

27/08/0037

MRS S WOODBURY

ERECTION OF ENTRANCE WALLS AND GATE (RETENTION OF DEVELOPMENT ALREADY UNDERTAKEN) AND REMOVAL OF CONDITION 05 FROM PLANNING PERMISSION 27/06/0019 (PERSONAL OCCUPANCY) AT ALTONA PARK, HILLFARRANCE

317581.124754

Retention of Building/Works etc.

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PROPOSAL

The part of the application related to the walls and gate is retrospective. The gate pillars are 2 metres high and 4 metres apart, with the two lengths of wall of 4.5 metres in length of a height of 1.9 metres. Applicant states that the grass banks at each side of the entrance will be re-planted with natural hedging. The purpose of the gate and walls is to make the entrance safe and secure. With regard to the removal of the personal condition, the applicant is now reconciled with her husband and his name is not included in the condition. The applicant considers that removal of the condition is in line with Central Government guidance and has been done on other sites within the area.

SITE DESCRIPTION AND HISTORY

The application site was originally granted planning permission in 2006, reference 27/2006/019, for the siting of one mobile home and one touring caravan for a single gypsy family (comprising Mrs Sally Tucker and her two young children) and the erection of stables. Condition 05 restricted occupation to Mrs Tucker and her children. A further application (27/08/0026) for the siting of an additional mobile home for gypsy family and transit pitch for touring caravan was granted planning permission by the Planning Committee on 4th September 2008. There was no restrictive personal condition imposed on that permission. The applicant now seeks to put the original permission on the same basis by removing the personal condition.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

Oake Parish Council - views awaited.

Somerset County Council - Transport Development Group - on the basis that the siting of the walls and gate and removal of the condition does not impact negatively on any highway conditions previously imposed, it may be unreasonable to raise an objection.

Representations

FIVE LETTERS OF OBJECTION

- structures have been in place for 6 months despite condition on previous planning permission. Applicant is ignoring the law.
- security of applicant's children could have been more easily achieved by the erection of a 5 barred gate and fence, which would have been more conducive to a country lane in a rural setting and helped blend the site into its surroundings. The large wall and wrought iron gate are pretentious and do not do this. Looks more like a leafy avenue in suburbia or a footballer's type monstrosity and present a considerable eyesore.
- removal of condition is against the objectives of Circular 2006/01. The Circular gives preferential treatment to gypsies. Mr Woodbury is not a gypsy. The Circular appears to have been manipulated and hi-jacked by gypsies who have not led a nomadic lifestyle and do not need preferential treatment.
- if this application is granted, it will make a total mockery of the democratic system. Applicant has succeeded in obtaining land for the original purpose of stabling horses through to a site on which two mobile homes for the use of travellers are now permitted. Proposal must be viewed with some suspicion when considered in the context of what has gone before. If purpose of application to remove condition is to allow applicant's husband to live there, why not amend condition just to cover that.
- Seems little point in objecting, as any planning application appears to be automatically approved where gypsies are concerned.
- If personal occupancy condition is removed, the site would be subject to further applications for development for residential purposes for all comers and therefore must not be removed. Government guidance is just that - common sense should be applied and a stand made.
- if permitted, will give a formal signal for the applicant to repeat the process in other locations ad infinitum.

PLANNING POLICIES

STR6 - Development Outside Towns, Rural Centres and Villages,
S&ENPP5 - S&ENP - Landscape Character,
S&ENPP36 - S&ENP - Sites for Gypsies and Travelling People,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
S1 - TDBCLP - General Requirements,
S7 - TDBCLP - Outside Settlement,
EN12 - TDBCLP - Landscape Character Areas,
H14 - TDBCLP - Gypsy and Traveller Sites,

EXECUTIVE REPORT DATED 3RD MAY 2006 - PROVIDING FOR GYPSIES AND TRAVELLERS

This looked at the impact of Circular 01/2006 on the determination of planning applications. It noted that the guidance indicates that local planning authorities should not refuse applications solely because the applicant has no local connections, but comply with planning policies.

It notes that all proposals for gypsy sites will still need to be assessed in terms of Policy H14 of the Taunton Deane Local Plan.

However, in the light of the new Circular the criteria may need to be considered more flexible in cases where an identified need has been established. The fact that a site

may be in an area with a landscape, wildlife or conservation designation should no longer in itself be a reason for refusal, unless it can be demonstrated that the development would undermine the objectives of that designation. A more flexible approach should also be taken in terms of distance to local facilities. Whilst sites immediately adjoining settlements may best meet sustainability criteria they can also give rise to other problems, particularly in relation to impact upon residential amenity.

Circular 01/2006 identifies the issue of the scale of sites in relation to existing settlements. Large-scale gypsy sites should not dominate existing communities. In implementing Policy H14, the relative size of any proposed site in relation to nearby settlements must be taken into account.

RELEVANT CENTRAL GOVERNMENT GUIDANCE

Up to date Government advice is contained within ODPM Circular 01/2006 Of particular relevance are paragraphs referred to below:-

Paragraph 12 The Circular's main intentions are;

- (a) to create and support sustainable, respectful, and inclusive communities where gypsies and travellers have fair access to suitable accommodation, education, health and welfare provision; where there is mutual respect and consideration between all communities for the rights and responsibilities of each community and individual; and where there is respect between individuals and communities towards the environments in which they live and work;
- (b) to reduce the number of unauthorised encampments and developments and the conflict and controversy they cause and to make enforcement more effective where local authorities have complied with the guidance in this Circular;
- (c) to increase significantly the number of gypsy and traveller sites in appropriate locations with planning permission in order to address under-provision over the next 3-5 years;
- (d) to recognise, protect and facilitate the traditional travelling way of life of gypsies and travellers, whilst respecting the interests of the settled community;
- (e) to underline the importance of assessing needs at regional and sub-regional level and for local authorities to develop strategies to ensure that needs are dealt with fairly and effectively;
- (f) to identify and make provision for the resultant land and accommodation requirements;
- (g) to ensure that DPDs include fair, realistic and inclusive policies and to ensure identified need is dealt with fairly and effectively;
- (h) to promote more private gypsy and traveller site - provision in appropriate locations through the planning system, while recognising that there will always be - those who cannot provide their own sites; and
- (i) to help to avoid gypsies and travellers becoming homeless through eviction

from, unauthorised sites without an alternative to move to.

Paragraph 48

In applying rural exception site policy, local planning authorities should consider in particular the needs of households who are either current residents or have an existing family or employment connection.

Paragraph 53

However, local landscape and local nature conservation designations should not be used in themselves to refuse planning permission for gypsy and traveller sites.

Paragraph 54

Sites on the outskirts of built-up areas may be appropriate. Sites may also be found in rural or semi-rural settings. Rural settings, where not subject to special planning constraints, are acceptable in principle. In assessing the suitability of such sites, local authorities should be realistic about the availability, or likely availability, of alternatives to the car in accessing local serviced. Sites should respect the scale of, and not dominate the nearest settled community. They should also avoid placing an undue pressure on the local infrastructure.

DETERMINING ISSUES AND CONSIDERATIONS

The walls and gate are set back from the road frontage, so that they are only glimpsed in passing the site. As such I do not consider that they are particularly prominent in the landscape. The entrance is not to an agricultural field, but a gypsy site, and I feel that it would be unreasonable to require the applicant to provide a five barred gate in this location.

Two planning permissions have been previously granted on the site, each for a mobile home and touring caravan. One of these (27/06/0019) has a personal condition imposed, the other (27/08/0009) has not. The current application seeks to remove the relevant condition on the former permission, which would make it consistent with the other. Other similar permissions have been granted on other gypsy sites, viz Sunnydene at Cotford St Luke and Little Shamba at Bishops Hull. At the latter site, there had been an appeal decision where an Inspector had noted that as the site would be subject to a caravan site licence, there was no need to make the planning permission personal. Against the background of that appeal decision, decisions at other sites and advice contained in Circular 01/2006, it would be unreasonable to resist the removal of the condition. Government advice on conditions states that a condition should not be retained unless there are sound and clear cut reasons for doing so.

I therefore consider that the proposal is acceptable. The original planning permission continues to subsist and the other conditions related to that permission remain valid.

RECOMMENDATION AND REASON(S)

Recommended Decision: Approval

It is considered that the proposal will have limited impact on the visual amenity

of the rural area and furthermore the proposal is in line with Central Government advice contained in ODPM Circular 01/06. The remaining conditions ensure that the site will only be occupied by bona fide gypsies in this open countryside location, in accordance with Taunton Deane Local Plan Policy H14 (Gypsy and Traveller Sites).

RECOMMENDED CONDITION(S) (if applicable)

Notes for compliance

1. You are advised that notwithstanding the removal of condition 05 of planning permission 27/06/0019, the latter planning permission still subsists and the remaining conditions remain in force.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

CONTACT OFFICER: Mr J Hamer Tel: 01823 356461