site. The site is located in relatively close proximity of the A14, approximately 100 metres away. In accordance with the guidance contained in PPG24 a proposal for residential development near a noise source requires the Local Planning Authority to determine which of the four noise exposure categories the site falls within. A daytime noise survey suggests that it is within Noise Exposure Categories (NEC) B. Category B deals with situations where noise mitigation measures may make development acceptable. A night time noise survey has not been carried out at this time. Whilst NEC B would not preclude residential development under normal circumstances, it does suggest that some form of noise mitigation may be appropriate. However, this proposal seeks the stationing of a caravan on the site and not residential development in its traditional form and in light of this adequate mitigation would not be possible. This site would therefore not be suitable for the use intended, due to the concerns over noise levels from the A14.

Highway safety

- 7.21 Both the Local Highways Authority and the Local Planning Authority's Transport Officer have commented on this application. There are no objections to the proposed use of the land, subject to conditions, it is acknowledged that this may result in some alterations to the site and existing boundaries. The Local Highway Authority have requested that the siting of any new gates, the minimum width of the access, adequate turning and parking on site, visibility splays and drainage are conditioned.
- 7.22 Whilst concerns have been raised about the proximity of the site to the existing road bend, the level of traffic passing the site, potential increase in vehicles and risk of increase in accidents on the road network, this would not warrant refusing this current application. The relevant Highways Authority has considered the merits of this application and it is not considered to harm highway safety.
- 7.23 Residents have raised concerns that if the existing junction to the A14 needs to be widened or improved then the application site may be required. The Local Planning Authority is not aware of any pending alterations to this junction and that being said can only consider the current circumstances. This issue would not impact on the determination of this application.

- 7.24 It can only therefore be concluded that whilst the site would provide for a settled base for the gypsy and traveller community, it is remote from services, its location adjacent to the A14 and associated noise would not be suitable and would give rise to an unacceptable level of residential amenity afforded to the occupiers.

Gypsy Status

- 7.25 The gypsy status of the applicant is not questioned, the applicant has clearly demonstrated that they conform to the definition in Circular 01/2006. Supporting evidence has also been produced by Northamptonshire Primary Care Trust to confirm this.

Local need, availability of alternative accommodation and personal circumstances

- 7.26 Whilst the site is considered unsuitable for a gypsy/traveller site, careful regard must be given to the local need, the availability of alternative sites and personal circumstances of the applicant, as these circumstances may override the unsuitability of the site and give rise to reasoned justification for granting a temporary consent.
- 7.27 The East of England Plan 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 this spring on Proposed Changes to the draft policy based on the Panel's recommendation.
- 7.28 The District Council published a Gypsy and Traveller Sites Document Plan Document Issues Consultation: Principles and Processes in January 2009. As at November 2008 the Council has submitted its core strategy to the Secretary of State and its policy CS6 supersedes policy H11 of the Huntingdonshire Interim Planning Policy Statement 2007. The Core Strategy is undergoing its Examination and it is not adopted, the Catworth Inspector therefore gave some weight to it but gave the greatest weight to Circular 01/2006 – Planning for Gypsy and Traveller Caravan Sites as the most relevant policy advice.
- 7.29 Until such time as the final number of pitches required in Huntingdonshire by the EEP is known, and a site specific Gypsy and Traveller Site Allocation DPD has been adopted, there remains a need to make transitional arrangements for gypsies and travellers. Circular 01/2006 advises that local authorities should give consideration to granting temporary permission where there is an unmet need but no gypsy and traveller site provision in the area. However, this does not mean that every proposal and site should be supported.
- 7.30 Having regard to the existing provision in the District and with reference to the Gypsy and Traveller Count of January 2008 there are approximately 38 caravans on the County Council's site in St Neots, 7 caravans on private sites, 8 on unauthorised sites. In addition, three

sites have received temporary consent for 6 pitches in total and the recent appeal at Brington, has permitted a further 10 pitches on the site for a temporary period.

- 7.31 The applicant seeks the stationing of a mobile home and traveller van pitches for two other related family members and their immediate family when they visit, on a site area of 0.07 hectares. In considering this application it is not considered that a temporary permission under the transitional arrangements outlines in Circular 01/2006 would preempt the DPD, as it is clearly evident that there is still an unmet need in the District. To the contrary, in accordance with the contents of Circular 01/2006 Local Planning Authorities 'are expected to give substantial weight to the unmet need in considering whether a temporary planning permission is justified' in advance of a DPD. This does not however pertain to every site being identified as being suitable for use.
- 7.32 The District Council is conscious of the need to provide suitable pitches. However, at this stage, the final precise number of pitches to be provided in Huntingdonshire is not known and the District Council is currently in the process of producing a Gypsy and Traveller Sites DPD, which shall look at site allocation criteria and ultimately allocations.
- 7.33 The applicant currently lives at Ringstead, which is approximately 4 miles west of the site and is a private traveller's site. This site is authorised and as such the applicant, whilst they may wish to relocate, does not need to find an alternative site.
- 7.34 Two other families (both relatives of the applicant) also seek traveller caravans on the site, for a limited period only, when visiting. One family currently reside on an unauthorised site in Braintree and the other family in Stourport in the West Midlands also on an unauthorised site. It is recognised that there is a need for these two family groups to find more suitable accommodation.
- 7.35 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 are currently occupied and as such this site, which benefits from temporary consent could provide suitable alternative accommodation for the applicant.
- 7.36 The applicant's son is autistic and attends a special school in Kettering. The applicant considers that the current location in Ringstead is unsuitable for their son and this current application site would allow them to keep animals on the site and assist in providing a therapeutic environment. Supporting documents have also been received from Autism Independent UK and the schools, which the applicant's son has attended and currently attends.
- 7.37 The points raised in these letters are noted however it is necessary to have regard to the appeal decision in 2005 when considering this issue. The policy issues are now no longer relevant, as Circular 01/2006 has superseded the Inspectors earlier considerations. The Inspector did however conclude that the application site could not 'be regarded as a safe environment for a child, soon to be a teenager, who has little conception of traffic dangers and may well be

resourceful escape artist.’ The Inspector came to the conclusion that this site would not be in the best interests of the applicant’s son.

- 7.38 It is not considered that this issue has been overcome, or that any information has been provided in support of the application to counter the Inspector’s finding or demonstrate a change in circumstances and as such whilst there has been a change in policy this does not fully overcome the Inspector’s findings on this matter and as such it is not considered that the Local Planning Authority could consider this to be an overriding personal circumstance that would allow a temporary planning permission to be forthcoming.

Neighbour objections

- 7.39 It is considered that the main points raised in the letters of objections have already been considered in the report, where these have been relevant to the determination of this application. Some other issues not already considered are detailed below:

Other issues

- 7.40 Some concern has been raised over potential contamination of the site and asbestos on the site. The Council’s Environmental Health department has not raised this as an issue. Matters relating to asbestos are dealt with under separate legislation.

Conclusions

- 7.41 In conclusion, it is recognised that there is an unmet need for gypsy/traveller pitches in the district and that it is necessary to provide transitional arrangements. However, the application site is not considered to be a sustainable site. Furthermore, the site is not considered to be suitable due to the noise levels associated with it, which fall within Category B of the Noise Exposure Categories. For residential development to be acceptable this would require mitigation measures, such mitigation measures in this instance this would not be possible with a caravan and as such the residential amenity afforded to the applicant and his family would not be acceptable.
- 7.42 There are no overriding personal circumstances that would warrant setting these concerns aside and granting a permanent permission or a temporary planning permission under the transitional arrangements. Furthermore, it is considered that alternative pitches at Catworth within a reasonable proximity of the application site, but further away from the A14, are currently available.
- 7.43 Whilst the Local Planning Authority is committed to providing transitional arrangements in the interim period until permanent sites are allocated, this site would not appear to be the most suitable for the applicant and his family for the reasons outlined above and also due to the distance from services and noise levels in the vicinity. In light of this, it is recommended that the application be refused.

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 – REFUSE, for the following reasons:

- 8.1 The site has limited access to services and facilities and is considered to be in an unsustainable location, for either a temporary or a permanent consent for a traveller's site. The applicant has failed to consider other more suitable and available sites. There are no personal circumstances which would override the unsuitability of this site and allow a temporary consent to be granted under the transitional arrangements set out in Circular 01/2006. The proposed development is therefore considered to be contrary to Circular 01/2006, PPS1, PPS7, policy SS1 of the Regional Spatial Strategy East of England and policies CS1 and CS6 of the Submission Core Strategy.
- 8.2 The site is located in close proximity of the A14 and the noise levels associated with the site fall within Category B of the Noise Exposure Categories. Mitigation measures would normally be required to ensure residential development is acceptable. In this instance, this would not be possible with a caravan and as such there would be a harmful level of residential amenity afforded to the applicant and family, which is not considered acceptable. The proposal is considered to be contrary to PPG24 and policy B4 of the Huntingdonshire Interim Planning Policy Statement 2007.

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
Huntingdonshire Landscape and Townscape Assessment (2007)
Gypsy and Traveller DPD

CONTACT OFFICER:

Enquiries about this report to **Michelle Nash Development Control Officer**
01480 388405

