

29/2005/011

TAUNTON DEANE BOROUGH COUNCIL

CHANGE OF USE OF LAND FOR THE STATIONING OF 6 GYPSY CARAVANS AT OTTERFORD, LAND TO WEST OF HIGHER YALHAM FARM, CULMHEAD AS AMENDED BY E-MAIL DATED 30TH AUGUST, 2005 AND PLAN

22106/15830

FULL

1.0 **RECOMMENDATION**

The application be advertised as a departure from the Somerset and Exmoor National Park Joint Structure Plan Review Policy S1 and Policy 3 and Taunton Deane Local Plan Policy H14. Subject to the agreement by the Government Office of the South West Permission be GRANTED subject to the following conditions:-

- 01 The use hereby permitted shall be discontinued and the land restored to its former condition on or before 30th September, 2008.
- 01 Reason: To enable the Local Planning Authority to monitor the effect of the use on the surrounding Area of Outstanding Natural Beauty and undertake a housing needs assessment to establish the demand and supply of gypsy accommodation in the area and provide for any shortfall in accordance with the requirements as contained in Circular 1/94 and 18/94 and Gypsies and Travellers Circular Consultation (December 2004).
- 02 The proposal shall provide temporary accommodation for a period of up to 3 months for gypsies who immediately proceeding occupation of the site have been evicted from unauthorised sites within the Borough of Taunton Deane.
- 02 Reason: To enable the Local Planning Authority to monitor the effect of the use on the surrounding Area of Outstanding Natural Beauty and undertake a housing needs assessment to establish the demand and supply of gypsy accommodation in the area and provide for any shortfall in accordance with the requirements as contained in Circular 1/94 and 18/94 and Gypsies and Travellers Circular Consultation (December 2004).
- 03 Before any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development, shall be submitted to and approved in writing by the Local Planning Authority and any such wall, fence or hedge so approved shall be erected/planted before any such part of the development to which it relates takes place.
- 03 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 04 (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. (ii) The scheme shall be completely carried

out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority. (iii) For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition to the satisfaction of the Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

- 04 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 05 The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
- 05 Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Local Plan Policy M4.
- 06 Before the development hereby permitted is occupied, unobstructed visibility shall be provided above a height of 900 mm from adjoining carriageway level for a minimum distance of 90 metres on both sides of the point of vehicular access for a depth of 2 metres measured from the nearside edge of the adjoining carriageway. Such visibility shall thereafter be maintained to the satisfaction of the Local Planning Authority.
- 06 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

Note to Applicant

- 01 Prior to their erection on site details of the proposed fencing must be agreed in writing with the Local Planning Authority.

2.0 **APPLICANT**

Taunton Deane Borough Council (Housing Services)

3.0 **PROPOSAL**

The proposal is for the use of land adjacent to the existing gypsy caravan site at Otterford for emergency accommodation dealing specifically with unauthorised development. The site is situated to the east of the existing site and the existing access would be used. The site would be leased from and managed by Somerset County Council specifically for the use by gypsy families who are on unauthorised sites where their continued residence on the land would be totally unacceptable, even in the short term. The site would have minimal services with 6 plots each with a water and electric point. A car park would be sited adjacent to the road for up to 6 cars. A 1.8 m high fence would be erected along the eastern boundary where the site is adjacent to Higher Yalland Farmhouse. Elsewhere the existing post and wire fence will remain.

4.0 **THE SITE**

The land has an existing access in its north-eastern corner with a hard surfaced (stone/gravel) track running east west across the site. The land was used some years ago, to site the caravans from the adjacent gypsy site whilst the gypsy site was upgraded. Since that time the land has been rented by the County to a gypsy resident for general-purpose uses. The site is located within the Blackdown Hills Area of Outstanding Natural Beauty and has good roadside boundary hedges, which obscure views of the site from the highway. It is not within a reasonable distance of any recognised settlement (as defined in the Taunton Deane Local Plan).

5.0 **RELEVANT PLANNING HISTORY**

29/1993/017 Renewal of use of land as 12 temporary pitches whilst existing permanent site is upgraded, formation of temporary access thereto and restoration to former use upon completion of redesign and upgrading of existing at Otterford. Temporary 1 year permission granted 2nd February, 2005.

29/1993/002, 29/1992/003 Renewals of use of land as 12 temporary pitches whilst existing permanent site is upgraded, formation of temporary access thereto and restoration to former use upon completion of redesign and upgrading of existing at Otterford. Temporary 1 year permissions granted April 1993, July 1992.

29/1985/001 Permanent site for 18 gypsy caravans Otterford Gypsy Camp, Otterford. Permission granted 7th May 1995.

29/1977/013 Caravan site with toilets working and parking area former RAF Camp, Otterford. Temporary permission granted 16th December, 1977.

29/1977/011 Touring caravan site adjoining land at Yalhams Farm, Otterford. Permission granted 23rd November, 1977

6.0 **RELEVANT PLANNING POLICY**

Somerset and Exmoor National Park Joint Structure Plan Review

STR1 Sustainable Development

STR8 Development Outside Towns Rural Centres and Villages

Policy 3

Areas of Outstanding Natural Beauty

In Areas of Outstanding Natural Beauty the conservation of the natural beauty of the landscape should be given priority over other planning considerations. Regard should also be had to fostering the economic or social well being of the locality. Provision should only be made for major industrial or commercial development where it is in the national interest and there is a lack of alternative

sites. Particular care should be taken to ensure that any development proposed does not damage the landscape character of the area.

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.

Taunton Deane Local Plan

S1 General requirements

H14 Gypsy and Traveller sites

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 and they are sited near a public road;
- (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) 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;
- (G) in the case of transit sites, there is convenient access to a County or National route;
- (H) 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; and
- (I) adequate fencing, capable of preventing nuisance to neighbouring areas, is provided.

EN10 Areas of Outstanding Natural Beauty

Priority will be given to preserving and enhancing the natural beauty of Areas of Outstanding Natural Beauty (AONBs). Development which would adversely affect the landscape, character and appearance of AONBs will not be permitted. Within AONBs, major industrial or commercial developments will not be permitted unless they meet the following additional criteria:

- (A) the development would meet a proven national need; and
- (B) the development cannot be located elsewhere.

The protection of views to and from Areas of Outstanding Natural Beauty will be an Important consideration.

7.0 **RELEVANT CENTRAL GOVERNMENT GUIDANCE**

Circular 1/94

Paragraph 13 In general it will not be appropriate to make provision for a gypsy site where development is severely restricted e.g. AONB's" this circular identifies three types of site provision:
- settled occupation; temporary stopping places and transit sites. Temporary stopping spaces should have a hard surfaced access, hard-standings for caravans and vehicles, connection to water supply means of sewage disposal and a refuse collection point

Circular 18/94 Planning for Gypsy and Unauthorised Camping

Deals with the issues of unauthorised camping. Paragraph 6 gives Local Authorities powers to evict gypsies camped unlawfully in the area if they refuse to move onto an authorised Local Authority site. (This application would create a Local Authority Site specifically to provide such short term sites to offer to gypsies in these circumstances). Such measures should only be considered if the unlawful encampment cannot be tolerated for a short period.

Gypsies and travellers Circular consultation document December 2004

As a consultation document this has limited weight as a material consideration. This document requires all Authorities to include the needs of Gypsies and Travellers in their housing needs assessment and requires sites to be allocated within the development plan. The aim is to avoid any gypsy becoming unintentionally homeless.

8.0 **CONSULTATIONS**

County Highway Authority

"The proposed development site is remote from any urban area and therefore distant from adequate services and facilities, such as, education, employment, health, retail and leisure. As a consequence, occupiers of the new development are likely to be dependant on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice.

Pre-application advice was sought and given on this site to facilitate emergency accommodation whilst incidents of unauthorised development are investigated as an ad-hoc solution for a maximum of 3 months at any one time. However I note

that the application description does not indicate that this is now what the applicant is intending to do.

However, notwithstanding the above comments it may be unreasonable to raise an objection on sustainability grounds, whether it is a temporary or permanent arrangement considering that there is another Gypsy settlement on adjoining land.

The access is onto a classified unnumbered highway. It is a busy straight stretch of road where the average speed to vehicles is approximately 40 mph. It would be imperative in the interests of highway safety for all road users that adequate visibility splays are incorporated, which may result in the loss of part of the roadside hedge/trees, together with sufficient parking and turning within the site to avoid reversing out onto the road.

In the event of permission being granted I would recommend that the following conditions are imposed:-

1. There shall be no obstruction to visibility greater than 900 mm above adjoining road level forward of lines drawn 2.0 m back from the carriageway edge on the centreline of the access and extending to points on the nearside carriageway edge 120 m either side of the access. Such visibility splays shall be fully provided before the access hereby permitted is first brought into use and shall thereafter be maintained at all times.
2. To ensure the orderly parking and turning within the site for the 6 caravans and thereby decreasing the likelihood of vehicles reversing onto the highway, a plan showing the internal site arrangement including turning, shall be submitted to agreed by the Local Planning Authority. Once agreed the said area shall be marked out in accordance with the approved plan prior to the change of use being brought into use.
3. The proposed access over the first 6 m of its length, as measure from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details, which shall have been submitted to and approved by the Local Planning Authority.
4. A recessed entrance 3.0 m wide shall be constructed 4.5 m back from the carriageway edge and its sides shall be splayed at an angle of 45 degrees towards the carriageway edge. The area between the entrance and the edge of the carriageway shall be properly consolidated and surfaced (not loose stone or gravel) for which details shall have been submitted to and approved by the Local Planning Authority.
5. Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 4.5 m from the carriageway edge.

6. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved by the Local Planning Authority.

Note to Applicant:

Having regard to the powers of the Highway Authority under the Highways Act 1980 The applicant is advised that a Section 184 Permit must be obtained from the Highway Service Manager, Taunton Deane Area, Burton Place, Taunton, TA1 4HE. Application for such a Permit should be made at least three weeks before access works are intended to commence.”

A further description of the proposal has been forwarded to the County Highway Authority and I await their views bearing in mind the low impact nature of the proposed use.

County Archaeologist

No archaeological implications to this proposal.

Forward Plan Unit

“Although a number of policies of the Taunton Deane Local Plan may be of some relevance to the consideration of this application the key policy, given the countryside location of the proposal, is Policy H14. This allows for the location of gypsy sites outside the defined limits of settlements, provided that they meet a number of criteria that are set out in the policy. It would not be appropriate for me to comment on the majority of the criteria, as they are concerned with matters of detail or address issues on which I am not the relevant person to comment. These are criteria (A), (C) - (G), and (I). The proposal fails to satisfy either of the two remaining criteria, (B) and (H), as the proposed site is located within the Blackdown Hills AONB, and cannot be considered to have safe and convenient access by bus, cycle or on foot to schools and other community facilities. In assessing the acceptability of the proposal, however, there are a number of other issues to be taken into account that are not included within the policy (which is designed with sites for permanent occupation in mind), but which weigh in favour of the proposal. These are:-

- The need for a temporary, emergency stopping place for gypsy/traveller families that would otherwise occupy unauthorized sites.
- The failure of an extensive search for potential locations for such a site within the Borough to identify any alternatives.
- The proposed site’s location adjoining an existing, well-established gypsy/traveller site.
- The short-term and intermittent pattern of usage likely to be made of the site.

- The low impact nature of the proposal, with only fencing, electrical points and water supplies to be provided.

In conclusion, in view of the difficulties in identifying suitable and available sites to meet the accommodation needs of gypsies and travellers and the low-key nature of the proposal, I consider that these factors outweigh the general policy presumptions against it in this location.”

Landscape Officer

“The site is discreet, off a minor road and appears to have a reasonable highway visibility and screening. Subject to hedgerow management and some tree planting it should be possible to integrate it into the Area of Outstanding Natural Beauty landscape.

Otterford Parish Council

“Oppose the application for the following reasons:-

1. The proposal directly contravenes Policy H14 of the Taunton Deane Local Plan, with regard to Areas of Outstanding Natural Beauty.
2. As a small parish, one of the few which is set entirely within an AONB, this development would be a gross intrusion and lead to an entirely disproportionate number of gypsy or traveller families within the boundaries of the parish.
3. The presumption on Planning Applications within an AONB is that they are likely to be rejected unless need can be established. Given that there are only approximately 300 parishioners (excluding children) in Otterford Parish and that some 20 of them (excluding children) are already accommodated on a gypsy site, within the parish, the Council feels that Otterford Parish is already fulfilling its obligations to the travelling community. The Council feels that, whilst there may well be need within Taunton Deane, there is no need within Otterford Parish.
4. Loss of amenity/attraction to tourists - the Blackdown Hills are being promoted as a desirable location for tourists and the creation of another gypsy site in close proximity to the already existing site will do nothing to further the development of tourism in the area.
5. The presence of transient residents on the site would certainly lead to the number of pupils at the local school increasing. This in itself is not a problem, but the school lies some 2.5 miles away from the proposed site and children cannot be expected to walk such a distance along roads which have no footpaths. Furthermore the road which passes the Holman Clavel is an acknowledged danger to pedestrians and several accidents have already taken place along it.
6. The boundary of the site along the line A/E/P is claimed by the owner of Higher Yalham Farm to be in the wrong place. He alleges that the

proposed site is largely across his property and until this matter is settled, any Planning Application is somewhat irrelevant.

7. Policy EN10 (page 68) of the Local Plan specifically states that developments which would adversely affect the landscape, character and appearance of any AONB will not be permitted.
8. The Council is of the opinion that any similar application from private individuals would be automatically rejected on the foregoing grounds. The Council feels that TDBC must keep to its own guidelines.

My Council is anxious to point out that there have been very few problems at the existing site, it feels however, that another six caravans and all the attendant people, dogs, children and noise would upset the equilibrium achieved over the past years. Indeed, the Council has received complaints from the current residents at Culmhead site making exactly this point.

The parishioners of Otterford have no ill will towards gypsies, but they ask me to reiterate that enough is enough.”

“Since I wrote to you about the reasons for my council objecting to application number 29/2005/011, Mr Ivor Salter of 14, The Caravan Site, Culmhead has contacted me. He told me that a short time ago he applied for permission to build an agricultural building on land which he owns and which abuts the land involved in the above application. His application was rejected, largely because it lies in an area of Outstanding Natural Beauty and he asked me to write and point this out. He feels that the same rules should apply to everyone including Taunton Deane Borough Council. I enclose a map to show where his land lies in relation to the proposed extension site.

There would appear to be a dispute between the neighbour and the County Council over the ownership of part of the application site”

Blackdown Hills Rural Partnership

Supports Local Authorities policy framework to ensure that any development permitted in the AONB meets the highest standards of design and to safeguard and enhance the beauty of the AONB. Policy H14 of the Local Plan is clear on proposals for gypsy and traveller sites in AONB's and other criteria relating to sites in the open countryside, specifically access to community facilities. As you will be aware an appeal was dismissed for a similar proposal in Ford Street was dismissed on appeal in March 2005.

9.0 **REPRESENTATIONS**

17 Letters of objection have been received raising the following issues:-

1. There's no supporting statement substantiating the need for an additional six sites at this location.

2. There is no site plan indicating the proposed layout of the site (i.e. no details of the pitches or ancillary buildings including the provision of laundry/toilet facilities) and no idea of the size of accommodation that is expected on the site.
3. This rural spot has a lack of community facilities within 300 m of the site, the nearest pub is access by inadequate roads with fast traffic speeds and is unsafe, as is access to the nearest school at Churchstanton 2-3 miles away;
4. The caravan site is unlikely to preserve or enhance the character of the AONB and is consequently contrary to Policies EN10 and H14 of the Taunton Deane Local Plan.
5. Gypsy sites need to have good boundary fencing and this would also have a negative impact on the AONB.
6. Taunton Deane Local Plan requires development to be located in sustainable locations and there have been many refusals due to unsustainability, this site is in a non sustainable location and should not be allowed.
7. Otterford already has its share of gypsy sites and should not be required to have more, especially with its environmental qualities; the proposal is likely to deter visitors to the area contrary to the objectives of the Blackdown Hills Partnership objectives
8. Local residents are afraid of potential increases in crime and reduced security in the area if the additional pitches are allowed.
9. The existing gypsies have settled into their site and are part of the local community, there are concerns that new gypsies using the site will have a less respectful view of us and our community, as they will have no roots here and will not be able to stay longer than three months.
10. There is a limited amount of fly-tipping in the area and this is likely to get worse increasing its negative affect on the area; the proposal is contrary to the objectives of the Blackdown Hills management plan 2004-9.
11. The proposal would be in breach of the CRoW Act which places a duty on Local Authorities to conserve the beauty of AONB's; the proposal would be contrary to Somerset and Exmoor National Park Structure Plan Review Policy 3 which requires the conservation of the Natural beauty of an AONB to take precedent over the economic or social well being of the locality.
12. Taunton Deane are setting out to breach this duty; we are concerned that planning will force this proposal through with no thought for the existing community.

13. The proposal is contrary to Taunton Deane Local Plan Policy H14 as it is in an Area of Outstanding Natural Beauty where such proposals will not be permitted, has no business use, children's play area, is not located near to a local school and there is not easy or convenient access to such facilities by bus.
14. The use of this land for the accommodation of travellers is likely to attract transients to the area thereby compounding the situation to the detriment of the Blackdown Hills AONB.
15. The siting of 6 caravans and any associated domestic "clutter" will be detrimental to the intrinsic natural beauty of the area and will be visible by passers by.
16. Other proposals for development of a Romany horse caravan business nearby were turned down.
17. As frequent visitors to the nearby touring site we have appreciated the relaxing and peaceful character of the area, having read the recent item in the times about the gypsy site in North Curry and the increase in crime within the area I am concerned that occupants of the proposed site will result in an increase in the levels of crime and theft in the area.
18. Additional transients will contribute nothing to the local community and their presence may deter people from visiting this lovely spot; security of caravans at Hollybush Park would be at risk.
19. The development would endanger the local wildlife and the environment.
20. Siting of 6 additional caravans would lead to increases in rubbish, criminal damage and theft in the area.
21. The additional gypsy population will put undue pressure on the existing services, such as the medical centres, local schools and police force.
22. The existing site has already been increased in size and includes several business that are run from the site, a further six caravans are likely to result in an increase of business activity causing problems due to noise/nuisance from scrap metal, burning tyres etc.
23. The neighbouring property would be of less value.

10.0 **PRINCIPAL ISSUES FOR CONSIDERATION**

- A. Would the site preserve or enhance the character and natural beauty of the Blackdown Hills AONB? (IMPACT)
- B. Does the need for the proposed development at this location out weigh the policy considerations for gypsy sites within the AONB? (POLICY)

- C. Would the use of the site by up to 6 caravans for a temporary period cause an unacceptable highway danger? (HIGHWAY)
- D. Would the proposal form Sustainable Development (SUSTAINABILITY)?

A. Impact

The proposed site would be located on a site within the Blackdown Hills Area of Outstanding Natural Beauty where development is strictly controlled by Structure and Local Plan policies.

The Somerset and Exmoor Structure Plan policy 3 and Taunton Deane Local Plan Policy EN10 requires any development within the Area of Outstanding Natural Beauty to ensure it does not damage the landscape character of the area. The proposed site is approximately 75 m to the east of an existing County Council Gypsy site where there are pitches occupied by gypsy families. This application site lies to the east, on a relatively flat site lying at the top of the hill. The site was part of a larger area of land used temporarily for the accommodation of the existing gypsy families when the existing site was refurbished some years ago. As a result it has a hard surfaced (loose gravel) access track and the grass is kept short. The roadside hedgerows and trees form an effective boundary to the site and help to soften and obscure views into the site from the highway. To the east of the site there is a farm and farm buildings. These are separated from the site by open fencing and it is proposed to erect a new 1.8 m high fence along this boundary to maintain privacy for the farmhouse. To the south of the site is land used by the owner to site a variety of pieces of machinery and old vehicles. Beyond that land are trees and hedges that again help to obscure the site from wider view. The Landscape Officer has visited the site and considers that, with some additional planting and the use of hurdles for the fencing, the development should be able to be integrated into the landscape of the Area of Outstanding Natural Beauty. Objections have been made that this proposal would damage the natural beauty of the area but, in purely visual terms I disagree and I conclude that this proposal would preserve the character of the area. There have also been concerns about the impact of this use on the character of the area. The introduction of up to 6 new caravans to the area would introduce additional activity on the site that would be bound to have some impact on character of the area. However it is anticipated that the proposed sites are used as a last resort only and I am advised by the Gypsy Liaison Officer that it is unlikely for these sites to be occupied and if they are this would be for up to 3 months only. In this case I would anticipate that the impact on the Character of the AONB would be minimal. It seems important to test the frequency of the use of these sites in order to properly assess the impact the site may have on the area and I would recommend that a permission, if granted should be temporary to enable a full and proper assessment of the impact of the proposal on the area.

B. Policy

A full Housing Needs Assessment is currently being carried out covering the whole of the Taunton Deane area. The aim is to identify and then plan for the housing needs of the Borough. This assessment will, for the first time, look at the

need to provide suitable caravan sites for gypsy families who reside or resort to the area and have no permanent site elsewhere.

While this is being completed there may be unauthorised gypsy encampments where the occupants have nowhere else to go and as a consequence occupy land without planning permission. The Borough Council have to consider each of these in terms of the conformity to its policies and ultimately if refused on a site where they cannot be tolerated the Council would need to take eviction measures. This application is designed to provide a site for such gypsies whilst they are preparing to move on. It will ensure that none become homeless as a result of the Borough's action but can return to their travelling or permanent bases elsewhere within the three months. The site would be managed by the County Council to ensure that the sites are not occupied beyond the permitted three months. Having thus identified a need for an emergency stopping place the Borough Council, in connection with its Housing Needs Assessment, has been carrying out an exhaustive search of alternative sites for the use by gypsies. This has included consultation with Government Agencies, Statutory Undertakers and Local Farmers. The only land that has been identified to date by this process has been the application site, which was identified as a result of negotiations to lease the existing gypsy site from the County. In my opinion the availability of this site and the failure to identify an alternative site, are material factors in favour of this application.

The Somerset and Exmoor National Park Structure Plan and Taunton Deane Local Plan both contain policies for the provision of gypsy sites within the district. These policies accept the provision of such sites outside of the defined limits of settlements. The Structure Plan Policy 36 requires sites to be within reasonable distance of a settlement providing local services and facilities but appeal history (e.g. Long Acre and Lords Wood) has shown that this is not always considered an essential requirement for gypsy sites. Taunton Deane Local Plan Policy H14 is a criteria based policy aimed at judging proposals for the provision of permanent gypsy sites (printed in full earlier in this report). Whilst I consider that the proposal would be compatible with criteria A, E, F and J. It is my opinion the proposed development would be contrary to criteria B,C, D, G and I. However the criteria in the list look to the needs of a permanent site and these are not the same as those required for an emergency site. This proposal is for the provision of an emergency stopping place that can be offered to gypsies living on an unauthorised site where their continued presence on the site cannot be "tolerated" by the Local Planning authority. For such sites the Gypsy Liaison Officer has indicated that there should be the bare minimum of facilities like fresh water, electricity, and a place to dispose of sewage available and he would resist the provision of additional open space and space for businesses to be carried out. In my opinion these differing needs have a material impact on the considerations of this site in terms of the strict application of the policy criteria. This view is supported, in part, by the comments of the Forward Plan Unit. In addition I consider that the proximity of the existing well-established and integrated Otterford gypsy site is also a material consideration. The sites are in close proximity and can be managed by the County to ensure that any restrictions placed on the use can be effectively enforced. The character of the area has already been affected by gypsy caravans and this additional site with its

short and intermittent use and low impact nature will be accommodated with minimum impact.

C. Highways

The site is located in the open countryside. It is accessed via a classified but unnumbered highway where the County Highways department consider that the average speed of vehicles is likely to be approximately 40 mph. As a result it is considered essential for highway safety that parking and turning are provided on site and that visibility splays are incorporated. The application includes parking and turning for 6 vehicles (one per caravan) on site so that they can enter and leave the site in forward gear. The suggested visibility splays (2 m back and 90 m in each direction) are based on full use of the site and traffic speeds of up to 40 mph. These are based on full and continuous occupation of the site by 6 caravans and would require the cutting back of the existing hedgerow and bank. Bearing in mind the expected limited use of the site (described above), the existing site access and visibility, I consider that visibility is acceptable in this location. Further views of the Highway Authority have been requested to take account of the expected low levels of use for the site and an update will be included on the update sheet.

D. Sustainability

The application site is located in the Blackdown Hills Area of Outstanding Natural Beauty and is distant from any facilities or services usually provided within defined settlements or towns. As a result access to all facilities is likely to foster the need to travel, contrary to aims and objectives of sustainability. The proposal is for temporary emergency accommodation only and, if granted, would be strictly controlled. It is envisaged that it would have minimal intermittent use. Gypsies as part of their cultural way of life, are dependant on travelling from place to place and it is not unusual for sites they accommodate to be in non sustainable locations. As a result I do not consider their occupation of this site for a short and temporary period would justify a refusal of this application.

The application site is located within an Area of Outstanding Natural Beauty where there is a requirement to conserve the natural beauty of the site for future generations. The character of the application site will alter to a degree as a result of this application. At present there is an existing access into and trackway through the site with the remainder of the site being covered in grass. Other more permanent physical alterations as a result of this application are minimal with the proposal providing six new electric/water connection points (spaced for use by up to 6 separate caravans) and a car park adjacent to the boundary hedge for up to 6 cars (one per caravan/family whichever is the least). In my opinion these alterations will not affect the retention of the natural beauty of the area. The application would allow for the siting of up to 6 caravans on the land for a temporary period. The sites are to be retained for emergency use and it is not anticipated that they are likely to be occupied on a permanent basis at any time. As a result I consider that their occupation of the land could be reversed at any time so that any impact on the natural beauty of the area would not affect the beauty of the area for future generations.

I conclude that whilst the site may be in a non-sustainable location but that the overall impact on sustainable objectives would be limited and acceptable in this case.

11.0 **CONCLUSION**

Whilst this application is contrary to the strict requirements of the Taunton Deane Policy H14, and Somerset Structure Plan policy 49 I consider that there are material factors, such as the existing access point, adjacent gypsy site and anticipated low level of use of the site, that weigh in favour of the application.

REASON(S) FOR RECOMMENDATION It is considered that the need for the provision of an emergency stopping facility to support enforcement action, its limited impact on the Area of Outstanding Natural Beauty and the shortage of alternative available sites outweigh the 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