

14/12/0015

MR J PACKMAN

**CHANGE OF USE OF LAND TO SITE 5 NO. MOBILE HOMES AND 5 NO. TOURING CARAVANS WITH THE CONVERSION OF STABLES TO A UTILITY BLOCK AT LAPTHORN, ADSBOROUGH**

Grid Reference: 327623.129251

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Refusal

- 1 The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted Apr 00) and Policy DM3(f) of the Taunton Deane Core Strategy (adopted 11/09/12) since the increased use of the existing access together with the generation of additional conflicting traffic movements, such as would result from the proposed development, would be prejudicial to highway safety.
- 2 The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted Apr 00) and Policy DM3(f) of Taunton Deane Core Strategy (adopted 11/09/12) since the access to the application site does not incorporate the necessary visibility splays which are essential in the interests of highway safety.
- 3 The use of the access to the site in connection with the development proposed would be likely to increase the conflict of traffic movements close to an existing junction resulting in additional hazard and inconvenience to all users of the highway. The proposal is therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted Apr 00) and Policy DM3(f) of Taunton Deane Core Strategy (adopted 11/09/12).
- 4 The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted Apr 00) since the proposed development is likely to generate an increase in pedestrian traffic on a highway lacking adequate footways with consequent additional hazards to all users of the highway.

Notes for compliance

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has looked for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test in relation to highway safety and as such the application has been

refused.

## **PROPOSAL**

The application is for the change of use of land to site five mobile homes, have 5 touring caravans and convert the existing stables to a utility block. The utility block would provide toilets, showers and wash basins and would result in there not being a utility building for each mobile home. The mobile homes would have two bedrooms. The site layout plan shows the proposed mobile homes sited between a new access track and the boundary hedge.

The site is to the east of the A38 close to the junction with the road to Thurloxtton. The hamlet of Adsborough is sited to the southeast of the site. Lapthorne is an existing bungalow sited to the southeast of the application site and is owned by the applicant. The site slopes up from the southeast corner up to the entrance to the field, which is also the vehicular access onto the A38 via a pull off area. There is a hedge around the site so it is screened from the northernmost access to Adsborough.

### Case on behalf of the applicant

The application is accompanied by a design and access statement and personal circumstances, which states that the land is owned by the applicant, that the five mobile homes will be for his children and extended family, such as a grandmother in need of on going care, a sister, and grown up children. The statement provides evidence of gypsy status. The five touring caravans would be used by families when leaving the site, while seeking work and attending traditional Gypsy horse fairs. The pitches can be provided by the applicant at no burden on the taxpayers or Local Authority.

The justification put forward is that there is a need for additional site/pitch provision, that several pieces of land have been put forward to TDBC which were discussed, but found unsatisfactory. The site is seen by the agent as being sustainable, it being a short distance to North Petherton or Taunton where there is access to GPs, schools and shops.

Additional information has been received from the agent, this includes a highway statement and survey, information on the sewage treatment plant already installed, comments on the objector's comments and the Local Planning Authority's questions. In addition, an aerial photograph has been supplied which shows caravans on site in 2000.

In respect of highways, the report states, the Planning Policy for Traveller sites (PPTS) states that applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the NPPF and this planning policy for traveller sites. There are no specific accessibility criteria in the PPTS. The report states that the site lies adjacent to the A38 with easy access to it for easy connections to the wider highway network. In addition the A38 carries frequent public transport services linking the site to the north to North Petherton and Bridgwater and to the south to Taunton, for a wide range of services including primary and secondary education, shopping, leisure and recreation opportunities and a wide range of employment opportunities.

The author of the report considers para 32 of the NPPF is key, “development should only be prevented or refused on transport grounds where there is residual cumulative impacts of the development are severe.” Regarding traffic generation, the proposal is for 5 pitches, each of which would have a mobile home and a touring caravan. The County Council suggests this is equivalent to 7 to 8 dwellings, but each pitch is for a single family, therefore each pitch is equivalent to one house. This is frequently accepted by County Councils and Inspectors at appeal. In addition, anyone familiar with the gypsy and traveller community will be aware that work is often undertaken by the male occupants who jointly carry out contract work. Car sharing is often used, and they would tend to be away from home for several days at a time.

The report has considered the trip generation as that of 5 houses with reference to the TRICS database, using this, when all pitches are occupied, the figures are similar to the County Council’s figures. The County Council do not raise issue with the capacity at the junction itself. A 5% level of impact is normally regarded as “material”, the impact here will be well below the “material” level. Thus the traffic increase due to the proposal can be regarded as modest with no significant impact on local highway network.

Regarding the site access, the report considers the visibility for various traffic movements, and concludes that there is adequate visibility given the speeds of vehicles turning into/out of the site. The County Council do not raise concern regarding the A38 Adsborough Hill/unnamed lane to either accommodate the traffic generated by the proposal or in respect of highway safety. The report carefully considers the approach given in the Highways Agency’s Design Manual for Roads and Bridges (DMRB) and the CLG Department for Transport’s Manual for Streets (MfS) (for wholly residential roads) and Manual for Streets 2 (MfS2) as an attempt to bridge the two sets of guidance. The submitted report considers vehicles turning left or right into the lane at likely speeds allowing for manoeuvring and given the number of potential movements from the site would be unlikely to compromise highway safety.

In relation to sustainability, the report considers the site is reasonably located to facilities. Information submitted include the current bus services. The number 15 (Burnham on Sea to Wellington) via Highbridge, Bridgwater, North Petherton and Taunton Town Centre, Musgrove Hospital and Somerset College run every half an hour Monday to Saturday daytime; the 21 (Burnham on Sea to Taunton via Highbridge, Bridgwater College and north Petherton and Taunton, is every 20 minutes Monday to Friday daytimes, and half an hour on Saturdays, and an hourly service in the evenings and on Sundays.

Other information submitted from the agent, is that there are no other suitable available sites, the potential residents currently are residing in Taunton Deane or Sedgemoor Districts. The Middlezoy Transit site has been closed for at least a year; there are no plans to replace this facility. The Septic tank installed is large enough for 9 bedrooms and the applicant will provide additional landscaping as suggested, and will move the pitches away from the edge of the site to provide for additional planting and protection of the tree root area.

## **SITE DESCRIPTION AND HISTORY**

The application site is just to the east of the A38 where it is close to the road junction leading to the Maypole Inn Thurloxtan to the west and Adsborough to the east. The site is at the north-eastern site of the administrative area of Taunton Deane; with Sedgemoor District boundary approx. 140m to the north of the site. The main part of the hamlet of Adsborough is to the south-east of the site, with dwellings on the other side of the A38. The site is bounded by a thick hedge to its south, south west and west side, with wide gates and an access to the northwest adjacent to the adopted highway. The bungalow of Laphorne is to the east of the site, separated by a post and rail fence from the site, and it has two points of access, one to the A38, the other to the unclassified access road serving Adsborough. The northern boundary has a high boarded fence and there is an existing stable building close to the northern boundary. The land slopes gradually to the south east part of the site. The map base does show a pond on the site, with a water source flowing through the application site. This pond has at some stage been filled in.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - I refer to the above-mentioned planning application received on 07 August 2012 and, after carrying out a site visit have the following observations on the highway and transportation aspects of this proposal:

The application proposals are for a change of use of land to site five mobile homes and five touring caravans on land adjacent to a dwelling known as Laphorn.

In principle, the proposed development site is remote from any urban area and distant from adequate services and facilities, such as, education, employment, health, retail and leisure. In addition, public transport services are very infrequent. 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 given in the NPPF and RPG10, and to the provisions of policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan review, and policy S7 of the Local Plan.

Notwithstanding the aforementioned comments, it must be a matter for the Local Planning Authority to decide whether the benefits of this application or any other overriding planning need, outweighs the transport policies that seek to reduce reliance on the private car.

The site is located adjacent to the junction of the A38 Adsborough Hill and an unnamed minor road. In the vicinity of the site the highway network is subject to a 60mph speed limit, The roads in the vicinity of the site are unlit and do not benefit from any segregated pedestrian footway provision.

Vehicular access to the site would be gained via the existing 'Laphorn' access onto the minor road. On site observations confirmed that available visibility from the access onto the minor road is acceptable to the east (left) but poor to the west (right). Forward visibility for vehicles turning left from the A38 onto the minor road is

also substandard.

The development proposals would result in five mobile homes and five touring caravans on the site, which, would be equivalent to the traffic which could be generated for 7-8 dwellings. On this basis it is considered reasonable to assume that the proposed site could generate in the region of 52 vehicle trips per day. Given the substandard forward visibility, any vehicle turning left to the minor road from the A38 would not see a vehicle exiting the site access. Similarly, any vehicle exiting the site access would not be aware of any left turning vehicles. On this basis, there is a high risk of vehicle conflicts and any intensification of the use of the access would therefore not be in the interests of highway safety.

On site observations also confirmed that the application site can also be accessed directly from the A38 via a now defunct access, which used to form the crossroads junction with the A38 and was the old alignment of the adjacent minor road. Given the deficiencies at the main site access, the development proposals could lead to vehicles using the A38 access. This would not be in the interests of highway safety as it could lead to accidents between vehicles on the A38 and vehicles using accessing the application site.

On this basis, it is recommended that the planning application is refused permission for the following reasons:

The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted Apr 00) and Policy S1 of the Taunton Deane Local Plan since the increased use of the existing access together with the generation of additional conflicting traffic movements, such as would result from the proposed development, would be prejudicial to highway safety

The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted Apr 00) and Policy S1 of the Taunton Deane Local Plan since the access to the application site does not incorporate the necessary visibility splays which are essential in the interests of highway safety.

The use of the access to the site in connection with the development proposed would be likely to increase the conflict of traffic movements close to an existing junction resulting in additional hazard and inconvenience to all users of the highway. The proposal is therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted Apr 00) and Policy S1 of the Taunton Deane District Local Plan.

The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted Apr 00) since the proposed development is likely to generate an increase in pedestrian traffic on a highway lacking adequate footways with consequent additional hazards to all users of the highway.

#### comments on additional information

Further to our consultation response dated 02 October 2012, the Applicant has submitted a Transport statement which seeks to address the previously raised highway safety concerns. Having assessed the additional information, we offer the

following observations:-

In terms of national policy, stated view that paragraph 32 of the NPPF being the key paragraph to consider is not an opinion that is shared by the Highway Authority. The last sentence of paragraph 32 from the NPPF states

*'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.'*

Although this is not disputed, the above-mentioned paragraph should not be taken in isolation. The previous bullet points in the paragraph are relevant, and make it clear that decisions should take into account whether sustainable transport modes have been taken up and that safe and suitable access can be achieved. For the reasons outlined in our response dated 02 October 2012, it is not considered that these criteria have been satisfied.

The Transport Statement discusses the visibility requirements in great detail, particularly with regard to which guidance document is applicable when calculating the necessary Stopping Sight Distances (SSD) for vehicles at the site access and turning towards the site access from the A38. The SSD used have been taken from Table 7.1 within Manual for Streets. However, in our opinion, Manual for Streets would not be the appropriate guidance to use. This is because the A38 is a high speed route, a red route, and its primary function is to cater for the movement of traffic. On this basis, it is considered that the Design Manual for Roads and Bridges (DMRB) would be the appropriate guidance to use when calculating SSD's. Therefore, the SSD (and therefore visibility) that would be required for the site access would be much greater than the values given in the Transport Statement. The Transport Statement also discusses the sustainability of the site and suitability in the context of national guidance. As stated within our previous consultation response, it is our opinion that the site is unsustainable, and is contrary to a number of local policies. However, as stated within our response, it would be a matter for the Local Planning Authority to balance the planning benefits of the application against national objectives to reduce reliance on the private car.

Therefore in summary, our previous concerns remain and it is recommended that the application is refused permission for the reasons previously stated within our consultation response.

**CREECH ST MICHAEL PARISH COUNCIL** - Creech St Michael Parish council wish to OBJECT to this planning application because

- Access to the site is directly from the A38 at the Adsborough/Maypole junction, the area is covered by the SLR transport consultation document commissioned by the Parish Council (attached) and this is classed as a 'red route'. Road improvements are proposed because of the safety concerns.
- Adsborough is NOT part of a strategic urban extension and we believe is classed as 'an open countryside area outside of a defined settlement', similar nearby planning requests for development (caravan site at the Maypole Public House and a housing development in Thurloxton) have been opposed by planners. We are led to believe pre-application advice has been that no new dwellings will be allowed in this locality.
- Lack of need in this specific location, West Monkton urban extension includes social housing and 3 caravan parks with vacancies exist within a 3 mile radius.

- The site is NOT sustainable and it is NOT well related to local services (car transport is needed to Dr's, schools, shops, there is no employment)
- The site is not served by appropriate infrastructure (there is no gas or mains drainage in Adsborough, water pressure is sub-standard and electricity power cuts are frequent)
- The site will have an adverse impact on the environment, surface and effluent water runoff is to existing water courses that run through other properties) Laphorne lies on the spring and all water drains through the shillet downhill to Adsborough Farm Pond and out again on a water course that leads through farms to the River Tone. Laphorne is a small bungalow that HAD a septic tank adequate for 4/5 people. TDBC Building Control have confirmed that no works have been applied for since 1987 which means either the septic tank will not be sufficient OR the septic tank has been replaced without Building Reg approval. It is likely that the site will be a major health hazard for adjacent properties and those further down the stream.
- The impact of the development on the existing community (Adsborough has just 26 properties, this proposal will house a minimum of 5 and maximum of 10 additional families). The proposed development is not in keeping with the other properties in the village which are of traditional stone/brick construction, many of which, including the adjacent property are listed. The site has a Dutch elm hedge which will disappear. The Caravans are on high land that will be visible.
- The plans represent significant over development of the site in comparison with other properties in the area.
- It is contrary to TDBC policies to Protect the Open Countryside. The Councils strategic development at Monkton Heathfield will leave the open countryside between it and North Petherton (i.e. including Adsborough) as a very valuable open break in line with the TD Core Strategy. We believe the application is contrary to the Taunton Deane Core Strategy which aims to protect open areas outside of defined settlement areas as well as contrary to the TDBC policies (incl DM3) regarding gypsy sites (that were circulated to council prior to the meeting). We understand that there are other available sites in the locality.
- The parish council were addressed by 29 members of the Adsborough community, all objecting to the proposal. There has been no effort by the applicant or their correspondent to liaise with the community or the parish council in this regard at any time during the application, this course of action was recommended in the pre-application advice, attached to the application, this shows a lack of effort to integrate even at this early stage. Lastly, please note a residents community meeting was held. This was attended by over 40 households, TDBC councillor, Somerset County Councillor and Parish Councillors, all present confirmed they objected to the application.

*WEST MONKTON PARISH COUNCIL* - have also commented and wish to place the following comment on the record: The proposed access to the site from the A38, adjacent to a busy crossroads, is entirely unsuitable, both for vehicles and pedestrians. The position of the site is dangerous for service vehicles, and the proximity of the A38, without pavements, represents a significant danger to pedestrians who may use the roadside verges, or else walk on the road, and who may try to cross the A38, which at that point is wide and has no speed restriction.

*THURLOXTON PARISH COUNCIL* - have also commented and wish to object to the above planning application because:-

- The site is directly off the A38 at the cross roads to Thurloxtton and Adsborough. This junction has been a major safety concern for the Parish Council for a long time.
- The A38 being classed as a Red Route is very busy road with fast traffic. The traffic on this road will increase over the years with all the development in both TDBC and SDC.
- The visibility coming out of the junctions from both Thurloxtton and Adsborough onto a very fast road is very poor.

There have been many accidents at this junction. If a further 5 to 10 vehicles (a number of these vehicles towing caravans) were using this junction on a regular bases it would put more pressure on the area. It would make it more dangerous for residents coming out onto the A38, catching buses and pedestrians/horses crossing the road.

The site is remote from any urban area and therefore distant from adequate services and facilities, such as education, wider employment, health and retail leisure.

As a consequence, the 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.

In November 2011 SDC refused planning permission for the erection of 5 dwellings less than half a mile from this application. One of the reasons for refusal was that the site lies in open countryside of any defined settlement boundary as defined by the Core Strategy where development is strictly controlled for the benefit of all.

Would this reason not apply to the above application?

At the last Parish Council meeting where a number of residents were present the Councillors felt that the site for the above planning application was not appropriate therefore they object to this application on the points made above.

*HERITAGE* - The site is well screened. The proposed development, is not considered to affect the setting of the listed Godfreys, to the east.

#### *PLANNING POLICY –*

In terms of the principle of this development: The key policy of Taunton Deane Core Strategy (CS) is Development Management Policy DM3: Gypsy and Traveller Site Selection Criteria. This sets out a sequential approach to site selection and criteria to be satisfied for residential sites.

Of significant consideration is the Somerset Gypsy & Traveller Accommodation Assessment (GTAA) published in January 2011. This assessment of need is a statutory requirement under the Section 225 of the Housing Act 2004, Planning Policy for Travellers 2012 and National Planning Policy Framework. The GTAA forms part of the Strategic Market Housing Assessment (SHMA). The SHMA provides a comprehensive understanding of the Market Housing Area in order to provide a robust evidence for accommodation need.

The 2011 GTAA took account of the RSS pitch requirements as well as existing



provision in the Borough. The calculation of need also considered, inter alia, the analysis of Central Government data in the bi-annual caravan count, natural migration and immigration patterns, authorised private and public pitches, unauthorised encampments, survey responses from the Gypsy & Travelling community and Central Government guidance on population growth. The 2011 GTAA set provision for 25 residential pitches and 5 transit pitches from 2010-2015, in addition a requirement of 19 residential pitches is required from 2015-2020.

Under the National Planning Policy Framework; the Council; is required to translate this into a rolling 5 year requirement. As of the date of these observations, taking into account a rolling requirement, the 5 year requirement of Gypsy & Traveller Pitches is 22 residential units.

Core Strategy Development Management Policy DM3: Gypsy and Traveller Site Selection Criteria sets out a sequential approach to site selection and criteria to be satisfied for residential sites. It states that expansion of existing sites will be considered on its merits, taking into account the potential impacts of expansion in accordance with the provisions set out in criteria a) to f) of the policy.

- a. The proposal will help to meet a clear and evidenced need as demonstrated through a GTAA or other evidence submitted alongside the application; and
- b. The site is well-related to local services and facilities including retailing opportunities, schools and doctors surgeries as well as existing employment provision; and
- c. The environmental impacts of the proposal are minimised, this will include appropriate screening and siting of development taking into account landscape issues as well as any likely impacts upon wildlife, built heritage and flood risk; proposals should in particular avoid any adverse impact on the Natural 2000 sites in the Borough and comply with Habitats Regulations 2010. Details of habitats protection and mitigation including bat protection zones are covered under Environment Policy.
- d. The proposal would not unacceptably prejudice the amenity of adjoining or adjacent occupiers; and
- e. The site can be adequately served by the appropriate infrastructure to support the development including foul and surface water drainage;
- f. The impact of the proposal will not give rise to an unacceptable impact on traffic movements, noise and other potential disturbance arising out of the movement of vehicles on to and off of the site.

The National Policy – Planning for Traveller Sites March 2013, states that planning policy should align more closely with that of settled housing. This would mean that in rural areas residential development should:

- be strictly controlled in the open countryside,
- isolated dwellings require special justification – i.e they meet identified local need, through the GTAA and SHMA
- ensure that the scale of such sites does not dominate the nearest settled community

The emerging National Policy – Planning for Traveller Sites makes clear that private Gypsy developments are a key component in meeting requirements.

Location: In terms of the location of Gypsy and Traveller sites, National and Local

Policy make it clear that the applicant should demonstrate that in the first instance consideration has been given to sites within existing settlement boundaries. Where such sites are not available consideration should be given to those adjoining or adjacent to existing settlement limits, Consideration of sites which do not fulfil his criteria will only be justified where the Council is satisfied that alternative sites are not reasonably available to the applicant.

Criterion (b) of Core Strategy Policy DM3 states that sites should be well located to local services and facilities including retail opportunities, schools and doctors surgeries as well as existing employment provision. In this regard, the site is contrary to policy as it is situated some distance from these services; however it does benefit from fairly direct access to a high frequency bus service to Burnham-on-Sea, Highbridge, Bridgwater, Taunton Railway Station, Taunton Town Centre, Taunton Musgrove Park Hospital, Wellington and Rockwell Green.

Adsborough has a pub (approx 160 metres from the site) and good public transport (bus stop 80 metres from the site) with Webber Bus Service No15 running between Burnham on Sea and Rockwell Green and First Bus Service No.21 running between Burnham on sea and Taunton. Whilst the site is within acceptable walking distance of a bus stop, it is well beyond acceptable walking distances from the nearest local facilities including primary school, shops and doctor's surgery.

As far as criterion (c) of the Core Strategy is concerned, the site is not within an AONB or a SSSI. Nor, to my knowledge, would it harm the special environmental importance of any other protected area.

Need: The issue of need is addressed by criterion (a) of policy DM3 in the Core Strategy and the accompanying text.

The GTAA has identified the need for 25 residential pitches and 5 transit pitches in the Borough between 2010 and 2015 and 19 residential pitches between 2015 and 2020. Since 2010 planning permission has been granted for 11 new residential pitches in the Borough. The remaining need can not be met solely through the plan-led process since need is to 2015 and the Site Allocations Development Plan Document will not be adopted till post April 2013.

In addition to this TDBC has a shortfall in its 5 year requirement of Gypsy & Traveller Pitches of 22 residential units.

The applicant has submitted details of evidence that the future occupants are members of the Romani Gypsy Community, including information on their past travel and link to work patters. This is in accordance with requirements in Policy DM3.

Summary: This proposal is counter to Policy DM3 of the adopted Core Strategy, principally in terms of its unsustainable location, Adsborough is not a location in which market housing would be considered acceptable and therefore cannot be considered policy compliant for gypsy and traveller provision in view of the observations offered above. Notwithstanding this it needs to be borne in mind that the Authority does not have an adequate supply of pitches to meet the need set out in the GTAA or meet its 5 year supply. Significant weight should therefore be attached to the lack of a five year deliverable supply of pitches and this should be taken into account in deciding whether or not planning permission should be

granted.

It should be noted that no view is offered as to whether or not the proposal would comply with criteria c-f of Policy DM3. Such a judgment will be more appropriately based upon responses from other consultees and the Case Officer.

*LANDSCAPE* - The existing tree and boundary hedgerow provide some useful screening during the summer months (leaf cover) however this should be reinforced with additional planting if it is to be more successful. The eastern boundary should be planted with trees to provide additional landscape mitigation. The western boundary tree should not have any excavations or services within its root area and therefore pitch 2 should be relocated. Pitch 5 is very close to the eastern boundary with little scope for tree planting. I recommend relocating pitch 5 to provide sufficient space for landscape mitigation. *Amended scheme* is acceptable.

*SEDGEMOOR DISTRICT COUNCIL* - Sedgemoor District Council has forwarded details of recent decisions on recent planning applications for traveller developments in the area:

- An additional two mobile homes in May 2008 approval was granted for a gypsy family in Chestnut Lane, Ashcott.
- Recent press attention has centred on a compromise on an unauthorised site in Rooksbridge where consent was granted for two families (20/07/07).
- 1 pitch in Ashcott (our ref. 01/08/18) OS Field No. 0090 to the East of, Combe Hill Lane, Ashcott, Bridgwater, TA7 9BH (Miss C Coles and Mr Mapstone) approved delegated powers 5/09/08.
- 6 pitches in Puriton (our ref. 42/08/08) The Paddocks, Woolavington Road, Puriton, Bridgwater (Mr and Mrs M Issacs, Mr and Mrs Friend, Mr and Mrs Wells, Mr and Mrs M Issacs (jnr), Mr and Mrs B Issacs and Mr Jones) approved (they are already on site).
- 11 pitches in Cossington (our ref. 54/08/21) OS Field No. 0551, South of, Cossington Lane, Woolavington, Bridgwater application approved.
- 54/11/00008 - 2 plots at Westonzoyland for Mr D Stanton approved 2011.
- 50/09/25 - Yeo Moor Drove, Theale refused and dismissed at appeal.

*DRAINAGE ENGINEER* - From the details contained in the application form, there is not enough information to ascertain how drainage from the proposal is to be achieved, therefore at this stage I have to formally object to the application in its present form. Foul drainage: the form states in one area that foul flows are to connect to a new septic tank whilst below it states "cess tank existing for 8 families". The process for foul drainage disposal needs to be outlined further; is it to a septic tank or to an existing "cess pit". With regard to the surface water disposal directly to a watercourse a development of this site will require attenuation of flows before discharging to stream. SUDS processes should be investigated such as soakaways, attenuation pond etc.

*Comments on additional information* - It appears that this is an existing septic tank and the standard condition should be attached.

I note that foul flows are to connect to an existing septic tank. The applicant shall ensure that suitable and satisfactory drainage provision is made. The applicant shall ensure that the capacity of the septic tank system is satisfactory to provide for the maximum possible number of occupants and appliances that discharge foul water into the existing septic tank system, including flows from any existing source for which it already serves.

If a new septic tank is to be installed then the standard condition applies regarding new tanks.

Flooding has not been raised as an issue with the Drainage Officer.

#### *ENVIRONMENTAL PROTECTION CONTAMINATED LAND -*

no comments

### **Representations**

#### Councillors Kelly and David Durdan of Adsborough, Ruishton and Creech

My self Councillor Kelly Durdan and Councillor David Durdan would like to have our objections noted. We would like to object to the planning application for full planning to site 5 Mobile Homes, 5 Touring Caravans and to convert a block of stables to an utility block.

As the local District Councillors we feel this site is totally inappropriate, as it runs alongside the already notoriously dangerous A38 as you will be aware there is an on going consultation with Somerset County Council regarding this particular stretch of the A38.

There are also no amenities close by ie Schools, Shops, Doctors etc.

So any Children needing to get to school by public Transport would have to venture out onto the A38 where there are no pavements, there has already been an accident regarding a school child being knocked down while trying to catch a bus.

In short we strongly object to this Planning application and having read the proposal feel it would be to the detriment of the proposers and the surrounding area.

#### Cllr Fothergill SCC Councillor for North Curry Division

As the local County Councillor for the area I have been heavily involved with the residents of Adsborough over the past four years with regards to road safety. In particular we have been fighting for improvements to the A38, the Adsborough North Turning, the crossing to the Thurloxtan side of the Parish and the footpaths alongside the road to the bus stops. I believe that this development if it were allowed to progress on this site would severely add to the traffic problems in the area. I am particularly concerned about vehicular access on and off the site in such close proximity to the A38 intersection. The dangers which would be created by allowing this development on the adjoining highways should not be underestimated and I would urge full consideration of the impact.

32 letter of OBJECTION have been received which raise the following issues:

### Traffic

- There is an ongoing history of accidents;
- An increase in turning movements;
- Larger vehicles/towing caravans will be dangerous at this location;
- There is poor visibility at the crossroads;
- There is already agricultural vehicles using this dangerous junction;
- There is very poor visibility for traffic emerging from the Adsborough turning;
- Stationary buses further impede visibility;
- Traffic frequently uses the hatched area for overtaking, and does not have the necessary minimum braking distance;
- The touring caravans shown are over-large and will require transit vans or larger vehicles to tow them, resulting in likely damage to verges;
- The proposed increase in use of the junction is contrary to the findings of a recent highways survey commissioned by the residents of Adsborough, and presented to the County Highway Authority and TDBC;
- This is already a dangerous junction – the proposal will make it worse;
- There is overhanging vegetation which blocks visibility;
- There is a blind spot as you emerge from the Maypole Inn turn;
- There is a single lane road though the hamlet with no pavements, an on-going dispute regarding road safety measures;
- There are no safe pedestrian crossings in the area;
- No safe access to bus stops;
- If any trade is carried out, there will be additional traffic movements from vans, lorries and plant;
- Vehicles have been recorded travelling at up to 90mph;
- This section of A38 has more than 60% more accidents than any where else in the county;
- This area of road is used by walkers, horse riders and agricultural vehicles to cross the road;
- There will be an increase of traffic in association with Hinkley Point and housing developments at Bathpool and near Junction 24 of M5;
- The report by SLR consulting commissioned by Creech St Michael Parish Council and Adsborough residents in 2010 found 60% more accidents than the norm for similar roads in the UK;
- This report noted 23% of vehicles travelling above the 60 mph speed limit;
- At times when additional traffic uses the A38, speeds are excessive or the traffic is at a standstill;
- The A38 is used as a bypass to the M5;
- There are 6 other existing junctions with ½ mile on either side;
- The area outside the site is unused unmade road, possibly owned by not maintained by the County Highway Authority;
- It would be dangerous for children to live so close to such a dangerous road;
- The proposal would result in additional pedestrian and vehicular traffic to and from the site which would endanger the existing population and be a risk for the proposed residents;
- As a caravan user, I have knowledge of problems at that junction towing a caravan;
- In a fast car you often have to wait 5 or more minutes even at 7.30am, turning onto the A38 towing a caravan would take longer and pose more danger to other caravan users;

### Previous applications/refusals

- Applications for residential development in this area have been refused;
- The current owner stores furniture for retail sale, no permission has been sought for this;
- Recent planning applications have been refused and the increase in vehicular access has been one of the main grounds for this;
- Sedgemoor District council refused permission for erection of 5 houses at Pethers Farm, Thurluxton, which is less than half a mile from the site, - the reason being open countryside outside any defined settlement boundary;
- About 12 years ago an application for a caravan touring site in a field opposite the site and adjoining the Maypole Inn was refused;
- A plan to build 2 houses on the Maypole site refused in 1988;

### Amenity/character of area

- Adsborough is a hamlet of 28 dwellings, historically farming community of which over 50% still farm crops or have livestock, have small holding, grow vegetables/fruit etc;
- This is an attractive rural area, the presence of mobile homes and touring caravans would be an eyesore;
- Overdevelopment, when compared to rest of Adsborough;
- 10 caravans are not in keeping with the character of the stone and brick houses in Adsborough;
- This hamlet is not a suitable place for a caravan park;
- There is a successful neighbourhood watch scheme where everyone knows their neighbours by face and name, this will be difficult to maintain with ever changing residents and tourists;
- The proposed development could almost double the population of the hamlet and disrupt social life since there is no plan to integrate it with the rest of the community;
- The site is in open countryside, adjacent to the Quantocks and Area of Outstanding Natural Beauty;
- Could the site be kept in a neat and tidy condition?
- There is a recent example of the Park and Ride site being left in a dirty state when travellers left the site;
- The site will not be screened in winter;
- The site is in a prominent and elevated location at the entrance to Adsborough;
- There was a pond on site, now filled in; there may still be protected wildlife on site;

### Lack of services/facilities

- Additional waste disposal and energy usage beyond normal residential use;
- This is a small site for up to 10 caravans with issues of waste, drainage etc;
- An additional 10 dwellings would be over 30% of the original dwellings with the potential for at least 40 residents, and have an impact on refuse, waste water, sewerage, noise, flora and fauna;
- None of the existing dwellings has mains waste water/sewerage pipes;
- The road through Adsborough is already subject to rainwater flooding;
- There is already poor water pressure and power cuts;
- Additional effluent and grey water from septic tank(s) will create potential environmental damage to water courses, wildlife ponds, and possible pollution to food and fruit crops;
- Additional rainwater run-off from extra dwellings will place unacceptable burden

- on existing culverts and ditches, increasing risk of flooding;
- There could be environmental damage and pollution from any trade carried out on site;
- A large area is needed for a septic tank and soakaway, concerned that the site does not have sufficient space;
- There are no amenities or shops and therefore no advantage for any tourists;
- No local primary school, medical centre or shopping facility here or within walking distance;
- The proposed residents are unemployed, there are no permanent employment prospects in the area;
- Adsborough is on the spring line, care is needed in respect to maintaining water supplies;
- After heavy rainfall, the water table rises and water can be seen to be seeping out of the bank sides at Lapthorne;
- By increasing the number of family units on the site, the ground does not have the capacity to absorb the potential volume of fluids – water or effluent;
- A pond which was on the site has been filled in;
- There are “drain” smells as you run past Lapthorne boundary, and the levels of vegetation growth could indicate an increase in nutrients;
- There is no main gas supply;
- Primary schools at North Petherton, Creech St Michael and West Monkton are close to capacity;
- The drainage system may have been designed for one family, it will be insufficient for additional families and could result in health issues to people further down stream;

#### Other sites

- Somerset View Caravan Park about 2 miles away has spare capacity, and has had permission for 20 additional static homes;
- This site has a large lay-by off the A38 where the speed limit is 40mph;
- There are three established caravan sites within 2½ miles with all amenities, so there is unnecessary demand for an additional caravan park in this hamlet;
- There are a large number of dwellings being built between Taunton and Bridgwater;
- There are caravan sites at North Petherton Rugby Club and Bathpool;
- There are sites for travellers all over Somerset, what is the need for one at Adsborough;
- There is an existing Gypsy/Traveller site at Weston Zoyland that is unoccupied;

#### Consultation/procedure

- Not all properties in Adsborough were sent letters;
- All properties in the wider area including all surrounding villages should have been consulted;
- The application should not be rushed through;
- This proposal appears to have avoided a planning application;
- This appears as a back door conspiracy to avoid the proper procedures;
- What research has been done to identify the need for this change of use;
- Notices should have been placed on village notice boards;
- The County Gazette article showed that the site would be a restricted site, and not for tourist or holiday makers;

#### Need

- The applicant states that there is a need to house his family, there is no

- guarantee that the family will stay if permission is granted;
- Social housing should be used;

### Other

- This is a way to avoid a full application;
- Precedent for similar developments in open countryside;
- No building regulations have been applied to Laphorne since 1987;
- Significant alterations to the drainage system have been carried out without building regulation approval;
- There were previously greater crested newts on site;
- There are newts, bats and toads in the area south of the A38;
- There appears to be confusion over Mr Packman's working life as he appeared to be as successful businessman running his own retail company;

### Policy

- The proposal is not in accordance with Taunton Deane Core Strategy Policy DM3 (Each point examined and 'contra' evidence shown);
- The proposal does not accord with the Central Government Gypsy and traveller site selection Criteria, no account has been taken of the traffic concerns, amenities and local integration;
- A need or requirement for this site does not appear in the TDBC Local Development Plan;
- If permission is granted, there should be planning gain, the development should provide for the vehicles using the application site and the needed improvements to the maypole junction, including acceleration and deceleration lanes, sight lines and widths, reservations for right hand turning movements and facilities for pedestrians to cross the road;
- There should be conditions imposed to control sheds, outbuildings walls fences, prevention of noise, fumes, bonfires, business work, open storage, outside lights dogs, livestock, colour, materials vehicle numbers and movements within the site, waste planting and maintenance of hedges;
- The site should not be used as a touring caravan site;

A 12 page letter from a firm of solicitors has also been received, it states to be on behalf of 24 households in Adsborough or Thurluxton, some of whom have also written objection letters; this letter reiterated comments made above. Additional comments are:

- Planning Policy for Traveller Sites March 2012, para 4 includes Green Belt as the only policy designation expressly referred to in the Central Government's aims for traveller sites: " Plan making and decision taking should protect the Green Belt from inappropriate development" para 14 – Travellers sites in Green Belt are inappropriate development". Although Adsborough is not Green Belt it is at present a rural hamlet close to the Quantocks AONB.
- The NPPF includes the presumption in favour of sustainable development. The site is remote from services such as education, shop, health, or other community facilities. The site is not viable due to the infrastructure cost to upgrade the highway network to a satisfactory and safe standard.
- Para 22 requires councils to ensure that travellers' sites are sustainable, economically, socially and environmentally, out of the 8 criteria, this site fails on 4.
- Policy C sites in rural area and the countryside, .....the Local Planning Authority



should ensure the scale of such sites does not dominate the nearest settled community. The proposal has potential for two gypsy families on each plot, with further room for more plots. There are 28 households in Adsborough at present; thus the gypsy families would represent a significant proportion of the increased numbers. There are no details of numbers of residents involved, therefore no way of properly assessing highways capacity, number of school places, noise and nuisance potential.

- Policy H states the Local Planning Authorities should strictly limit new traveller's site development in open countryside that is away from existing settlements or outside areas allocated in the Development Plan, this site does not meet the criteria.
- Re Policy Taunton Deane Core Strategy Policy DM3; there are 6 criteria; the site fails to comply with any.

In summary the solicitor's letter states that the proposal fails to meet the majority of Policy requirements; and also raises issues of nature conservation importance, general environmental considerations, access to facilities, highway safety issues, health, education and relations with settled communities. In conclusion, in the light of the policy, technical and procedural limitations outlined by the solicitors, the clients have been advised that if the Council is minded to approve, then there would be justification for a judicial review.

One additional letter of objection received referring to the agent's Transport Report, comments:

- Will this report be scrutinised by SCC?
- The use of the access will be intensified;
- The applicant has already widened this access;
- Certain aspects of policy have been ignored;
- SCC's comments did not address right hand turning traffic;
- The A38 is substandard;
- The agent's highway report is incomplete, misleading and has not addressed all the issues.

## **PLANNING POLICIES**

NPPF - National Planning Policy Framework,  
STR1 - Sustainable Development,  
STR6 - Development Outside Towns, Rural Centres and Villages,  
S&ENPP49 - S&ENP - Transport Requirements of New Development,  
S&ENPP36 - S&ENP - Sites for Gypsies and Travelling People,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
DM3 - TD CORE STRATEGY GYPSY AND TRAVELLER SELECTION CRITERIA,  
EN12 - TDBCLP - Landscape Character Areas,

## **LOCAL FINANCE CONSIDERATIONS**

The development of this site would result in payment to the Council of the New Homes Bonus.

### 1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£5395
Somerset County Council (Upper Tier Authority)	£1350

## 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£32370
Somerset County Council (Upper Tier Authority)	£8095

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main determining issue revolves around weighing up the outstanding general 'need' for gypsy and traveller sites set against any identified harm or conflict with national and local planning guidance.

### Policy

Nationally the NPPF sets out the Core planning principles and at its heart is a presumption in favour of sustainable development. In section 6, Delivering a wide range of high quality homes, the Government highlights areas of search and inter alia states (in para 49) housing applications should be considered in the context of the presumption in favour of sustainable development. In Para 55, in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, and that the Local Authorities should avoid new isolated homes in the countryside unless there are special circumstances which are set out. The application site is in open countryside, close to the hamlet of Adsborough, and is also in a location adjacent to a major road with public transport. It is not in the Green Belt or Green Wedge, nor is it in an Area of Outstanding Natural Beauty. Thus the site's location is fundamentally unacceptable in sustainability terms, it does have some benefits as regards proximity to public transport and thus accessibility to services.

The Planning Policy for Travellers Sites (PPTS) sets out in detail the Central Government's planning policy for traveller site and includes definitions. It states that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life for travellers while respecting the interests of the settled community.

The PPTS in para 4 sets out the Government's aims:- **Policy A**

In assembling the evidence base necessary to support their planning approach, local planning authorities should:

- a) pay particular attention to early and effective community engagement with both settled and traveller communities (including discussing travellers' accommodation needs with travellers themselves, their representative bodies and local support groups)
- b) co-operate with travellers, their representative bodies and local support groups, other local authorities and relevant interest groups to prepare and maintain an up-to-date understanding of the likely permanent and transit accommodation needs of their areas over the lifespan of their development plan working collaboratively with neighbouring local planning authorities
- c) use a robust evidence base to establish accommodation needs to inform the

preparation of local plans and make planning decisions.

**Plan-making, Policy B:** Planning for traveller sites set out guidance for Local Plans to set pitch targets etc. **Policy C:** to consider sites in rural areas and the countryside, **Policy D:** rural exception sites, **Policy E:** Traveller sites in the Green Belt, **Policy F:** Mixed planning use traveller sites, **Policy G:** major development projects.

**Policy C:** Specifically “sites in rural area – when assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.” The current application is for the extended family of the land owner of Laphthorne, with the number 7 residents given on the application form. Whilst this would not guarantee this number into the future, the number of mobile homes would be for 5 families, It is not considered that 5 families would ‘dominate’ the nearest settled community of either Adsborough or Thurluxton.

**Policy D:** “Rural exception sites – if there is a lack of affordable land to meet local traveller needs, local planning authorities in rural areas, where viable and practical, should consider allocating and releasing sites solely for affordable traveller sites, including using a rural exception site policy for traveller sites that should also be used to manage applications. A rural exception site policy enables small sites to be used, specifically for affordable traveller sites, in small rural communities, that would not normally be used for traveller sites.” This Policy is not being specifically addressed in the consideration of this application, but shows that Central Government has identified issues in finding affordable sites.

**Policy E:** The guidance states that traveller sites in the Green Belt are inappropriate development. The current site is not in the Green Belt, not in the Green Wedge, not in the Quantock Hills Area of Outstanding Natural Beauty. The site is located approx. 3300m from the nearest point of the Area of Outstanding Natural Beauty. Local residents have objected on grounds of proximity to the Area of Outstanding Natural Beauty; however given this distance, this is not considered to be a objection which can be upheld.

**Policy F:** Mixed planning use traveller sites, gives guidance on including traveller sites suitable for mixed residential an business use, having regard to the safety and amenity of the occupants and neighbouring residents. The application under consideration is for wholly residential use.

**Policy G:** Major development projects refers to occasions when a major development project requires the relocation of a traveller site. This policy is not relevant to this application.

**Decision-taking Policy H** determining planning applications for traveller sites:

- a) the existing level of local provision and need for sites
- b) the availability (or lack) of alternative accommodation for the applicants
- c) other personal circumstances of the applicant
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- e) that they should determine applications for sites from any travellers and

not just those with local connections

The Local Planning Authority has to consider a) the existing level of local provision and need for sites:

The Taunton Deane Core Strategy has not identified any sites for travellers as it is mainly aimed at Strategic sites, but the search for smaller sites for residential development and traveller sites is ongoing. The GTAA identifies a need.

There is a statutory requirement for the Authority to carry out an assessment of Gypsy and Traveller Accommodation (GTAA) provision under Section 225 of the Housing Act 2004, Planning Policy for Travellers 2012 and the NPPF. The findings of the GTAA published in 2011, from the evidence base for gypsy and traveller provision within the Borough. The findings of the GTAA supersede the Secretary of States Proposed Changes to the RSS which set provision for 20 residential pitches and 5 transit pitches from 2006-2011. The findings of the GTAA identify the need for 25 residential pitches and 5 transit pitches in the Borough between 2010 and 2015. Since 2010, permission has granted for 11 new residential pitches. The report also identifies that a further 19 residential pitches will be required for the period 2015-2020 together with an additional 5 transit pitches. Under the National Planning Policy Framework; the Council; is required to translate this into a rolling 5 year requirement. As of the date of these observations, taking into account a rolling requirement, the 5 year requirement of Gypsy & Traveller Pitches is 22 residential units. There is therefore a need for sites.

b) the availability or lack of alternative accommodation for the applicants – the applicant and agent have stated that there are no suitable alternative sites, that Taunton Deane BC has not identified any sites although there have been general discussions to attempt to find sites. Some pieces of land identified were adjacent to railway lines or motorways, and these were not readily available in any event. There is a shortage of suitable/available land. Officer comment – the policy section has noted that the Authority does not have a 5 year supply of gypsy and traveller provision.

c) other personal circumstances of the applicant. In other applications for traveller sites, applicants have often had health reasons to locate in a particular location, this is not the case here. The applicant has stated that he can at his own expense provide pitches for his family, with no burden on the taxpayers or the Local Authority; the applicant's children are now grown up, married or getting married, with babies in due course, with nowhere to live; there is a grandmother in her eighties with a need for ongoing care; there are long waiting lists for pitch provision. They need to have a postcode to obtain proper health care and education, with no address or postcode, there is no health care cover, only walk in centres or A & E, with no follow up treatment. This is a family in dire need of accommodation and they should be encouraged to help themselves. Officer comment – it appears from this information that there are personal circumstances to take into account.

d) that locally specific criteria used to guide the allocation of sites in plans .....is not relevant as this is not an allocated site.

e) that they should determine applications for sites from any travellers and not just those with local connections – not relevant, the applicant is local in this case.

Policy H continues, that Local Planning Authorities should strictly limit new traveller site development on open countryside that is away from existing settlements or outside areas allocated in the development plan. Local Planning Authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure. This is similar to the general presumption of the NPPF and previous Central Government Policy which seeks/sought to strictly limit new developments in open countryside. There have also been exceptions such as agricultural/forestry worker's dwellings, which accompanied by sufficient justification, have been allowed in open countryside. Most travellers' sites have historically been in open countryside, nonetheless Central Government policy reiterates and has strengthened the policy of sustainable development, to encourage locations within settlement boundaries where the range of services, facilities and public transport can generally be found. In this case the facilities in the area are limited to the public house in Thurloxtton and the bus service on the A38, with good connections both to Taunton and Bridgwater. The current application site is in open countryside and the nearest hamlet of Adsborough itself is open countryside, where new developments would be strictly limited. However the proximity of the public transport routes does result in there being access to schools, medical services and other facilities in nearby settlements and towns.

Policy H, para 24 states that when considering applications, LPAs should give weight to the following matters –

a) effective use of previously developed (brownfield), untidy or derelict land; - none of these are applicable, the land is paddock.

b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness; - the site is well screened by existing high hedges and gates to the highway, such that the site cannot be seen from the adjacent road when the hedge is in leaf. The tops of mobile homes may be seen over the top of the hedge, but this alone is not a significant detrimental visual impact. This criteria is not met in its "openness" but is soft landscaped and thus some weight can be given to this point.

c) promoting opportunities for health lifestyles, such as ensuring adequate landscaping and play areas for children - there is adequate landscaping around the site, and the applicant has agreed to plant more trees, there is no play area shown, but this could be accommodated within the site, the proposals show space between the mobile homes so the site is not overdeveloped.

d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community – as stated above there is an existing high hedge around the site adjacent to the road. High walls or fences are not proposed.

Thus in relation to the policy criteria in para 24, the proposal does not reuse brownfield or derelict land, but it would be well landscaped with existing hedges but not enclosed by high walls or fences.

Para 25 relates to temporary permissions – this is not being sought.

Para 26 indicates how Local Planning Authorities could overcome planning

objections by using planning conditions or planning obligations, these could include limiting parts of a site which may be used for business operations, specifying the number of days the site can be occupied by more than the allowed number of caravans (which permits visitors and allows attendance at family or community events) and limiting the maximum number of days for which caravans might be permitted on a transit site.

In the case of the current proposal, the Local Planning Authority has Taunton Deane Core Strategy Policy DM3, which sets out this authority's policy. At the present time no sites have been specifically identified for travellers, and thus individual applications are the way that traveller's sites are being 'found'. Finding possible sites and then allocating sites for travellers by its nature is a long and controversial process, as many of the settled community do not wish to have such sites near their homes, and usually object strongly when the individual applications arise.

### Residential Sites

In all cases the following criteria should be satisfied fully:

- a The proposal will help to meet a clear and evidenced need as demonstrated through a GTAA or other evidence submitted alongside the application; and
- b The site is well-related to local services and facilities including retailing opportunities, schools and doctors surgeries as well as existing employment provision; and
- c The environmental impacts of the proposal are minimised, this will include appropriate screening and siting of development taking into account landscape issues as well as any likely impacts upon wildlife, built heritage and flood risk; proposals should in particular avoid any adverse impact on the Natura 2000 sites in the Borough and comply with Habitats Regulations 2010. Details of habitats protection and mitigation including bat protection zones are covered under Policy CP8: Environment.
- d The proposal would not unacceptably prejudice the amenity of adjoining or adjacent occupiers; and
- e The site can be adequately served by the appropriate infrastructure to support the development including foul and surface water drainage;
- f The impact of the proposal will not give rise to an unacceptable impact on traffic movements, noise and other potential disturbance arising out of the movement of vehicles on to and off of the site.

The applicant states that he has given consideration to sites in existing settlement boundaries or adjoining or adjacent to settlement boundaries, but none are available. The policy continues "consideration of sites which do not fulfil this criteria will only be justified where the Council is satisfied that alternative sites are not reasonable available to the applicant.

In terms of the criteria:

*a) The proposal will help meet a clear and evidenced need as demonstrated through a GTAA or other evidence submitted alongside the application;*

The Policy section has confirmed that there is a shortage of allocated pitches in the Borough; the applicant has the land and it is available.

*b) The site is well related to services*

The site is away from services and not well related to shops, schools, doctors surgeries or existing employment provision. However such services are available by public transport, and bus routes pass the site. This criteria is considered not met.

*c) The environmental impacts*

The site is well screened, and is considered not to have a detrimental visual impact on the area; there will be no detrimental impact on wildlife, built heritage, flood risk or the bat protection zone. This criteria is considered to be met.

*d) The proposal would not unacceptably prejudice the amenity of adjoining or adjacent occupiers*

All comments received in relation to this application have been objections, and there are strong feelings from those objectors in Adsborough and Thornfalcon, that the proposal will prejudice the amenity of adjoining or adjacent occupiers. The adjacent occupier is the applicant, so is in support of the proposal. There are no other immediate occupiers. In terms of impact on the residents of Adsborough, the site is well screened and is not considered to have a detrimental visual impact; there would be some increase in traffic at the junction, but vehicles accessing the site are unlikely to go through Adsborough given the location close to the A38, so there will not be an impact from traffic generation. Given the distances to the nearest dwelling, other than the applicants it is not considered that there would be any noise nuisance from the site. General domestic noise may be emitted but such noise is acceptable. It is therefore concluded that the proposal would not unacceptably prejudice the amenity of the residents of Adsborough.

*e) The site can be adequately served by the appropriate infrastructure to support the development including foul and surface water drainage*

This has been subject of much comment from local residents who have voiced objection on the basis of inadequate drainage. The Drainage Officer has no records of problems being brought to his attention, and the County Highway Authority has not commented upon highway drainage. The Drainage Officer has seen the details of the tank as installed and has no adverse comment.

*f) The impact of the proposal will not give rise to an unacceptable impact on traffic movements, noise and other potential disturbance arising out of the movement of vehicles on to and off of the site.*

This criteria has been considered by County Highway Authority and strong objections have been raised; there are four suggested reasons for refusal and following a rebuttal from the agents highway consultant, the County Highways' officer still considers his original reasons for refusal stand. The Local Planning Authority would have to have strong reasons for departing from these suggested reasons for refusal. The wording requires attention as it refers to policies in the Taunton Deane Local Plan, whereas the Taunton Deane Core Strategy is now adopted. (It is likely that the original County Highway Authority comments were drafted at the time when the Core Strategy was being adopted and the Local Plan was no longer the main policy document; some Local Plan Policies are however retained.) Significant weight is given to this aspect of the policy criteria in the determination of this application.

The Somerset and Exmoor National Park Joint Structure Plan Review, Policy 36 states "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. It is considered that this policy is met as there are smaller settlements and Taunton itself within a "reasonable" distance.

### Local Objection

These are summarised above and many have been addressed in the paragraphs above on policy issues and this includes the traffic issues.

In terms of the comments made by objectors; highway issues have been addressed by the Somerset County Highways and the agent's professional highway engineer who has stated that there is no new entrance, it is a long standing entrance. The caravan parks in North Petherton and Bathpool are caravan parks for touring caravans only and not for Gypsy/Traveller sites. Other sites within the area are privately owned or ex LA sites, sold or leased to a private person and the current residents are not happy with the new owners in respect of running or management of these sites. The previous refusals in the area are not relevant in the consideration of this proposal. In terms of character and impact, some of the residents have assumed that the caravans will be entering the site on a frequent basis, and that these will be available as additional living accommodation; this is not the case, and the impact is not considered to be as significant as suggested.

Other sites have been considered by the applicant and agent, and whilst full details have not been formally submitted, these sites have not been made available to the applicant or have been in wholly unacceptable locations having regard to family life. Whilst there may be pitches available in some other sites, the applicant feels that family co-location is important. It is important to the applicant that the family is co-located.

The lack of services suggested by local residents is not considered to be an overwhelming reason to object to the proposal. The consultation process was the usual process, and given the level of objections raised, residents were aware of the proposal. The application is a full application and has been submitted for permission to development and has not been submitted subsequent to occupation/development.

There is concern that the number of new occupants would overwhelm the residents within Adsborough. The application relates to 5 pitches, each of which would comprise a mobile home, with a tourer. The numbers of persons indicated on the application form is seven and whilst, if permission were to be granted, this number cannot be imposed or enforced, it gives an indication of total numbers envisaged, Such a number cannot be held to overwhelm the local population. The site is reasonably well screened and with additional planting could be further screened, it is not considered to be out of character with the area. It would be unreasonable to impose a condition to keep the area tidy. Farmyards, for instance are often characterised by old redundant machinery and overgrown unkempt areas. There have been examples of areas/sites where some travelling people have left rubbish and debris. The applicant points out that he should not be accused of wishing that situation to occur on his land. There is no evidence of wildlife on the site.



### Further supporting information from the agent

Additional information from the agent has been submitted following the formal comments of the County Highway Authority; the former has tried to overcome the reasons for refusal set out by the County Highway Authority. It states inter alia that the visibility is acceptable given the anticipated speeds of vehicles entering/leaving the site and the traffic generation is not a significant amount. The County Highway Authority's Officer has reiterated his objections and reasons for refusal.

### Conclusion

There is a need for Traveller sites, this site is available, the application is for gypsy families, it will not be visually intrusive, is adjacent to public transport routes and would not unacceptably prejudice the amenity of adjoining or adjacent occupiers; however the site is outside settlement limits, in open countryside, not adjacent to a settlement, is remote from services and the County Highway Authority objects on grounds of traffic generation, inadequate visibility splays, an increase in the conflict of traffic movements close to an existing junction and an increase in pedestrian traffic on a highway lacking adequate footways all of which would be prejudicial to highway safety.

The calculations in the Local Finance Considerations do not give weight in the determination of this application.

Given the Local Planning Authority does not have the sites to meet the assessment in the Gypsy and Traveller Accommodation, this site appears to be more suitable as there are bus routes using the adjacent A38, than others which are in open countryside with poor access to main highways, and thus the proposal does have merit. However in this case there is significant objection on traffic grounds and the weight of this objection is such overrides the merits of this proposal.

The Highway's objections are significant and in this situation and circumstances are considered to outweigh the case for the travellers' rights. It is recommended that permission be refused on highway grounds.

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

**CONTACT OFFICER: Ms K Marlow Tel: 01823 356460**