

29/08/0015

Housing Services

CHANGE OF USE TO FORM PERMANENT, SHORT STAY, EMERGENCY STOPPING FACILITY FOR GYPSIES COMPRISING SIX PITCHES WITH INDIVIDUAL AMENITY BLOCK; CREATION OF VEHICULAR AND PEDESTRIAN ACCESSES; CONSTRUCTION OF INTERNAL ACCESS ROAD, FOOTPATH AND HARD STANDING AREAS TO PITCHES; PROVISION OF ON-SITE SERVICES AT HIGHER YALHAM FARM, CULMHEAD, OTTERFORD

22106.15831

Full Planning Permission

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PROPOSAL

This proposal is for the provision of 6 pitches for emergency short stay gypsy occupation (up to 6 months maximum stay). Each pitch would provide space for the siting of up to 2 caravans, parking for 2 cars and would have a small amenity building containing a family bathroom and washing facilities. The amenity blocks would be single storey and constructed of brick and tiles (details to be agreed). Each pitch would be separated from its neighbour by a 1.2m high timber post and wire fence. Along the eastern boundary of the site with Higher Yalham farm a 1.8m high screen fence would be erected on the inside of the existing hedge boundary. The proposal would utilise the existing highway access and create a 4.5m internal access road with pedestrian footpath along its edge.

SITE DESCRIPTION AND HISTORY

The site is located in the Blackdown Hills AONB between the existing Gypsy site, run by Somerset County Council, and Higher Yalham Farmhouse. It is not adjacent to any recognised settlement (as defined in the Taunton Deane Local Plan) and is regarded as within an area of open countryside. There is a substantial tree and hedge boundary with the highway which helps to screen the site. There is an existing site access in the north-east corner of the site with a hard surfaced (stone/gravel) track running east west across the site that would be used for this proposal. The land was used some years ago, to site the caravans from the adjacent gypsy site, whilst the site was upgraded. Since that time the land has been rented by the County to a gypsy resident for general-purpose uses.

29/05/0011 - In November 2005 a three year temporary planning permission was granted for the use of the land for the siting of a maximum of six gypsy caravans and associated parking. This permission proposed six pitches with the minimum facilities, namely a water and electric point per pitch. The permission allowed for each pitch to be occupied for a maximum of three months to allow time for alternative sites to be provided and was to provide for gypsies whose continued unauthorised occupation of land could not be tolerated. This permission has not been implemented.

29/93/0017 - 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

one-year permission granted 2 February, 2005.

29/93/0002, 29/92/0003 - 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 one-year permissions granted April 1993, July 1992.

29/85/0001 - Permanent site for 18 gypsy caravans Otterford Gypsy Camp, Otterford. Permission granted 7 May, 1995.

29/77/0013 - Caravan site with toilets working and parking area former RAF Camp, Otterford. Temporary permission granted 16th December, 1977.

29/77/0011 - Touring caravan site adjoining land at Yalhams Farm, Otterford. Permission granted 23rd November, 1977

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

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. 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 the adjoining land.

The access is onto a classified unnumbered highway. It is a busy straight stretch of road where the observed speed to traffic is approximately 40mph. 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. There is currently a tree-lined bank in-between the site and the highway, which is set back approximately 1m from the carriageway edge. It would appear with some cutting back (particularly for the first few metres immediately either side of the access), and maintenance of the remaining trees/hedges, that adequate visibility splays could be incorporated without too much detriment.

The required visibility for speeds of 40mph (as set out in Places, Streets and Movements), should be 120m, however taking into account my comments above the absolute minimum I would accept is 90m in each direction to the nearside carriageway edge.

FORWARD PLAN UNIT - In essence this application renews and makes permanent the planning permission (29/2005/011) granted in November 2005 on the same site, although it does slightly amend it and contains more detail of the facilities required. The comments made by the Forward Plan Unit on that application are therefore relevant to the current proposal, and a copy is attached.

In the meantime, however, the Government has published significant new advice, in the shape of ODPM Circular 01/2006, *Planning for Gypsy and Traveller Caravan Sites*.

The advice it contains is significant in relation to the current proposal. It indicates that gypsy and traveller sites can be acceptable within an AONB (thus addressing the conflict with criterion (H) of Local Plan policy H14), and indicates that planning authorities should be prepared to be flexible in relation to the distance of proposed sites from local service centres and the feasibility of using non-car modes of travel to them (which addresses the issue identified by criterion (B) of policy H14).

The effect of this new advice is to reduce the weight of the planning considerations against the proposal, which reinforces my earlier conclusion that it is acceptable.

OTTERFORD PARISH COUNCIL - The previous permission was for a temporary use as a last resort for a period of up to three months only. In fact it has not been needed since permission was granted in 2005. That three years has given the District ample opportunity to provide alternative sites that are not within an AONB and not contrary to policy. The principle differences between the 2005 permission and this application are: The current proposal is for a permanent permission; more infrastructure is required in terms of buildings, wash houses etc, the maximum period of stay has risen from three to six months and the intensity of use is likely to be greater. The site is located in an AONB in an unsustainable location, contrary to policy. In consideration of the 2005 permission there were four main issues and I believe these are still relevant, plus an additional concern: A) Does the site preserve or enhance the character and natural beauty of the AONB, the proposed impact has to be greater given the intensity of use and built structures in addition the planning officer stated that it was important to assess the frequency and impact of the use on the area, well the sites have not been used in the last three years so there is clearly no need and it must be impossible to assess fully for a permanent permission and it is therefore hard to justify a permanent permission for that reason; B) Does the proposed need outweigh the policy considerations for gypsy sites in the AONB, there is clearly no need for the facility as it has not been used over the last three years and this must be a strong material consideration against the proposal. The policy H14 criteria H specifically requests AONB to be avoided, the Council have had three years to find a better site in a sustainable location and have not found one and this should be a material consideration against permitting the site to be used for that purpose now. Policy EN10 states that development will not be permitted unless: A) it will meet a proven national need. B) the development cannot be located elsewhere. Just because the site is owned by the County Council it is not reason enough to over-ride policies. C) Would the use of the site for up to six caravans pose an unacceptable risk to highway safety? The last Highway comments were based on an expected limited use of the site and the fact that there was already a gypsy use on adjoining land. In the current application the agent quotes 50-60 two way movements per day, a significant increase that is not sustainable. D) Would the proposal form sustainable development? There is a remote location in the Blackdown Hills AONB, distant from facilities or services usually provided within a settlement or town. A proposal to use the site for six families for up to six months is not sustainable. The Council have had three years to look for an alternative site in a sustainable location and they should look again for suitable sites rather than impose a permanent permission in an AONB as it will be harmful both now and for future generations. E) The Parish Council raise concern that the parish already holds an unfair share of the gypsy accommodation for the district and the extra numbers would lead to a figure which is more than one which would be sustainable for a local community. Domination of an existing community is a material planning consideration, an additional three pitches were allowed recently and this additional six pitches' impact on the surrounding community is unacceptable.

In conclusion the agents have put forward no genuine reasons why the existing policies of the Structure and Local Plan should be overruled. The Council have done nothing to find an alternative site/s in order to avoid the AONB, the Agent has no established a genuine need and we do not believe that there are reasons for the Council to outweigh their development plan in regard to sustainable development and development within an AONB.

The ecological assessment is still awaited and the Parish may wish to add further comments once they have had an opportunity to study it.

CHURCHINFORD PARISH COUNCIL - The parish would like the following points to be taken into consideration:- the site is an AONB, the site is not served by public transport nor is it within easy reach; the local shop, medical practise and educational facilities are several miles away; the three pitches with permission were not occupied so there cannot be a need; Otterford Parish already provides a volume of pitches ludicrously out of proportion to its geographical size and population; the proposal would increase the reliance on the use of the private motor car contrary to local and national guidelines

BLACKDOWN HILLS AONB - Wish to ensure that the proposals do not have a detrimental impact on the character of the AONB. We are concerned that the development could be visually intrusive and that the proposals do not have a rural character. The site is on an exposed piece of land that is screened from the wider landscape by the belt of trees on the opposite side of the road. Without the trees the site would be highly visible from the wider landscape. The BHAP would be reassured if mechanisms could be used to ensure that the woodland cover remains. The site is screened from the road by the boundary hedge, this is currently grown out and not an effective screen at the base. This sort of management is necessary but will result in weak screening for a couple of years. Fencing along the boundary of say willow or hazel hurdles would help the short term screening problem. The BHAP would prefer the stopping facility to have a rural character, particularly the parts of the site that will be seen from the entrance. An agricultural design would be appropriate here.

Representations

14 LETTERS OF OBJECTION - have been received raising the following points:

The site is in an Area of Outstanding Natural Beauty(AONB) where permanent sites are not allowed; there are no amenities in close proximity to the site; the national speed limit applies to roads adjacent to the site and increased use by new occupants will increase the risk of accidents; the roads to the site rare unsuitable, narrow roads near to a junction where there have been several accidents; there are no footpaths along the roads; the roads are unlit; new residents would be unaware of accidents black spots that exist nearby; the current permission, granted three-years ago, has never been used and there cannot be an immediate need for this site; the site is in a relatively isolated rural area and not sustainable, local services that exist will be adversely affected, such as schooling and health (if all occupied could be in the region of 24 adults and 30 children); the nearest shops are 2.5 miles away at Blagdon and Churchinford and approval of this site would create exclusion from a normal level of services; there is no mains sewerage and storm water drainage is a problem; this site contains white asbestos which was buried for disposal after the demolition of the buildings on the site; the such sites should be better located to main centres like Taunton; the application

does not seem to address the need for proper disposal of foul water; even if provided gypsies from North Curry have no intention of moving onto the sites therefore the provision of such a site will attract additional gypsies and travellers to the area rather than dealing with current needs; a recent planning permission has been granted for three additional gypsy pitches (six caravans) and this current proposal will mean that there will be more gypsy caravans than houses in the area; the combination of the existing gypsy site, additional 3 pitches recently approved and this application result in a large blot on the AONB, a sensitive and lovely area; a similar application for pitches was refused in 2007 because "the adverse effects it would have on the AONB, because it would be prominent and obtrusive in the landscape and because it was to be located in the open countryside where new dwellings would not be allowed unless an over-riding need has been demonstrated" these reasons apply equally to this site; the Culmhead site accommodates a disproportionate number of gypsy sites; being at a higher altitude the site area suffers from high winds and abnormal weather conditions and is unsuitable for the siting of caravans; an influx of additional casual labour may reduce any opportunity for the settled residents although there are very few jobs available in the area; the site is currently unlit and the introduction of additional lighting for the caravans would be intrusive and is likely to reduce the enjoyment of the area by existing residents; proposal is contrary to the Taunton Deane Local Plan and Regional Spatial Plan policies for the area; there would be increased carbon footprint with inefficient heating systems and insulation in caravans and increased CO2 emissions through essential journeys to services; local transport is infrequent and only available at Whitehall Corner; it would be contrary to green infrastructure planning; this application is substantially different from the temporary permission granted three years ago on this site, the previous permission was for a temporary use on a temporary site this application is for a temporary use of a permanent site plus the extra permanent structures; the LPA has failed to have due regard to the development plan (local and structure plans), the provisions of the Blackdown Hills AONB, the local Government Act, the CROW Act and the Town and Country Planning Act; The AONB should take priority over your other requirements and protected; there is no shortage of sites available outside of the AONB and sites such as those identified by residents three years ago should not be ignored; the availability of Government finance is not a material planning consideration; how can TDBC justify the additional cost of maintenance for this site; the argument in the Design and access statement is flawed as it claims that there is an pressing need for this site but residents of Oxen Lane do not wish to move to Otterford, this sets a dangerous precedent that any private land in the AONB could be sold for development; the argument in the D&A statement regarding social inclusion and tension at Otterford is invalid as it ignores those tensions at North Curry and the lack of social inclusion of the gypsies into the local community; there are no details of drainage in the D&A statement and so it is incomplete, I do not consider that the site is large enough for these facilities to be provided without extra land and a consent to discharge approved by the Environment Agency, the geology of the ground would dictate a treatment works for up to 12 static caravans the cost of provision and on going maintenance is likely to be substantial and cannot be justified; residents in the immediate locality would be outnumbered by the gypsy units in an area of the AONB where a number of families can trace their families occupation back over 400 years; the application was previously described as land adjacent to Higher Yalham Farm but is now Higher Yalham Farm does this mean there has been a change in land ownership in this time? Planning permission was refused to upgrade an existing cattery business nearby, to which there were no objections on highway grounds losing jobs in the rural area and this application provides no employment but introduces people to live and travel in a location with no local facilities; the spending of such a sum of money in these

financially challenging times cannot be justified

PLANNING POLICIES

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 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.

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) adopted 19th November 2004)

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

S1 General Requirements

Proposals for development should ensure that: -

- (A) additional road traffic will not lead to overloading of access roads or road safety problems;
- (B) the accessibility of the development by public transport, cycling and pedestrian networks would be consistent with its likely trip generation and minimising the need to use the car;
- (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.

S7 Outside Settlements

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

(A) is for the purposes of agriculture or forestry;

(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 minimize 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 harmonize with the landscape

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;

(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; and

(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;

(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.

Executive report dated 3 May 2006 - Providing for Gypsies and Travellers – an update: - Impact of Circular 01/2006 on the Determination of Planning Applications.

7.4 All proposals will still need to be assessed in terms of Policy H14 of the Taunton Deane Local Plan. H14 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.

7.5 However, in light of the new Circular the criteria may need to be considered more flexibility 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.

7.6 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. (Appendix Attached)

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 4

This circular will help to promote good community relations at a local level, and avoid the conflict and controversy associated with unauthorised developments and encampments

Paragraph 12 The Circular comes into effect immediately. Its 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 33

Local authorities must allocate sufficient sites for gypsies and travellers, in terms of the number of pitches required by the RSS, in site allocations DPDs. A requirement of the Planning Act (2004) is that DPDs must be in general conformity with the RSS. Criteria must not be used as an alternative to site allocations in DPDs where there is an identified need for pitches. Local planning authorities will need to demonstrate that sites are suitable, and that there is a realistic likelihood that specific sites allocated in DPDs will be made available for that purpose. DPDs will need to explain how the land required will be made available for a gypsy and traveller site, and timescales for provision.

Paragraph 34.

Identifying and allocating specific plots of land is a more difficult process than using a solely criteria based approach. However it ensures some certainty for local people and gypsies and travellers when planning applications are determined by local planning authorities, or appeals are considered by the Secretary of State.

Paragraph 35.

There are a number of ways in which local authorities can identify specific sites and make land available.

- a) Local authorities have discretion to dispose of land for less than best consideration where it will help to secure the promotion or improvement of the economic, social or environmental well-being of the area, as set out in ODPM Circular 06/03.
- b) Authorities should also consider making full use of the registers of unused and under-used land owned by public bodies as an aid to identifying suitable locations. Vacant land or under-used local authority land may be appropriate.
- c) Authorities should also consider whether it might be appropriate to exercise their compulsory purchase powers to acquire an appropriate site.
- d) Cooperation between neighbouring authorities, possibly involving joint DPDs, can provide more flexibility in identifying sites. Such cooperation is particularly important where an authority has strict planning constraints across its area.

Paragraph 43 Transitional arrangements.

Where there is clear and immediate need, for instance evidenced through the presence of significant numbers of unauthorised encampments or developments, local planning authorities should bring forward DPDs containing site allocations in advance of regional consideration of pitch numbers, and completion of the new GTAAs. The early data available from the GTAA will be one of a range of information sources that local authorities should consider when assessing the required level of provision to translate into site allocations in a DPD, and RPBs should consider when allocating pitch numbers to each district. Paragraph 31 above refers to the core strategy setting out criteria in advance of site allocations in a DPD. Where there is an urgent need to make provision, local planning authorities should consider preparing site allocation DPDs in parallel with, or in advance of the core strategy.

Paragraph 44.

Other sources of information could include;

- a) a continuous assessment of incidents of unauthorised encampments, both short and longer-term;
- b) the numbers and outcomes of planning applications and appeals;
- c) levels of occupancy, plot turnover and waiting lists for public authorised sites;
- d) the status of existing authorised private sites, including those which are unoccupied and those subject to temporary or personal planning permissions; and,
- e) the twice-yearly Caravan Count undertaken on behalf of ODPM, which gives a picture of numbers and historic trends. Local planning authorities will be expected to demonstrate that they have considered this information, where relevant, before any decision to refuse a planning application for a gypsy and traveller site, and to provide it as part of any appeal documentation.

Paragraph 45.

Advice on the use of temporary permissions is contained in paragraphs 108 – 113 of Circular 11/95, *The Use of Conditions in Planning Permission*. Paragraph 110 advises that a temporary permission may be justified where it is expected that the planning circumstances will change in a particular way at the end of the period of the temporary

permission. Where there is unmet need but no available alternative gypsy and traveller site provision in an area but there is a reasonable expectation that new sites are likely to become available at the end of that period in the area which will meet that need, local planning authorities should give consideration to granting a temporary permission.

Paragraph 46.

Such circumstances may arise, for example, in a case where a local planning authority is preparing its site allocations DPD. In such circumstances, local planning authorities are expected to give substantial weight to the unmet need in considering whether a temporary planning permission is justified. The fact that temporary permission has been granted on this basis should not be regarded as setting a precedent for the determination

of any future applications for full permission for use of the land as a caravan site. In some cases, it may not be reasonable to impose certain conditions on a temporary permission such as those that require significant capital outlay.

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 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 services. 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.

Paragraph 64

Issues of sustainability should include a) the promotion of peaceful and integrated co-existence between the site and the local community.

DETERMINING ISSUES AND CONSIDERATIONS

- A. Does the need for the proposed development at this location outweigh the policy considerations for gypsy sites within the AONB? (POLICY)
- B. Would the proposed emergency accommodation damage the landscape, character and natural beauty of the Blackdown Hills AONB? (IMPACT)
- C. Would the use of the site by up to 6 caravans for emergency accommodation for periods of up to 6 months, cause an unacceptable highway danger? (HIGHWAY)
- D. Would the proposal form Sustainable Development (SUSTAINABILITY)?

A. POLICY

Circular 1/2006 requires Local Planning Authorities to make an assessment of the need for Gypsy/traveller sites in their area and having identified the need to allocate sufficient sites/pitches to provide for that outstanding need.

A Gypsy and Traveller accommodation assessment was carried across Somerset in 2006. The findings from this report underpinned the figures for pitch requirements which were included in the Draft Regional Spatial Strategy for the South West. However, the figures did not include a comprehensive assessment of all sources of future needs as outlined in the subsequent Practice Guidance, so a new study is to be undertaken to remedy this omission. In the interim the number of pitches required in Taunton Deane has been adjusted through the process of RSS preparation, and the Secretary of State's Proposed Changes include a figure of 20 new pitches being required in the period 2006-2011. To date 17 pitches have been provided through planning permissions since 2006.

While opportunities for the new pitches are being identified and then provided 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 has to consider each of these in terms of 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 six months. The site would be managed by the County Council to

ensure that the sites are not occupied beyond the permitted six 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 Development Plan contains policies at Structure and Local Plan level for the provision of gypsy sites within Taunton Deane. Policy H14 governs the development of Gypsy and Traveller Sites. Government advice within Circular 01/2006, published subsequent to the Local Plan, is that a more flexible approach should be taken towards the location of gypsy sites. The Circular states that sites can be provided outside of settlement limits with greater flexibility in distances from services, and that large-scale gypsy sites should not dominate existing communities. This policy is applied to applications for permanent sites rather than emergency sites as in this case but I will assess the proposal against those requirements for consistency.

Policy H14 lists 9 criteria that need to be satisfied:

A, "There is a need from those residing or passing through the area".

In this case the RSS has identified a need for 20 additional permanent sites for gypsies and travellers within Taunton Deane. Whilst there is a need for new sites it is likely that there will be unauthorised encampments within the area. A point born out by the last two biannual gypsy/traveller counts with 23 and 41 unauthorised caravans within Taunton Deane and continuing new applications for retrospective permission for caravans. At present there is an unauthorised gypsy site at Oxen Lane, North Curry, where Taunton Deane Council has instituted injunction proceedings to secure clearance of the site. The Court will consider what type and level of alternative provision there might be. I therefore consider that there is a need for these pitches within the area of Taunton Deane.

B. Safe and convenient access by bus, cycle or on foot to schools and other community facilities".

Circular 1/2006 recognised the nomadic nature of the gypsies and travellers and the availability of sites in close proximity to such services for the gypsies/travellers and in response, the Taunton Deane Executive committee decided to accept that a more flexible approach in regard to distances to local facilities. In this case the

C. "A landscaping scheme has been provided which screens the site from outside views and takes account of residential amenity".

A landscaping scheme has been submitted with this application. The proposal would retain the existing hedgerows around the site and ensure that there is minimal impact on the wider area of the AONB. The Landscape Officer and Blackdown Hills Partnership require management works to the roadside hedge to result in an improvement of the boundary screening in the longer term.

D. "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 pitch measures a minimum of 13m x 24m and I consider that this has the potential to allow adequate open space to be provided for the occupants.

E. "Accommodation will enjoy adequate privacy and sunlight".

The site consists of plots laid out on an open field either side of a central access road. I consider that there is adequate sunlight available to each plot. As these plots are not for permanent occupation I consider that the levels of privacy do not need to be of such a high standard as those for permanent occupation and I consider the proposal acceptable in this respect.

F. "Areas for business are provided with separation from accommodation to allow for the safety and amenity of residents".

The site is for emergency accommodation only and as such it is not to be expected that any businesses will be carried out from the site. Indeed due to the rural nature of the site and its position in the AONB I consider that business uses of the site would be actively discouraged.

G. N/A Transit sites only.

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". The Council's interpretation of this criterion has been relaxed due to Circular 1/2006 and the Executive have agreed to support such sites provided there is no resultant harm to the purpose of the designation. In this case the site is located within the Blackdown Hills AONB and, as described in detail below in section(B), it is not considered that the proposed development would have a detrimental impact on the landscape, character or appearance of the area.

I. "Adequate fencing, capable of preventing nuisance to neighbouring areas, is provided".

The proposal is for the sites to be separated by a post and wire fence. This will delineate the areas of each pitch and should avoid nuisance between neighbours. The outer boundaries will comprise a close boarded fence with the retention of the boundary hedge on the outside. This should ensure that any nuisance arising from the site should not extend into the wider area/neighbours.

In conclusion and for the reasons set out above, I consider that the provision of an emergency site for gypsies/travellers would comply with the requirements of policy H14, criteria A), C), E), H) and I). I do not consider that the site complies with the criteria B) and D), however I consider that, for the type of use that is proposed, the failure of the site to comply with those criteria is not such as to warrant the refusal of the application.

B. 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 or appearance 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 with a new hedgerow to maintain privacy for the farmhouse. To the south of the site is land used by the owner to site a variety of machinery and old vehicles. Beyond that land are trees and hedges that again help to obscure the site from wider view.

The proposed development would introduce a tarmac entrance way and drive with 6 tarmac pitches. On each pitch there would be sited an amenity building measuring 9m long x 4.3m wide x 4.6m high (approx) and up to one mobile home and one tourer sited per pitch. The Blackdown Hills Partnership and Landscape Officer consider that it is important to ensure that the northern boundary hedge, with the highway, is strengthened to provide good screening for the proposed uses. It has been agreed by the Landscape Officer that the Blackdown Hills Partnership suggestion that the hedge should be pruned to allow re-growth at a low level would be an effective method of minimising the views of the site in the mid to longer term with willow hurdles provided in the short term, whilst the hedge is recovering. This is similar to a condition of the extant permission and I am confident that this can be a condition of any permission. In addition, The Blackdown Hills Partnership has also suggested that the internal layout has a more rural finish and I agree that the use of tarmac over the whole site is not as suited to the rural environment and the applicant has been requested to consider the reduction in the tarmac areas within the site. In requesting this I do consider that if and when this site is used it must provide safe and useable access for cars, vans, and caravans.

Provided that the necessary improvements and management works are undertaken to the landscaping of the site I consider that the visual impact on the surrounding landscape would be acceptable.

In consideration of the previous permission I commented that it was important to test the use and impact on the area for a temporary period. The previous permission included few on site works or expenditure and it was reasonable to grant a temporary permission at that time. The current application differs in this respect as it proposes a better standard of site with amenity blocks and tarmac surfacing requiring a significant capital outlay. In such circumstances it becomes less reasonable to attach a temporary condition. I therefore consider the balance between the need for and advantages of the provision of the site against the impact on the AONB.

The site is to provide emergency stopping places for gypsies who are sited in unauthorised locations where their continued occupation cannot be tolerated whilst planning permission is being considered or following enforcement action to evict. There is currently a need for such sites within Taunton Deane where there are currently five families on unauthorised sites. In seeking to remove these families any court proceedings will need to consider if there is available alternative accommodation. Occupation on this site for up to 6 months would enable alternative, more permanent and more acceptable sites to be sought and provided for the families. This accommodation, once provided would be an important facility for the long term planning for the provision of acceptable permanent sites within the Borough.

In view of the current need for this facility and the comments of the landscape officer and BHP, who do not object to the principle of this site, I consider that it is reasonable to recommend a permanent permission on this site.

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 (not removal) and bank. Bearing in mind the expected limited use of the site (described above), the existing site access and visibility, I consider that the impact on the highway network is acceptable in this location.

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 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. A point recognised in circular 1/2006 where the government states that LPA should be realistic about the availability or likely availability of alternatives to the private car. As a result I do not consider their occupation of this site for a short 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 itself will alter as a result of this application.

- The site will be covered with tarmac
- six amenity blocks will be provided for each pitch. They would be single storey, measuring 11.5m long x 8.3m wide and 9.2m high and constructed of brick and tiles (details to be agreed).
- Timber post and wire fencing would be provided to separate the pitches.

There is no doubt that these alterations will have a permanent character and impact on the site however the site is located in close proximity to an existing gypsy site and farm yard which already have a more urban characteristic and do not degrade the wider area. In my opinion, provided the site boundaries can be adequately screened, then the proposal would not in itself detract from the designation. Furthermore, 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.

I conclude that, whilst the site is not a highly sustainable location, the overall impact on sustainable objectives would be limited and the proposal should be supported.

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposed emergency facility would enable the Local Planning Authority to accommodate gypsies or traveller's whilst alternative sites are identified and planning permission granted as required by ODPM Circular 1/2006. In addition the proposal is considered not to harm the landscape character of the Area of Outstanding Natural Beauty and would cause material harm to neither visual nor residential amenity. Accordingly the proposal does not conflict with Taunton Deane Local Plan Policies EN10 (Areas of Outstanding Natural Beauty).

RECOMMENDED CONDITION(S) (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the amenity blocks hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the area in accordance with Somerset and Exmoor National Park Structure Plan policy 3 and policies S2 and EN10 of the Taunton Deane Local Plan.

3. The site shall not be occupied by any persons other than gypsies and travellers, as defined in paragraph 15 of ODPM Circular 01/2006.

Reason: The Local planning Authority would not wish to see a caravan site established in this locality, in the Blackdown Hills Area of Outstanding Natural Beauty except to meet the particular need for emergency sites for occupation by gypsy and travellers as defined in ODPM Circular 1/2006.

4. The proposal shall provide temporary accommodation for a period of up to 6 months primarily for gypsies who immediately preceding occupation of the site have been evicted from unauthorised sites within the Borough of Taunton Deane.

Reason: To enable the Local Planning Authority to effectively control unauthorised Gypsy/traveller encampments that are unacceptable and whose continued presence can no longer be tolerated whilst the need for new sites is being assessed, new sites are being allocated or sought in acceptable locations in accordance with ODPM Circular 1/2006 Gypsies and Travellers sites.

5. No more than 2 caravan(s), as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 1 shall be a static caravan or mobile home) shall be stationed on the site

at any time.

Reason: To ensure that the development does not adversely affect the character and distinctiveness of the area in accordance with Somerset and Exmoor National Park Structure Plan policy 3 and policies S1, S2 and EN10 of the Taunton Deane Local Plan.

6. No trade or business shall be carried on at the site and no materials associated with any trade or business shall be stored on the site at any time.

Reason: To ensure that the development does not adversely affect the character and distinctiveness of the area in accordance with Somerset and Exmoor National Park Structure Plan policy 3 and policies S1 and EN10 of the Taunton Deane Local Plan.

7. No work shall be commenced on the site until a hedgerow and landscape management plan has been submitted to and approved in writing by the Local Planning Authority. The management plan shall include an internal landscaping scheme for the site, any replacement /reinforcement planting that may be deemed necessary for the existing hedgerows and details of works to ensure the regeneration of the hedge sited on the boundary with the highway and associated temporary fencing. Such a plan shall thereafter be implemented and maintained on site unless a variation thereto is first submitted to and approved in writing by the Local Planning Authority.

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 Somerset and Exmoor National Park Structure Plan policy and Taunton Deane Local Plan Policy EN10.

8. Before any part of the permitted development is commenced, full details of all boundary walls, fences or temporary fences forming part of the development, shall be submitted to and approved in writing by the Local Planning Authority and any such wall or fence so approved shall be erected before any such part of the development to which it relates takes place.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the Blackdown Hills Area of Outstanding Natural Beauty in accordance with Somerset and Exmoor National Park Structure Plan policy 3 and Taunton Deane Local Plan Policy EN10.

9. There shall be no obstruction to visibility greater than 900mm above adjoining road level forward of lines drawn 2.0m back from the carriageway edge on the centreline of the access and extending to points on the nearside carriageway edge 90m either side of the access to the nearside carriageway edge. 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.

Reason: To preserve sight lines at the entrance in the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13.

10. No commencement of the use shall take place until a plan showing the internal site arrangement including turning, shall be submitted to agree 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. Or unless otherwise agreed with the LPA

Reason: 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, in accordance with Taunton Deane Local Plan Policy M4.

11. The proposed access over the first 6m of its length, as measured 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.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13.

12. Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 4.5m from the carriageway edge.

Reason: To allow a vehicle to wait off the highway while the gates are opened or closed and thus prevent an obstruction to other vehicles using the highway. In the interests of highway safety in accordance with Policy 49 of the Somerset and ENP Joint Structure Plan Review

Notes for compliance

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

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