

24/2004/042

MR J HOLLAND

CHANGE OF USE OF AGRICULTURAL LAND TO FORM PERMANENT GYPSY SITE, INCLUDING THE STATIONING OF 16 MOBILE HOMES, 16 TOURING CARAVANS AND 16 UTILITY DAYROOMS, LAND ON OXEN LANE, NORTH CURRY

31355 24465

FULL

1.0 **RECOMMENDATION**

I recommend that permission be REFUSED for the following reason:-

- 01 The proposed development by reason of its scale and appearance will be detrimental to the visual amenities of this attractive rural area and would not respect the distinct Low Vale Character of the North Curry Ridge Landscape Area, contrary to Taunton Deane Local Plan Policy EN13.
- 02 The site is located in open countryside where it is the policy of the Local Planning Authority to allow gypsy sites to be permitted where they comply with the criteria listed in policy H16 of the Taunton Deane Local Plan. The Local Planning Authority consider that the proposal does not comply to criteria (A), (B), (C), (D), (E), (G),(I), and (J) and the proposal would therefore be contrary to Taunton Deane Local Plan Policy H16.
- 03 The proposed development would generate significant additional traffic using the substandard junctions of Oxen Lane with Windmill Hill and Greenway and the County Highway Authority consider this to be prejudicial to highway safety and contrary to Somerset and Exmoor National Park Joint Structure Plan policy 49 and Taunton Deane Local Plan Policies S1 (A).
- 04 The use of the site for the provision of 16 mobile homes and 16 touring caravans, by reason of its scale appearance and close proximity to surrounding properties, would have a detrimental impact on the residential amenity and privacy of existing residents of Oxen Lane, contrary to the requirements of Taunton Deane Local Plan policy S1(E) and would not provide an adequate level of privacy and amenity for the residents of the site contrary to the requirements of Taunton Deane Local Plan policy S1(F) and H16(D), (E) and (G).

In the event that planning permission is refused the Planning Committee are recommended to consider whether it is appropriate to take further enforcement action.

2.0 **APPLICANT**

Mr John Holland

3.0 **PROPOSAL**

The application is for the change of use of an agricultural field to a private gypsy site for 16 mobile homes and 16 touring caravans plus the erection of 16 day rooms one associated with each mobile home. The application includes the retention of an access track that runs from Oxen lane, in the north eastern corner of the site, to the western end of the site with branches running off and into each of the 16 plots. The use has commenced and at present there are 8 families living on the site.

4.0 **THE SITE**

The application site comprises a former agricultural field lying to the south of Oxen Lane. It is approximately 400 m from the settlement limit of North Curry (by the Village Hall) and approximately 260 m from the settlement limit at Greenway. Agricultural fields surround it, with a row of semi-detached dwellings located to the north east of the site. There are established hedgerows on all boundaries, except at the point of access. Access is provided to the site off Oxen Lane, a single-track lane. Oxen Lane joins the main roads going into North Curry at Borough Post, to the north and Greenway, to the south. The site is within an area of low vale countryside considered to be of value and zoned as a "Landscape Character Area" and can be seen from and has an impact on the North Curry Ridge Landscape Character Area that lies to the south. The site is located on rising land and as a result it can be seen from the surrounding countryside, as well as the public footpath that runs to the south of the site, and the adjacent highways.

5.0 **RELEVANT PLANNING HISTORY**

There is no relevant planning history for this site.

6.0 **RELEVANT PLANNING POLICY**

Somerset and Exmoor National Park Joint Structure Plan Review

Somerset and Exmoor National Park Joint Structure Plan Review the following policies are of relevance:-

POLICY STR6

Development Outside Towns, Rural Centres and Villages.

Development in the Countryside will be strictly controlled to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel.

POLICY 5

Landscape Character

The distinctive character of the countryside of Somerset and the Exmoor National Park should be safeguarded for its own sake. Particular regard should

be had to the distinctive features of the countryside in landscape, cultural heritage and nature conservation terms in the provision for development.

POLICY 8

Outstanding Heritage Settlements

The special character of the Outstanding Heritage Settlements identified below, should be respected. North Curry is considered such a settlement.

POLICY 36

Sites For Gypsies and Travelling People

The provision of sites for gypsies and other travelling people should be made where the site is within reasonable distance of a settlement providing local services and facilities.

POLICY 49

Transport Requirements of New Development

Proposals for development should be compatible with the existing transport infrastructure, or, if not, provision should be made for improvements to infrastructure to enable development to proceed. In particular development should:-

- (1) Provide access for pedestrians, people with disabilities, cyclists and public transport;
- (2) Provide safe access to roads of adequate standard within the route hierarchy and, unless the special need for and benefit of a particular development would warrant an exception, not derive access directly from a National Primary or County Route; and,
- (3) In the case of development which will generate significant freight traffic, be located close to rail facilities and/or National Primary Routes or suitable County Routes subject to satisfying other Structure Plan policy requirements.

Taunton Deane Local Plan (Revised Deposit including modifications adopted 19th November 2004)

Taunton Deane Local Plan Revised Deposit. The following policies are considered especially relevant:-

S1 Proposals for development should ensure that:-

- (A) additional road traffic will not lead to overloading of access roads or road safety problems;
- (C) the proposals will not lead to harm of protected species or their habitats;
- (D) the appearance and character of any affected landscape, settlement, building or street scene would not be harmed as a result of the development;
- (E) potential air pollution, water pollution, noise, dust, glare, heat, vibration and other forms of pollution or nuisance which could arise as a result of the development will not harm public health or safety,

- the amenity of individual dwellings or residential areas or other elements of the local or wider environment;
 - (F) the health, safety or amenity of any occupants or users of the development will not be harmed by any pollution or nuisance arising from an existing or committed use;

- S8 Outside defined settlement limits, new building will not be permitted unless it maintains or enhances the environmental quality and landscape character of the area and
 - (B) accords with a specific Development Plan policy or proposal;
 - (C) is necessary to meet a requirement of environmental or other legislation. New structures or buildings permitted in accordance with this policy should be designed and sited to minimise landscape impact, be compatible with a rural location and meet the following criteria where practicable
 - (E) avoid breaking the skyline;
 - (F) make maximum use of existing screening;
 - (G) Relate well to existing buildings; and
 - (H) use colours and materials, which harmonise with the landscape.

- H16 Outside the defined limits of settlements, sites for gypsies or non-traditional travellers will be permitted, provided that:
 - (A) there is a need from those residing in or passing through the area;
 - (B) there is safe and convenient access by bus, cycle or on foot to schools and other community facilities;
 - (C) a landscaping scheme is provided which screens the site from outside views and takes account of residential amenity;
 - (D) adequate open space is provided;
 - (E) accommodation will enjoy adequate privacy and sunlight;
 - (F) accommodation for incompatible groups of gypsies and/or non-traditional travellers are not mixed on the same site;
 - (G) areas for business, where appropriate, are provided within sites, with satisfactory measures for their separation from accommodation spaces and the safety and amenity of residents; and
 - (H) in the case of transit sites, there is convenient access to a County or National route;
 - (I) the site is not within an Area of Outstanding Natural Beauty or a Site of Special Scientific Interest, or would harm the special environmental importance of any other protected area;
 - (J) adequate fencing, capable of preventing nuisance to neighbouring areas, is provided.

EN13 Development proposals must be sensitively sited and designed to respect the distinct character and appearance of Landscape Character Areas.

8.0 **RELEVANT CENTRAL GOVERNMENT GUIDANCE**

Circular 1/94 Gypsy Sites and Planning.

This circular defines gypsies as:-

“Persons of nomadic habit of life, whatever their race or origin, but does not include members of an organised group of travelling showmen, or of such persons engaged in travelling circuses, travelling together as such.”

In this circular, the Government recognises that gypsies would prefer to own, develop and manage their own sites. To enable adequate provision of gypsy sites the circular requires clear Structure and Local Plan policies to enable the provision of adequate gypsy sites within their areas. (Paragraphs 14 - 16) When looking to allocate sites Local Planning Authorities may consider sites outside of settlements but located in close proximity to those settlements where services and facilities are available, such as schools, shops and Doctors. The circular suggests that such sites can be in rural areas but care needs to be taken to ensure they are in line with agricultural and countryside policies.

Local Planning Authorities should also consider the impact on highway safety including adequate provision on the site for parking, turning and servicing (Paragraph 18).

Whilst this circular states that proposals for gypsy sites should continue to be determined solely in relation to land use factors, various appeal decisions, including *Rexworthy v Secretary of State for the Environment*, accept that personal circumstances (such as connection to the local area; families health or educational needs etc) should be a material consideration.

Circular 18/94 Gypsy Site Policy and Unauthorised Camping

This circular refers to court decisions that go onto specify that a Gypsy is someone who travels for the purposes of seeking a livelihood, and also the circular removed the requirement on local authorities to provide and manage gypsy sites. In addition it mainly deals with unauthorised camping on land without the consent of the owner. However it does promote the concept that local authorities should use powers of eviction in a humane and compassionate fashion primarily to reduce nuisance and afford a higher level of protection to private owners of land.

9.0 **RELEVANT LEGISLATION**

European Convention for the Protection of Human Rights and Fundamental Freedoms (Human Rights Act 1998)

Articles 8 and 14 of the Convention and the First Protocol Articles 1 and 2 are of particular importance in the consideration of this application.

Article 8

1. Everyone has the right to respect for his private and family life, his home and his correspondence.

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Article 14

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Criminal Justice and Public Order Act 1994

In respect of Gypsies, this act repealed the duty of Local Planning Authorities to provide and manage Gypsy sites and provided powers to evict unauthorised campers.

10.0 **CONSULTATIONS**

County Highway Authority

"The site is outside the development limits of North Curry but in my opinion is not so far away from the village as to be in conflict with Policy 36 of the Somerset and Exmoor National Park Joint Structure Plan Review which says that gypsy sites should be within a reasonable distance of appropriate facilities. However, the roads have no footways and additional pedestrian movements along the roads leading to the village would be prejudicial to highway safety.

Access from the site is onto Oxen Lane. An access of this type serving 16 dwelling units, has a requirement, set out in Places, Streets and Movement of 4.5 x 60 m visibility splays in each direction. That which is in existence appears to be substandard and whilst 60 m is available as a y distance, the x distance is approximately 3 m. In my opinion bearing in mind that Oxen Lane is relatively lightly trafficked, I accept that the access visibility splays are probably acceptable from a Highways safety view point.

At the time of my visit the access was still under construction and although vehicles are using it, it has not been hardened and its creation has resulted in damage to the existing fabric of Oxen Lane. The access appears to be in excess of the normal 1 in 10 gradient but I am sure there is sufficient space within the site to enable a suitable means of access that 1 in 10 could be created. The access road for the first 20 m should be hard surfaced, not loose stone or gravel and repairs should be carried out to the carriageway of Oxen Lane to reinstate an appropriate bell mouth with 6m radii to enable suitable access and egress to be provided.

My main concern regarding this application is the width of Oxen Lane and its junctions with Windmill Hill to the west and Greenway to the east. The junction to the west has adequate visibility to the north east towards North Curry, however, visibility to the south west is severely restricted by the roadside boundary of the property immediately to the south west of the junction. The junction of Oxen Lane with Greenway has severely substandard visibility in each direction.

A development of this type would generate significant additional traffic; several vehicle movements per dwelling unit per day and it is my opinion that Oxen Lane and its junctions with Windmill Hill and Greenway are substandard and the increased use of Oxen Lane and its substandard junctions would be prejudicial to highway safety. In consequence a recommendation of refusal would be forthcoming."

Local Education Officer

"Somerset County Council's Gypsy/Traveller Policy 2001 states that " It is the duty of the authority to ensure the education of all children between the ages of five and sixteen years. The Somerset Traveller Education Service aims to support schools with [Gypsy and Traveller] pupils whose achievement has been affected by high levels of mobility and/or cultural concerns about education. The team teachers work across all school ages and with pre-school Traveller children".

The agent's letter submitted with the application suggests that one of the reasons the site is considered appropriate is the proximity of the village school in North Curry.

Circular 1/94 'Gypsy Sites and Planning' states that local planning authorities might consider appropriate locations for gypsy sites to be "...outside existing settlements but within a reasonable distance of local services and facilities eg. ...schools." It also states, however, that "Sites on the outskirts of built up areas may be appropriate, provided that care is taken to avoid encroachment on the open countryside". The provisions of PPG7 (now PPS7) will also need to be taken into account.

It is understood that there are presently nine primary school-aged children residing on the site, although this will of course vary over time. There are also children of pre-school age.

North Curry CE Primary School has a current Net Capacity of 147, although 2 of the five classes are in temporary buildings and accommodation in some year groups is relatively cramped. The current Number on Roll (NOR) is 153 and this is expected to increase to 165 by September this year. As a consequence, there is little or no spare capacity at the school and there is already pressure on future places. The village is within the catchment area for Heathfield secondary School in Monkton Heathfield and this also has limited surplus capacity. The LEA therefore objects to the application on the grounds of unacceptable impact on local education provision. In the event that the local planning authority were to consider granting planning permission, the LEA would seek the payment of

financial contributions through a planning obligation to mitigate the educational impact and to facilitate new permanent classroom accommodation, in accordance with the provisions of Circular 1/97 'Planning Obligations'.

Furthermore, although within about 700m of the village school, the site is not ideally located in terms of accessibility. The site is well outside the main settlement area as defined in the Draft Local Plan and the routes to and from the school are along relatively narrow roads with limited verges and no footways. This would be contrary to the objectives of encouraging more cycling and walking and the Government's Safe Routes to Schools initiative."

The Local Preschool in North Curry is virtually full to capacity and is unable to increase its numbers.

Social Services

Views awaited.

Gypsy Liaison Officer

"Status

During the past few weeks I have been able to interview fourteen of the sixteen families planning to reside on the land at Oxen Lane. Not all families interviewed are at present residing in Oxen Lane. It is my opinion that they are bonafide gypsies as defined in existing planning legislation.

Education

Officers from Somerset County Council's Traveller Education Service are at present visiting the site to ensure that the educational needs of the children are identified and addressed.

Personal Circumstances

During the interview process, I have not been made aware of any medical or other conditions which are out of the ordinary and would require specialist intervention.

Levels of Provision

At the present time the County of Somerset has 43 authorised Gypsy and Traveller sites with a further 12 sites classified as unauthorised developments. There is one outstanding case of unauthorised camping in the Mendip District of Somerset.

Since April 2004, Somerset County Council has been operating a computerised Travellers Information Service, recording incidents of unauthorised camping and development. During that time over sixty incidents have been recorded. None of the families interviewed were involved in unauthorised camping other than a large family who were attending the Priddy Fair. In view of the level of provision in Somerset and the lack of evidence of unauthorised camping, it would therefore be difficult for me to support the view that the families were homeless.

Need for Accommodation

The identified aim of providing adequate accommodation for all Gypsies who reside in and resort to Somerset is a responsibility which the County of Somerset has addressed. With seven County Council Gypsy sites including one of the few Transit Sites in the country, supported by 36 authorised private sites, this County can justifiably claim to having met the need. The District of Taunton Deane provides a significant proportion of that accommodation and North Curry in particular makes a sizeable contribution to the overall level of provision.

National levels of provision

In a recent report provided by the offices of the ODPM, it has been identified that there are 3,500 caravans without authorised accommodation and that new legislation, expected in the New Year, will address this issue but ODPM statistics show that this position is not reflected in Somerset which provides accommodation for over 300 caravans on permanent sites and provides transit accommodation to meet the needs of over 50 caravans at any one time.

It is my view that smaller traveller sites are more easily integrated into local communities and that with the existing levels of provision in Taunton Deane and North Curry in particular, this site could destabilise the balanced and planned approach to site provision within the area.”

Somerset and Avon Constabulary

Views waited.

Environment Agency

“No objection subject to approval of the soakaway details via a condition. The Environment Agency is aware of the septic tanks that have been installed but do not issue retrospective consents for such tanks (indeed consent for septic tanks may not be required if they discharge less than 5 sq m per day, when they are regulated by Building Control.) If it is proven that septic tanks are creating pollution the Agency can take action to ensure that works are undertaken to stop the pollution.”

Wessex Water

“The development is in a foul sewered area and a public sewer crosses the site. A 3 m easement either side of the apparatus is normally required for maintenance and repair. There is mains water available in the vicinity of the proposal. There are no public surface water sewers crossing the site.

Chief Fire Officer

“Means of Escape and access for appliances should comply with relevant Regulations. Any new water mains should be large enough to permit the installation of fire hydrants.”

Landscape Officer

“Proposals are contrary to Taunton Deane Local Plan policy EN13 as they are not sensitively designed or sited to respect the character of the Landscape Character Areas (defined as a patchwork of fields typically bound by hedgerows with standards of Ash and Oak; pockets of woodland and numerous Orchards). The proposal is prominent from a number of vantage points including local housing to the north and south of the site, the A378, and a number of footpaths. The existing caravans on the site are particularly noticeable due to their white colour. There has been no landscape assessment or justification with the application. Depending on highway visibility, additional hedgerow may need to be removed and the impact of this will need to be assessed separately.”

Wildlife Species Officer

“There may be Badgers within the Area and a wildlife survey should be requested to identify if they are present and the impact of the proposal if they are.”

Forward Plan

The principal policy against which this proposal should be considered is policy H16 of the Revised Deposit Taunton Deane Local Plan, as amended by Proposed Modification M/H/12. This policy relates specifically to proposals for gypsy and traveller sites.

Several of the criteria relate to matters of detail on which it would be inappropriate for me to comment. These are (C) to (F), and (I). In addition, criterion (G) is not relevant in this instance as it relates to transit sites only, and the proposal is not for a transit site.

Criterion (A) relates to the need for the proposed site from gypsies residing in or passing through the area. This is a key issue, and one whose assessment will require considerable care. Guidance is given in Circular 01/94, where paragraphs 11, 20 and 21 are of particular relevance. Paragraph 11 stresses the importance of reference to both up-to-date information and records of trends from regular historic monitoring, particularly the six-monthly counts by local authorities. The Gypsy Liaison Officer at the County Council should also be an invaluable source of information whose assistance is sought. Given the number of applications for gypsy sites that have been considered by planning inspectors at appeal and by the courts, reference should also be made to decisions made by those bodies. Finally, in relation to this issue, I would draw attention to the statement in paragraph 21 which states that applications for private sites should not be refused on the grounds that the local authority considers public provision in the area to be adequate, or because alternative accommodation is available elsewhere on the authorities' own sites.

Criterion (B) of the policy is concerned with the accessibility of the proposed site to schools and other community facilities, and the proximity of the site to a public road. In terms of the distance of the site from the services and facilities of North

Curry, which include a primary school, I consider its location to be acceptable and such as to provide reasonable accessibility by foot or cycle. This, however, relates to distance only, and does not include any assessment of the safety and convenience of using the available route(s) by such means, which is a matter for the highway authority to comment on. Likewise, I am not in a position to comment on the acceptability of the site's accessibility to a public road.

Finally, criterion (H) relates to areas of designated landscape or ecological importance. As far as I am aware the application site does not fall within, or would adversely affect, any such area, but these again are subjects where others with detailed knowledge can advise with authority.

In addition to H16 other, general, policies of the Local Plan will also be relevant to the proposal. Given the proximity of existing housing to the application site, criterion (E) of policy S1 will be of particular relevance.

Building Control Officer

Views awaited.

Environmental Health Officer

Views awaited.

Drainage Officer

"Soakaways should conform to Building Research Digest 365."

Housing Officer

"Should this site become legal we require two plots to accommodate families who require this type of land."

North Curry Parish Council

North Curry Parish Council objects to the proposal for the following reasons:-

1. The proposal is contrary to the provisions of Policy HI6 of the Local Plan in that:-
 - a. no justified need has been established as to the requirement for the proposed permanent gypsy site
 - b. the proposal fails to provide a landscaping scheme to screen the site from outside views nor to mitigate serious harm to neighbouring residential amenity. Given the proximity of the proposal to existing residential properties such a scheme would need to be extensive to afford a suitable level of such amenity and as such would necessitate the re-siting of a number of the caravan plots proposed.

- c. the proposal fails to provide adequate fencing, capable of preventing nuisance to neighbouring areas.
 - d. the proposal harms the special environmental importance of an area specifically designated as a Special Landscape Area by Policy EN 12.
2. The proposal is contrary to the provisions of Policy EN12 of the local plan in that:-

it would harm the appearance character and contribution to the landscape quality representing an incongruous extension of the village development pattern.

3. Other matters of relevance, which the Parish Council would wish to be considered as "material considerations" in the determination of the application are as follows:-

- Overwhelming weight of passionate objection from local residents as evidenced by the very large number of individual letters of objection attached; attendance and comments made at three public meetings; and oral objection expressed by residents to Parish Councillors.
- Detrimental effect upon the proper and effective financial planning of local services such as the school and the health centre by virtue of the transient nature of the proposed occupiers.
- The vehicular access points from Oxen Lane onto the main highway network are inappropriate to accommodate the increased traffic flows arising from the scale of the residential use proposed. Such a situation is contrary to Policy SI of the Local Plan.
- The plans submitted are inaccurate and do not reflect the full effect of the residential amenity of adjoining properties.
- The application is incorrectly filled out (for example no reference is made to drainage and sewage disposal).
- No landscaping proposals are put forward to screen the site from wider public views and to protect the landscape character and rural setting of North Curry.
- Recent evidence of criminal activity arising from occupants of the site as corroborated by Police report(s).
- Detriment to residential amenity and the tranquillity of the rural character of the area by virtue of noise and lighting.

- The anxiety in the local community caused as a result of the proposal has been detrimental to the special "community" of North Curry.
 - The parish of North Curry already accommodates significant numbers of gypsy sites and pitches. Six sites, some 40 residential pitches and some 35 - 50 transit pitches already in one parish is sufficient - another 16 residential pitches would be severe 'overload'.
5. Finally the Parish Council request that the Members of the Deane's Planning Committee conduct an organised site inspection of the proposed site prior to their determination of the application.
 6. In reaching conclusions in this matter the Parish Council has had full regard to the provisions of the Crime and Disorder Act 1998.

11.0 **REPRESENTATIONS**

161 Letters Of Objection have been received raising the following points:-

1. The occupation has lead to increased noise from children running about , dogs and cars/vans coming and going which is detrimental to the quiet rural character of the area and the amenities of the existing residents.
2. Bright lights on this site will have a detrimental impact on the amenity of residents of adjacent housing and wildlife, including badgers and owls. Protected species.
3. Bright lights on this site will form a detrimental visual intrusion into this Landscape Character Area.
4. Uncontrolled dogs may cause damage to surrounding animals.
5. Oxen Lane is an unclassified single track Lane without a footpath. Before this development it was a quiet lane, little used by traffic, attracting use by cyclists, dog walkers and children; the Lane is now used by cars and vans associated with the gypsy use, travelling at excessive speed and this increase amount of traffic is detrimental to highway safety.
6. The increased use of the Junctions, with their poor visibility, at either end of Oxen Lane is detrimental to highway safety, existing residents exercise much care but the increased use is likely to result in additional accidents.
7. The location and poor drainage of the site has resulted in mud all over the Lane and this is a danger to highway safety and the safety of residents/ pedestrians walking or driving along the lane.
8. In winter run-off from the field through the gateway has lead to ice over the road additional run off from the site now that it has been hard surfaced

with access tracks is likely to make this worse and it would become even more dangerous.

9. Oxen Lane is a quiet country Lane and the widening of the access and the increased use of the site entrance will be detrimental to highway safety.
10. The road surface is already breaking up due to the increased amount of traffic using it and this will only get worse.
11. Septic tanks have been installed adjacent to residential boundaries, have these been checked to make sure they do not cause pollution down slope to other agricultural and residential properties.
12. Water already runs off from this site down the lane. The hard-surfacing to form access ways and hard-standings is likely to make this worse having a serious impact on surrounding land uses.
13. The use sets an undesirable precedent for similar unauthorised encampments within the area.
14. In spite of the gypsy claims of people queuing to occupy the site many of the sites remain unoccupied and this would appear to be a speculative development.
15. If the gypsies get away with this use, it will encourage other general flouting of planning law in the area.
16. Laws and regulations for this site should be obeyed and not flouted in this way.
17. If the gypsies can develop countryside like this why can't existing residents?
18. This is an agricultural field without any planning permissions for mobile homes and it should not be allowed.
19. Existing residents would not be allowed to act in this way.
20. The gypsies should not have occupied the site in this illegal manner.
21. The gypsies already have sites to occupy and see this as a speculative venture.
22. If allowed this will result in permanent occupation within a country location.
23. Occupation has severely destroyed the amenity of nearby residents changing the area from a quiet rural haven to a noisy eyesore, out of keeping with its surroundings.

24. The site will fragment the existing parish.
25. Has an Environmental Impact assessment been undertaken?
26. This proposal is not based on need but on a national campaign to flout the planning requirements by gypsies.
27. This development is commercially driven and it is unfair that it is only available for gypsy families and not local people.
28. Under Article 8 of the Human Rights Act there is an equal right to respect for private and family life and this includes the rights of existing residents whose lives have been detrimentally affected by this proposal.
29. The site is within 5 minutes of North Curry, a heritage settlement and conservation village and it is totally out of character and design with the area.
30. The unauthorised site has had a detrimental impact of the visual amenity of the area. The site, on high ground can be seen from the local and wider area as a detrimental incursion into this area, the occupation of the site is detrimental to the character of the Landscape Character Area and Curry Rivel Ridge.
31. The caravans and occupants of the site overlook the existing residential properties and this is detrimental to the privacy and amenity of existing residents.
32. The influx of this number of gypsies into the area will have a detrimental impact of the value of adjacent properties and properties within the wider area.
33. There are a large number of elderly and disabled people living in Oxen Lane and this use is likely to be detrimental to their health, highway safety and well-being.
34. The site will need to have its rubbish collected and this will put additional strain on services at a cost to the local rate payer.
35. The widening of the access has lead to the loss of part of a rural hedgerow.
36. The caravans and living blocks are out of keeping with the area.
37. The site is located opposite a holiday caravan site and it is unlikely that people will want to visit the site now and the business will probably fold. If we sell the land maybe the gypsies will buy it and increase their site.
38. The countryside should be preserved for future generations.

39. The site is located outside of the settlement limits of North Curry where new residential development is not permitted. The proposal is contrary to the requirements of Taunton Deane Local Plan policies S1, S2 and S8.
40. There are a number of alternative sites within the North Curry area including a large site at Stoneyhead and these occupants could have moved onto that site or the County run site at Ilton which has a number of vacancies at the present.
41. We understand the gypsy need but they should be made to get planning permission first like other people.
42. The Borough Council should provide sites within the area in a planned manner to avoid such ad hoc development in inappropriate locations such as this.
43. North Curry already has a good provision of gypsy sites within the parish and additional sites should be spread through out the Deane and Somerset.
44. According to the County Plan there were assurances that there would not be any more sites within this area.
45. Such a large influx of culturally different people will have a detrimental impact on the balance of the community, which already has a number of gypsy residents.
46. The unauthorised occupation discriminates against the law abiding residents of the parish who have paid to provide local community facilities.
47. Any new housing within the area should be for the local community.
48. I have lived in the area all my life (with my parents) and have been on a housing waiting list for the past 4 years; my children want to stay in this village but are not able to due to the lack of affordable properties and if sites are to be provided for housing they should have priority above strangers from outside of the area.
49. The additional number of people will put unacceptable pressure on the services within the village.
50. Existing residents have had to make contributions to provide community facilities in the village and as a parish we do not have the resources to accommodate additional people who do not contribute in a similar way.
51. The school is at capacity with 36 children in one of the classes. It cannot physically or in terms of teaching capacity, accommodate additional children from this site.

52. The health centre does not have the capacity to cater for the additional people from this site.
53. Existing residents have had to take on large debts to provide a house for their family and it seems unfair that the gypsies can have accommodation where they cannot.
54. Any residential development of this size would not be in keeping with the scale of this village.
55. The site lies within a greenbelt area where development is not allowed.
56. Crime rates will rise and property rates will fall as a result of this number of gypsies moving into area.
57. The Police budget has been reduced and sites like this should be located closer to Taunton so that adequate police cover can be maintained.
58. Living in North Curry over the past years we have rarely seen the police in the village, since the occupation of this site they are regular visitors.
59. Under Section 6 the Criminal Justice Act Local Authorities and the Police are required to draw up a strategy to reduce crime. The residents of North Curry are now in fear of Crime. Since occupation of the site residents are concerned for their safety and have had to take additional security measures to protect their property. The Local Planning Authority has a duty to take this into account. Unfortunately, historically, increased crime has followed traveller settlements such as this and this should be taken into account by the Local Planning Authority.
60. The Police have already been called to the site to investigate criminal activity and it is believed that the local crime rate has already increased.
61. The water and electricity should be cut off, as the use of this site is unauthorised.
62. In their unauthorised actions, the gypsies have treated the local population with callousness in a greed for financial gain.
63. Unfortunate fact that many travellers sites are nothing more than squalid camp sites
64. The Local Planning Authority were warned that this was about to happen in this area and did not take appropriate action to avoid this occupation.

12. **PRINCIPAL ISSUES FOR CONSIDERATION**

- A. Does the proposal conform to the requirements for gypsy sites within the development plan? POLICY

- B. Is the proposal acceptable in highway safety terms? HIGHWAYS
- C. Does the proposal have a detrimental impact on existing properties? IMPACT ON PRIVACY AND RESIDENTIAL AMENITY
- D. Does the proposal have an acceptable impact on the visual amenity/landscape character of the area? LANDSCAPE
- E. Does the personal need of the applicants to be sited on the application site over-ride any Policy objections to the site? PERSONAL CIRCUMSTANCES
- F. Are there alternative gypsy sites for the families to move to if planning permission is refused? AVAILABILITY OF ALTERNATIVE SITES
- G. SUSTAINABILITY

A. Policy

The Development Plan contains policies at Structure and Local Plan level for the provision of gypsy sites within Taunton Deane. The Local Plan Policy H16 Gypsy and Traveller Sites accepts that such sites can be provided outside of settlement limits. This policy lists 9 criteria (for permanent sites) that need to be complied with for such a site to be considered acceptable. I will look at each of these in turn:-

1. "There is a need from those residing or passing through the area". Supporting information (See below for further details) establishes that the families travel around the British Isles undertaking landscaping/ agricultural/ horse-trading etc activities. Of those families only 8 have listed specific details that link them to the Somerset area.
2. "Safe and convenient access by bus, cycle or on foot to schools and other community facilities". The site is located approximately 260 km from the settlement in Greenway and 400 m from the village hall/school. Access to the village is along unlit country lanes without any footpaths. Whilst it can be considered that the site is within a convenient distance of the settlement, the use of the highway, which has no footpath or restricted speed limit, is likely to result in a highway danger to the users and therefore the location is not considered to be safe.
3. "A landscaping scheme has been provided which screens the site from outside views and take account of residential amenity". A landscaping scheme has not been submitted with this application. Furthermore the Landscape Officer considers that, bearing in mind its prominent location, it would not be possible to adequately screen the site from vantage points. In addition, given the plot layout of the site and its proximity to residential properties, the proposals are considered to have a detrimental impact on the residential amenity of neighbouring properties.

4. "Adequate Open Space is provided". The policy does not include a measure of "adequate open space" and this assessment is therefore subjective. I consider that, whilst there is no defined area for open space for the site as a whole, each site measures a minimum of approximately 55 m x 20 m and I consider that this has the potential to allow adequate open space to be provided by the occupants.
5. "Accommodation will enjoy adequate privacy and sunlight". The site consists of plots laid out on an open agricultural field and as such there appears to be adequate sunlight available to each plot. At present there are post and rail fences separating the plots and this would not provide for any privacy to occupants within the site. Around the edge of the site are native hedgerows forming a boundary with adjoining uses. Where these uses are agricultural or highway, I consider an adequate level of privacy can be achieved through additional planting. In the north north-eastern corner of the site are existing two storey dwellings. The patio and upper windows of this property overlook the whole site and I do not consider that the proposed site offers adequate privacy for the occupants or the residents of existing dwellings.
6. "Accommodation for incompatible groups of gypsies is not provided". I am not aware that the proposed families on this site are incompatible.
7. "Areas for business are provided with separation from accommodation to allow for the safety and amenity of residents". There have been no area of land allocated for business use on this site. I consider that business uses on the plots are likely to result in disturbance to residents on the plots and adjacent to the site.
8. "The site is not within an Area of Outstanding Natural Beauty or a Site of Special Scientific Interest, or would harm the special environmental importance of any other protected area". The site lies within an area designated as a Landscape Character Area within the Local Plan. It is the Low Vale Area that is valued for its patchwork of fields typically bounded by hedgerows with standard of Oak and Ash with pockets of broadleaved woodlands and orchards. The landscape Officer has confirmed that the proposal will be obtrusive in this landscape and detrimental to those qualities.
9. "Adequate fencing, capable of preventing nuisance to neighbouring areas, is provided". The application does not contain details of any proposed fencing. Due to the overlooking of the site by residents of existing residential properties I do not consider that adequate fencing could be provided to avoid nuisance to those existing residents. Furthermore, due to the visual prominence of the site, I consider that the erection of fencing in and around the site would be detrimental to the character of the area.

In conclusion I do not consider that the proposed site conforms to Taunton Deane Local Plan Policy H16.

B. Highways

The application site is located to the west of North Curry. It is accessed from the main A378 road (that lies to the west of North Curry) via country lanes. The first lies to the south west of the settlement and passes through the hamlet of Lillesdon on its route to North Curry (known as Windmill Hill as it reaches North Curry) and the other lies to the south of North Curry passing through Newport on its route to North Curry (known as Greenway). Both of these roads are sub standard with no footpaths for pedestrians. These roads converge near the centre of North Curry. The application site is adjacent to Oxen Lane, an unclassified lane, approximately 400 m to the south of North Curry that runs between Windmill Hill and Greenway.

In accordance with the access requirements of the County Highway Authority, the site access should provide 4.5 m x 60 m visibility splays in each direction. The current site access provides a visibility distance of 60 m in one direction but only 3 m in the other direction. Whilst this is substandard, the County highway Authority considers that, as Oxen Lane is only lightly trafficked, the proposed use of the site access would be acceptable from a highway point of view.

In contrast the County Highway Authority consider that the visibility at the junctions of Oxen Lane with Windmill Hill to the north and Greenway to the south, are severely substandard. In their opinion, the proposed development is likely to result in several vehicle movements from each mobile home per day and this would result in significant additional traffic using those junctions which would be prejudicial to highway safety, contrary to the requirements of the Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policy S1.

C. Privacy and Residential Amenity

The application site shares a common boundary with an existing residential property at 6 Oxen Lane. Taunton Deane Local Plan Policy S1 criteria (E) and (F) require that existing and proposed residential amenity is not harmed as the result of development. The windows and garden area of 6 Oxen lane overlook and are overlooked by the whole application site, especially plot number 9, which shares a common boundary. I consider that this has had a detrimental impact on the existing residents of the dwellings and will have a detrimental impact on the amenities of the proposed mobile homes. In addition increased activity on the site including increased noise, lighting and human is likely to have an unacceptable, detrimental impact on the amenity of other nearby properties contrary to the requirements of this policy.

D. Landscape

The site is located in an area of open countryside whose character is recognised in the Local Plan as special and worthy of retention and protection. Taunton Deane Local Plan Policy EN13 requires this proposal to be sensitively sited and designed to respect the Low Vale character of the North Curry Ridge Landscape Character Area. As stated previously, this site lies on rising ground and is open

to local and distant views. The linear formation of plots, along with the erection of fencing and the siting of mobile homes, caravans and utility blocks is completely out of character with the area. This is especially evident in views from the foothills of and road along the Fivehead Ridge, where the site stands out in contrast to its agricultural setting. The application does not contain any measures to incorporate the development into its landscape setting and it is the opinion of the Landscape Officer that a landscaping scheme would be insufficient to counter the landscape harm caused by the development. As a consequence I consider that the proposal is contrary to the requirements of Local Plan Policy EN13.

E. Personal Circumstances

Whilst Circular 1/94 states that gypsy applications should be assessed on land use factors, planning appeals and case law have established that personal circumstances are a material consideration for the planning Authority. Each of the plots has information on the personal needs of the proposed occupant and I intend to look at each of these on a plot-by-plot basis.

Plot 1 Occupied

This plot is occupied by 2 adults, Mr S & Mrs C Packman and 5 children aged 10, 9, 7, 6 and 1 with the following needs:-

Health:- Mrs Packman has severe back problems, requires medication weekly and needs help to lift heavy objects and look after the children. One child needs to go to hospital twice a year. One child visits the hospital for treatment and is on weekly medication from a doctor's surgery.

Education:- 4 of the children are of school age with 1 infant. One child has significant educational difficulties that need to be addressed. They have been attending Walton Primary School.

Work/family links:- Travel around to attend horse fairs. Father lives near Street, Somerset.

Previous accommodation:- The family occupied their father's site near Street until 24th September, 2004 when they were evicted due to family disagreements.

This family have shown links to the local area and already have children attending school in Somerset. Their health requirements could be provided on a site anywhere in the county. In view of the planning objections to the use of the site including the detrimental impact on existing residents, highway safety and the landscape I do not consider that Planning permission should be granted in this case.

Plot 2 Occupied

This plot is occupied by a family of 2 adults, Laura Davy and Dean Packman with no children at the moment but expecting a baby with the following needs:-

Health:- Need to have a settled base to provide pre and post-natal care for the baby, due in June 2005.

Education:- None at present.

Work/family links:- General travel around the country to work on farms hedge laying and farm work. Somerset mentioned. Parents living in Wellington

This family have not proved any specific links to Taunton Deane and their needs could be satisfied on a site anywhere in the country. Their health requirements could be provided on a site anywhere in the country. In view of the planning objections to the use of the site including the detrimental impact on existing residents, highway safety and the landscape I do not consider that Planning permission should be granted in this case.

Plot 3 Occupied at weekends

This plot would be occupied by a family of 2 adults, John and Jenny Broadway, and 2 children aged 1 and 4 months with the following needs:-

Health:- No special needs at present.

Education:- No special needs at present.

Work/family links: July – August stayed at Newmarket. Travel around Devon and Somerset. Fieldworker.

This family do not have any specific links to Taunton Deane and their needs could be satisfied on a site anywhere in the country. Whilst they only appear to occupy the site at weekends they state in the application that since September they have been living on the side of the road. In view of the planning objections to the use of the site including the detrimental impact on existing residents, highway safety and the landscape I do not consider that Planning permission should be granted in this case.

Plot 4 Unoccupied

This plot would be occupied by a family of 2 adults, William and Elizabeth Birch, and 1 child aged 3 with the following needs:-

Health:- Expecting a baby in December. Attended hospital in Taunton and Bridgwater during the pregnancy.

Education:- Child to go to nursery school as soon as possible.

Work/family links: Travel around country including Somerset. Landscaping during travelling. March 2004 stayed on county pitch at Westonzoyland for 5 days and also stayed on site at Patchway Bristol for 4 days.

This family have not proved any specific links to Taunton Deane and their needs could be satisfied on a site anywhere in the country. Their health requirements could be provided on a site anywhere in the county. Although not currently occupying the site the information in support of the application says they are currently living on the road side or unauthorized private sites. In view of the planning objections to the use of the site including the detrimental impact on existing residents, highway safety and the landscape I do not consider that Planning permission should be granted in this case.

Plot 5 Unoccupied

This plot is occupied by a family of 2 adults, Richard and Janet Ayris, with the following needs:-

Health:- No special needs.

Education:- No special needs.

Work/family links:- Fruit picking, farm work and horse fairs. Travel around the South and South West. Stayed at Westonzoyland transit site for 2 weeks and unauthorised site in Bridgwater.

This family have not proved any specific links to Taunton Deane and their needs could be satisfied on a site anywhere in the country. Prior to occupying this site, they state they were living on the road side, waste land or farmers fields. In view of the planning objections to the use of the site including the detrimental impact on existing residents, highway safety and the landscape I do not consider that Planning permission should be granted in this case.

Plot 6 Unoccupied

This plot would be occupied by a family of 2 adults, John and Amanda Lee, and 2 children aged 13 and 16 with the following needs:-

Health:- No special needs at present.

Education:- Up to now private teaching only, looking for mainstream education and will require help to catch up.

Work/family links:- Fieldwork. Travel around Country. September 2004, Scotland, prior to that Chesterfield and from October 2004 Somerset.

This family have not proved any specific links to Taunton Deane and their needs could be satisfied on a site anywhere in the country. The local schools have limited spare capacity that cannot satisfy the needs of the application site at the present time. In view of the planning objections to the use of the site including the detrimental impact on existing residents, highway safety and the landscape I do not consider that planning permission should be granted in this case.

Plot 7 Unoccupied

This plot would be occupied by a family of 2 adults, Steven and Charlotte Loveridge, and 3 children aged 11, 8 and 3 with the following needs:-

Health:- Mrs Loveridge has kidney problems and is registered with Brenthouse surgery in Bridgwater and has tests arranged for Bridgwater surgery. One child has asthma and is prone to chest infections. One child has flat feet and one child suffers from stress due to continual travelling.

Education:- The children have attended Woolavington Primary School.

Work/family links:- Since November 2003, stayed on unauthorised site with other family (with personal permission) at Woolavington, Puriton. Travel in summer holidays in Cornwall before arriving at Somerset on October 2004. Landscape gardener, trade in chickens, horses and dogs at fairs.

This family have not proved any specific links to Taunton Deane and their needs could be satisfied on a site anywhere in the country. They have been on a site at Woolvanington since November 2003. They have children who are in a school in Puriton and whilst this should be continued for continuity these needs could be provided for anywhere in the country. Their health requirements could be provided on a site anywhere in the county. In view of the planning objections to the use of the site including the detrimental impact on existing residents, highway safety and the landscape I do not consider that Planning permission should be granted in this case.

Plot 8 Occupied

This plot would be occupied by a family of 2 adults, John and Tracy Holland and 3 children aged 16, 13 and 10 with the following needs:-

Health:- One child, born with a hole in her heart and needs regular hospital treatment.

Education:- 2 elder children are educated at home but will need full education (The eldest is 16). The younger child has special educational needs and is already attending North Curry primary school.

Work/family links:- Family links with the village of North Curry. Gardener. Summer 2004, occupied site at Little Denise in breach of the personal permission condition of the planning permission. It is alleged that the applicant runs a caravan and car sales business.

This family have shown links to the local area and already have child attending the local school. Their health requirements could be provided on a site anywhere in the county. In view of the planning objections to the use of the site including the detrimental impact on existing residents, highway safety and the landscape I do not consider that planning permission should be granted in this case.

Plot 9 Occupied

This plot is occupied by a family of 1 adult, Mary O'Neil and 4 children aged 7, 5, 2 and 4 months with the following needs:-

Health:- 2 children suffer from asthma and one is prone to chest infections. One child suffers from eczema and one has hearing problems.

Education:- Sporadic education due to travelling. September 2004, attending school in Bugle, Cornwall and have special educational needs that would benefit from school in North Curry.

Work/family links:- Fieldwork, travel around the country including Somerset.

This family have not proved any specific links to Taunton Deane and their needs could be satisfied on a site anywhere in the country. Prior to moving on to the site they had been in Cornwall since August. Their health requirements could be provided on a site anywhere in the country. The Local School at North Curry and its feeder school have limited spare capacity that cannot satisfy the needs of the application site at the present time. In view of the planning objections to the use of the site including the detrimental impact on existing residents, highway safety and the landscape I do not consider that planning permission should be granted in this case.

Plot 10 Unoccupied

This plot would be occupied by a family of 2 adults, Mr & Mrs Collens with the following needs:-

Health:- No special needs.

Education:- No special needs.

Work/family links:- Landscaping and field work around Country including Somerset.

This family have not proved any specific links to Taunton Deane and their needs could be satisfied on a site anywhere in the country. They have travelled around Devon, Cornwall, Gloucestershire, Somerset, Wiltshire, Oxfordshire and Kent. In view of the planning objections to the use of the site including the detrimental impact on existing residents, highway safety and the landscape I do not consider that planning permission should be granted in this case.

Plot 11 Unoccupied

This plot would be occupied by a family of 2 adults, Mr & Mrs Hughes with the following needs:-

Health:- No special needs.

Education:- No special needs.

Work/family links:- Tree topping and landscaping work. Born in Somerset, generations of the family have travelled and worked in Somerset. Travels around the country including Somerset, Wiltshire, Dorset, Hampshire, Wales and Scotland.

This family have not proved any specific links to Taunton Deane and their needs could be satisfied on a site anywhere in the country. In view of the planning objections to the use of the site including the detrimental impact on existing residents, highway safety and the landscape I do not consider that planning permission should be granted in this case.

Plot 12 Occupied

This plot is occupied by a family of 2 adults, Fred and Janet Smith with the following needs:-

Health:- One adult suffers from asthma and is prone to chest infections.

Education:- No special needs.

Work/family links:- Field workers. Since March 2004 has stayed at Council site at lillinton and Stoneyhead when a site is available. Their "traditional family" area to travel, Somerset, Wiltshire and Devon.

This family have not proved any specific links to Taunton Deane and their needs could be satisfied on a site anywhere in the country. Their health requirements could be provided on a site anywhere in the country. In view of the planning objections to the use of the site including the detrimental impact on existing residents, highway safety and the landscape I do not consider that planning permission should be granted in this case.

Plot 13 Unoccupied

This plot would be occupied by a family of 2 adults, Steven and Marie Loveridge, and 1 child aged 2½ with the following needs:-

Health:- One adult suffers from epilepsy the other had an operation in August to remove gallstones. One child suffers from asthma and needs to visit the doctors regularly and is due his inoculations.

Education:- School will be required in the future.

Work/family links:- Field/farm work around the Country including Somerset. Parents of this family are getting older and suffer from ill health, (a bad heart condition and diabetes) and may need to move onto the site with the applicants for care.

This family have not proved any specific links to Taunton Deane and their needs could be satisfied on a site anywhere in the country. Their health requirements could be provided on a site anywhere in the country. The Local School at North

Curry and its feeder school have limited spare capacity that cannot satisfy the needs of the application site at the present time. In view of the planning objections to the use of the site including the detrimental impact on existing residents, highway safety and the landscape I do not consider that planning permission should be granted in this case.

Plot 14 Unoccupied

This plot would be occupied by a family of 2 adults, John and Debbie Gaskin, and 2 children aged 2 and 4 months with the following needs:-

Health:- No special needs.

Education:- Young children with no needs now but will need education when they get older.

Work/family links:- Tree topping/landscaping/Gypsy fairs. One adult family links to Somerset. Travel the country including Somerset.

This family have not proved any specific links to Taunton Deane and their needs could be satisfied on a site anywhere in the country. In the supporting information they state that they have been traveling in Scotland, Gloucestershire, Cumbria, Dorset and Northampton, between April and October 2004 with no lawful site. Education needs can be satisfied anywhere in the country. In view of the planning objections to the use of the site including the detrimental impact on existing residents, highway safety and the landscape I do not consider that planning permission should be granted in this case.

Plot 15 Occupied

This plot would be occupied by a family of 2 adults, Jim and Launa Price, with the following needs:-

Health:- Expecting a baby early 2005. One adult suffers from asthma.

Education:- No special needs.

Work/family links:- Landscape gardener/labourer. Travel around the country, at Plymouth, Bristol and Gloucester since January this year.

This family have not proved any specific links to Taunton Deane and their needs could be satisfied on a site anywhere in the country. Prior to moving on to the site they state they have been traveling around Bristol, Gloucester and Plymouth. Their health requirements could be provided on a site anywhere in the country. In view of the planning objections to the use of the site including the detrimental impact on existing residents, highway safety and the landscape I do not consider that planning permission should be granted in this case.

Plot 16 Occupied

This plot would be occupied by a family of 2 adults, Danny Braddack and Diamond Price and 4 children aged 6, 4, 3 and 2 (plus 4 children from a previous relationship who visit.) with the following needs:-

Health:- No special needs.

Education:- All of the children require a settled base for their education now and in the future.

Work/family links:- Landscape gardener/gypsy fairs occasionally selling puppies and horses.

This family have not proved any specific links to Taunton Deane and their needs could be satisfied on a site anywhere in the country. The Local School at North Curry and its feeder school have limited spare capacity that cannot satisfy the needs of the application site at the present time. In view of the planning objections to the use of the site including the detrimental impact on existing residents, highway safety and the landscape I do not consider that planning permission should be granted in this case.

Evidence has been provided by the Gypsy Liaison Officer regarding 14 of the 16 occupants of the site stating that none of the proposed 14 occupants of the site have been recorded as registered as stopping on unauthorised sites within the County of Somerset since April 2004.

F. Alternative Sites

Whilst there are a number of gypsy sites within the locality I am unaware of any alternative sites that are available within the parish of North Curry at the present time. The Gypsy Liaison Officer has stated that there are sites available at Otterford but this can vary on a daily basis. Information is also being sought about the availability of sites elsewhere in the wider area, at Ilton and Tintinhull and this will be reported as an update to the committee report.

G. Sustainability

The site is located in an unsustainable location outside of the settlement limits of a recognised settlement in an area of open countryside with a isolated pockets of development. The site is in walking distance of North Curry but the roads do not have footpaths and their use would be dangerous. It is therefore likely that the private car would undertake most trips to North Curry or Taunton. In this case it is accepted that gypsy sites are often in such locations and, due to the need to provide exceptional accommodation for them, non-sustainable locations are considered.

13.0 **CONCLUSION**

The site is located in a non-sustainable location where normal planning policy would not permit the change of use of the land to residential. This site is considered under the requirements of Taunton Deane Local Plan Policy H16 and

as such it is accepted that such locations may be acceptable in terms of sustainability if they comply with that policy in all other respects.

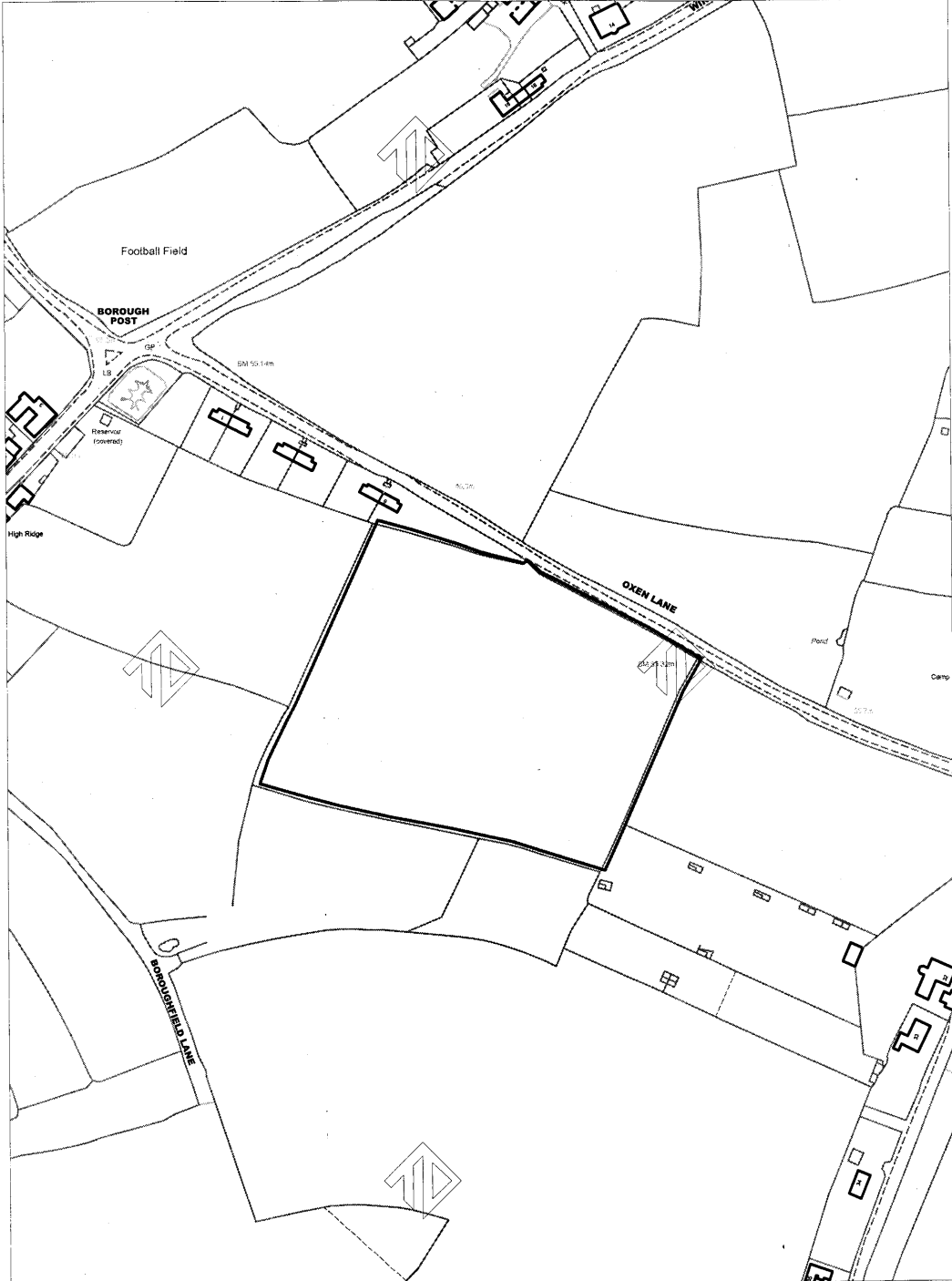
The application site is adjacent to existing residential properties whose residential amenity and privacy has been unacceptably reduced due to the unauthorised occupation that has taken place, providing inadequate privacy for those properties in question. Lack of space on the site for business use is likely to lead to increased nuisance to existing residents both outside and within the site. This has already had an impact due to dogs barking and cars leaving the site early in the morning and is likely to get worse as the site becomes fully occupied by residents.

The application site is located in an area of open countryside valued for its landscape character. The unauthorised use has had a detrimental impact on that landscape that could not be compensated for by landscaping of the site. The adjacent highway is sub-standard and its increased use would be detrimental to highway safety both along Oxen Lane itself and the additional use of the substandard junctions at the north and south.

To assess this use it has been important to consider if there are any personal circumstances that would overrule the planning objections. I have carefully considered the submitted information for each plot and compared it against the planning objections. In this comparison I have taken into account the Human Rights Act (and other relevant legislation mentioned in the report) in so far as it applies to both the gypsies at the site and non-gypsy population of the area. I conclude that the Human Rights of the existing residents surrounding the site, to a "respect for home" have been infringed by the unauthorised occupation of the site. With regard to the Human Rights of the gypsies, I have considered the impact of the refusal of planning permission on their Human Rights and have concluded that the proportionality of the impact on their rights does not override planning policy objections

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

CONTACT OFFICER: Mrs J Moore Tel: 356467



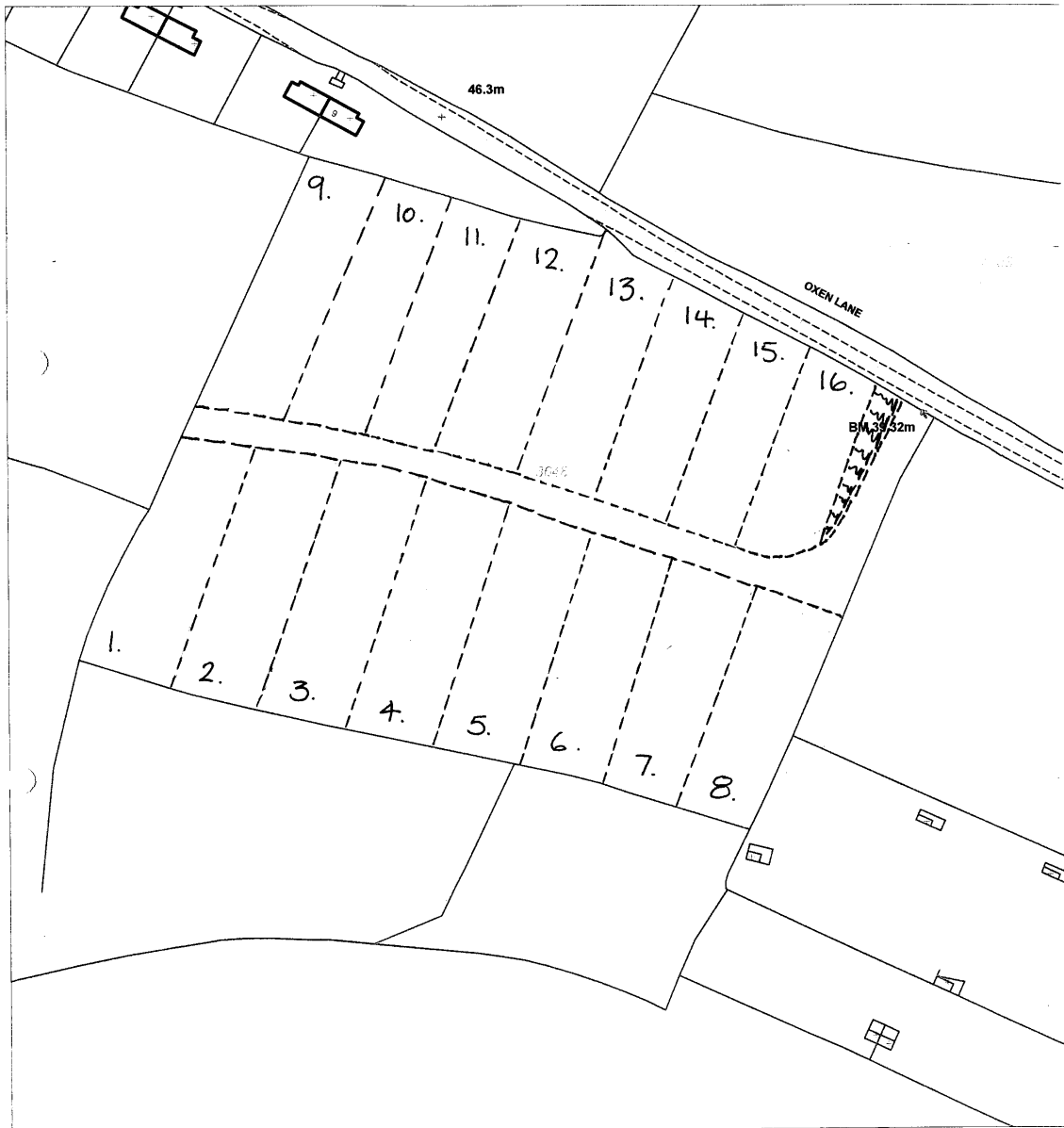
Site Plan for Application No: 24/2004/042

Date: 03/12/2004

Scale 1: 2500

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Taunton Deane Borough Council LA079677





**INDICATIVE PLOT LAYOUT OF
GYPSY SITE AT OXEN LANE
NORTH CURRY**