

06/2008/046

MR HENRY SMALL

USE OF LAND TO SITE 3 NO. MOBILE HOMES AND PROVISION OF SEPTIC TANK FOR ONE GYPSY FAMILY AT SUNNY DENE, DENE ROAD, COTFORD ST LUKE, BISHOPS LYDEARD (REVISED SITING) AS AMENDED AND AMPLIFIED BY LETTER DATED 13TH JUNE 2008

317423/127565

FULL

PROPOSAL

Permission is sought for the retention of three mobile homes to accommodate one gypsy family comprising Mr Small, his wife and five children. In addition a septic tank is proposed. The applicant purchased the site, which forms part of a larger field abutting the south side of Dene Road – located to the east of Cotford St Luke, in June 2006. The land purchased is just over 1 hectare. In July 2006 a planning application was submitted for the erection of a stable block in the south west corner of the site. The application was subsequently approved.

The mobile homes now in situ were brought onto the site over the weekend of the 24th/25th of November 2007. Two stop notices were served, one for operational development and the second for no further mobile homes to be placed on the site. The access from the highway to the site was already in existence for agricultural purposes but there was previously no track into the field. The Council temporarily permitted the applicant to the laying down of hardcore to enable vehicles to enter/leave the site following highway safety concerns regarding mud being carried onto the highway. In addition a one metre access strip was agreed to provide access to the mobile homes again using hardcore which is easily reversible.

The previous application, planning reference 06/2007/064, for the retention of the mobile homes and the installation of a septic tank was refused by the Planning Committee, on the 18th February 2008, for the following reason: -

‘the siting of the mobiles homes would appear an incongruous and significant skyline feature and would have a harmful impact upon the rural character and appearance of the landscape. Furthermore, the required visibility splays would require a significant amount of hedgerow to be removed and would also reduce the availability to provide landscape mitigation measures. As such the development would be contrary to the provisions of Policy 5 of the Somerset & Exmoor National Park Joint Structure Plan Review and Policy S1, S7, H14 and EN12 of Taunton Deane Local Plan’

In order to address the above reason for refusal the applicant has been in discussion with the Council’s Landscape Officer in order to mitigate the visual impact of the proposal. As such a revised block plan has been submitted which repositions the largest of the mobile homes, located immediately adjacent to the highway, further

into the site and set down from the existing position. Furthermore, a comprehensive landscape mitigation scheme is now proposed, using native species, and this forms part of the submission. The proposed curtilage has also been reduced as shown on the block plan and a revised site/location plan has subsequently been submitted to reflect the application site as shown on the block plan.

The applicant has confirmed there are no changes in personal circumstances or need since the previous application was determined.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL – The proposed revised siting in no way addresses the Council's concerns and therefore the Parish Council objects to the proposal on the grounds that: -

- The development is contrary to the Taunton Deane and Cotford St Luke development plans.
- Use of land for siting of mobile homes is contrary to the original use agreed for the land.
- The development is in open countryside and has a detrimental impact on nearby residents' visual amenity.
- The Parish Council has concerns over the safety of access from Dene Road, both for passing motorists and for anyone attempting to enter or exit the field where the mobile homes are currently located.
- The Parish Council is concerned over the request for unlimited vehicles to be parked on the site and over the request for goods vehicles to be parked on what is claimed to be a residential site.
- The Parish Council notes that no claim of gypsy status was made by Mr Small in his original planning application.

SOMERSET COUNTY GYPSY AND TRAVELLER SERVICES – In response to application 06/2007/064 confirmed that Mr Henry Small is recognized as a bonifide Gypsy as defined within the Housing Act 2004.

LANDSCAPE OFFICER – The relocation of the mobile home and two caravans further into the site, more restricted garden curtilage and proposed landscaping should help to reduce the landscape impact of the proposals. My remaining concerns are the colour of the roof tiles which would be better grey and the wider landscape impact from the south.

DRAINAGE OFFICER – I note a septic tank is to be used to dispose of foul sewage. Percolation tests should be carried out to ascertain the length of the sub-surface irrigation drainage. The Environment Agency's consent to discharge to underground Strata is also required. With regards to the use of soakaways, these should be constructed in accordance with Building Research Digest 365 (Sep 91) and again made a condition of any approval.

COUNTY HIGHWAYS AUTHORITY – Previous comments apply equally. The proposed development site is located just outside of the development limit for Cotford St Luke. As a result, under normal circumstances if a proposal for residential

development had been received, the Highway Authority would recommend the application for refusal on sustainability grounds. However, information in the ODPM and Policy 36 of the Somerset and Exmoor National Park Joint Structure Plan Review states that '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'. The site is in close proximity of Cotford St Luke and Bishops Lydeard, which are the nearest settlements with any services and facilities. I consider that the distance may not so great as so conflict with Policy 36.

In detail the proposal will derive access onto a classified unnumbered highway, which is subject to the national speed limit, however vehicle speeds are generally lower than 60mph. It is imperative in the interests of highway safety for all road users that adequate visibility splays are incorporated, which may result in the loss of part of the roadside hedge/trees, together with sufficient onsite parking and turning within the site to avoid reversing to or from the public highway. Given the size of the applicant's land it would appear that this would be achievable, however no layout has been submitted with the application. I am aware there have been personal injury accidents on this stretch of highway to the east of the site, however I do not consider that this proposal would result in a significant increase in traffic over and above that, which currently occurs on this stretch of highway.

If the Local Planning Authority is minded to approve the application a number of highway related conditions are recommended.

HOUSING OFFICER – Previous comments reiterated - Initially there is reason to believe that if unable to remain on their land at Cotford that the family would be threatened with homelessness, and therefore put TDBC under a duty to carry out enquiries under Section 184, Part 7 of 1996 Housing Act (as amended by Homelessness Act 2002). If homeless they appear to be eligible for assistance. If found to be homeless unintentionally and if they could establish a local connection with TDBC, which initially they do not appear to have one, then the onus would be for TDBC to accommodate. The Council would find it very difficult to discharge this duty as TDBC would need to be able to secure for them suitable land to site their trailers/mobile homes owing to their aversion to bricks and mortar. Authorities must give gypsies special consideration to securing accommodation that will facilitate their traditional way of life. (R (Price) v Carmarthenshire CC (2003).

COTFORD ST LUKE COMMUNITY ASSOCIATION strongly objects to the development for the following reasons: -

- The original Cotford St Luke Master Plan and Taunton Deane Borough Council's ten year plan did not include this land for residential purposes and therefore, it should not be built upon.
- The land is registered for agricultural use and does not have any Planning Permission for building a dwelling or installing drainage. Mr Small is in breach of the Town and Country Planning Act 1990.
- Mr Small's previous Planning Application was based on the building of a stable block only. Mr Small is a well known horse trader. Mr Small stated in his Planning Application that he only wanted the land to graze his horses. This is clearly not the case.

- The erection of these three mobile homes is in contravention of the present Planning Permission granted in application 06/2006/036.
- The erection of these three mobile homes is not in keeping with the present built environment of the village and the natural beauty of the area (proximity to the Quantock Hills AONB) as set out in the Cotford St Luke Master Plan and Taunton Deane's Local Plan.
- Taunton Deane's Local Plan states that the appearance of open countryside should be protected for its own sake. The mobile home site is clearly visible especially to those living in North Villas. Although Mr Small is proposing to plant Field Maple, Crab Apple and Oak trees along his boundary that faces North Villas, these trees will take some considerable time to reach a height that will block out the mobile home site.
- A significant amount of vehicles each day travel from/to Cotford St Luke using Dene Road as the thoroughfare. I understand that Mr Small claims in his Access statement that the gates are presently set nine metres back from the road. This is not the case. Situating the entrance to these three mobile homes so close to the sharp bend and allowing light goods vehicles and public carrier vehicles to access the site; would potentially put the public at risk – be the cause of a fatality or further serious accidents along this stretch of road.
- Mr Small states in this Planning Application that unlimited vehicles are to be parked on site that will include goods vehicles and public carrier vehicles. Does Mr Small intend to run a business on the site? If this is the case, then the change of land usage is not only for residential but commercial as well.
- There is the potential for cars and goods vehicles to be parked in Dene Road which has a 60mph speed restriction. Parking vehicles on Dene Road will cause an obstruction to fast flowing traffic and the potential for another fatality or accident to occur.
- The erection of three mobile homes so close to Norton Manor Camp would raise security concerns for the Ministry of Defence.

Cotford St Luke Community Association therefore urges that the planning application is rejected and the Enforcement Notice and permanent Stop Notice that were originally served on Mr Small earlier this year are enforced.

13 LETTERS OF OBJECTION have been received. Summary of objections: - changes do not overcome previous reason for refusal; Contrary to development plan; contrary to Circular 01/06 which requires Gypsy and Traveller Caravan Sites to be carefully planned after consultation with Gypsy and Traveller representatives and local communities. Such sites should be established according to a formal plan – in the same way as housing needs for the rest of the community – and should not simply appear as unauthorised developments; Concern raised as to the investigation undertaken by the Council's Gypsy Liaison Officer in relation to the 'Gypsy Status' of the applicant; Gypsy status should be allocated based on 'habit of life' and confirmation is sought that the Council has investigated the applicant's previous 'habit of life' and Gypsy Status has not simply been allocated on the basis of race, which would contravene planning regulations; nature of site is permanent not temporary – Council are urged to define what constitutes a 'mobile home' in terms of planning regulations – essentially the site would be classified as a 'housing development'; Outside settlement limits; Creeping development; Detrimental impact upon visual amenity of the area and erodes the rural landscape; Development sited

in a very prominent and elevated position and should have been carefully planned and positioned within the site; bright orange roof tiles can be seen from the A358 and the B3227; caravans not shown on plan; removal of hedgerow to provide visibility; landscaping mitigation will not be sufficient and would take a considerable time; concern that landscaping will be implemented; Contrary to the original use of the land previously approved (stables); livestock in relation to earlier approval have never materialised; Proposal does not integrate with the development style; scale or layout of the surrounding area by reproducing any of the building characteristics found within Cotford St Luke; Highway safety concerns regarding the proposed access from Deane Road, both for motorists, cyclists, walkers and anyone attempting to enter or exit the field where the mobile homes are currently located; application form states parking provision for 'unlimited vehicles'; applicant to run business from the site; Lack of information; the road is not safe, Somerset and Exmoor National Park is an 'Area of Outstanding Natural Beauty', suitable plots for gypsy sites should be allocated with Taunton Deane not on ad hoc; Blot on the landscape – close to AONB; Unfair precedent; To live in a static caravan of park home is not conducive to nomadic way of life and are synonymous with a settled way of life for people (non gypsy or travellers); proposal does meet the requirements of Policy H14; development took place without permission being sought; application form not correct and insufficient information submitted; potential for further increase in numbers; local residents urged to be patient in the Council not prosecuting the stop notice breaches.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review

POLICY STR6 - Development Outside Towns, Rural Centres and Villages.

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

POLICY 5 - Landscape Character

The distinctive character of the countryside of Somerset and the Exmoor National Park should be safeguarded for its own sake. Particular regard should be had to the distinctive features of the countryside in landscape, cultural heritage and nature conservation terms in the provision for development.

POLICY 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

Taunton Deane Local Plan. 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;
- (C) 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

- (B) accords with a specific Development Plan policy or proposal;

H14 Gypsy and Travellers 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) accommodation for incompatible groups of gypsies and/or non-traditional travellers are not mixed on the same site;
- (G) areas for business, where appropriate, are provided within sites, with satisfactory measures for their separation from accommodation spaces and the safety and amenity of residents; and
- (H) in the case of transit sites, there is convenient access to a County or National route;
- (I) the site is not within an Area of Outstanding Natural Beauty or a Site of Special Scientific Interest, or would harm the special environmental importance of any other protected area;
- (J) adequate fencing, capable of preventing nuisance to neighbouring areas, is provided.

EN12 Landscape Character Areas

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

Executive report dated 3rd May 2006 - Providing for Gypsies and Travellers

Impact of Circular 01/2006 on the Determination of Planning Applications.

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

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

RELEVANT CENTRAL GOVERNMENT GUIDANCE

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

Paragraph 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's main intentions are;

- (a) to create and support sustainable, respectful, and inclusive communities where gypsies and travellers have fair access to suitable accommodation, education, health and welfare provision; where there is mutual respect and consideration between all communities for the rights and responsibilities of each community and individual; and where there is respect between individuals and communities towards the environments in which they live and work;
- (b) to reduce the number of unauthorised encampments and developments and the conflict and controversy they cause and to make enforcement more effective where local authorities have complied with the guidance in this Circular;
- (c) to increase significantly the number of gypsy and traveller sites in appropriate locations with planning permission in order to address under-provision over the next 3-5 years;
- (d) to recognise, protect and facilitate the traditional travelling way of life of gypsies and travellers, whilst respecting the interests of the settled community;
- (e) to underline the importance of assessing needs at regional and sub-regional level and for local authorities to develop strategies to ensure that needs are dealt with fairly and effectively;
- (f) to identify and make provision for the resultant land and accommodation requirements;
- (g) to ensure that DPDs include fair, realistic and inclusive policies and to ensure identified need is dealt with fairly and effectively;
- (h) to promote more private gypsy and traveller site - provision in appropriate locations through the planning system, while recognising that there will always be - those who cannot provide their own sites; and
- (i) to help to avoid gypsies and travellers becoming homeless through eviction from, unauthorised sites without an alternative to move to.

Paragraph 19

A more settled existence can prove beneficial to some gypsies and travellers in terms of access to health and education services and employment and can contribute to a greater integration and social inclusion within the local community. Nevertheless the ability to travel remains an important part of their culture. Some communities of gypsies and travellers live in extended family groups and often travel as such. This is a key feature of their traditional way of life that has an impact on planning for their accommodation needs.

The scheme of C1/2006 is that all local planning authorities must carry out Gypsies and Travellers Accommodation Assessment (GTAAs) to ascertain the need for pitches in their districts. These must be submitted to the relevant regional authority. The regional authority will use the information from the GTAAs to impose quotas of gypsy pitches on all the districts in the region. Each district will be obliged to allocate sufficient land in their Development Plan Documents (DPDs) to meet its quota. The circular contemplates that this process will lead to the provision of an adequate number of gypsy sites.

C1/2006 sets out what is called "transitional arrangements" to govern the period before quotas are imposed by the relevant regional authority (paragraphs 41-46). In certain circumstances it may be necessary for local planning authorities to make allocations in this period. Further, in districts where there is a clear need for additional sites and a likelihood that allocations will be made within a defined period, it may be appropriate to grant temporary planning permissions for gypsy sites.

Paragraph 48

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

Paragraph 53

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

Paragraph 54

Sites on the outskirts of built-up areas may be appropriate. Sites may also be found in rural or semi-rural settings. Rural settings, where not subject to special planning constraints, are acceptable in principle. In assessing the suitability of such sites, local authorities should be realistic about the availability, or likely availability, of alternatives to the car in accessing local 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 60In particular questions of road access, the availability of services, potential conflict with statutory undertakers or agricultural interests and any significant environmental impacts should be resolved at the earliest opportunity...

Regional Spatial Strategy (RSS)

The regime of the Planning and Compulsory Purchase Act 2004 provides for Regional Spatial Strategy (RSS) to be formulated by the regional authority, the South West Regional Assembly. This Authority is to determine the amount of provision within each district for additional gypsy and traveller sites.

In April 2006 the Regional Assembly published a draft RSS of which paragraph 6.1.1.13 states 'at the time of publication of the draft RSS the RPB was of the view that there was not sufficiently robust information on which to establish district level numbers, that it is necessary to establish transitional arrangements in accordance

with C1/2006 and that there will be an early review of the draft RSS 'to fully implement the Government's requirements' (i.e. to impose quotas).'

For the South West, this regional context can be summarised as follows:-

- The extent of existing provision in the region is approximately 550.
- The following parts of the region have relatively high numbers of unauthorised sites; South Gloucestershire, City of Bristol and North Somerset, Unitary Authority areas, and parts of Devon, Gloucestershire and Dorset counties.
- An interim estimate of the additional pitch requirements at regional level is about 1,100 pitches which will be used to monitor delivery in LDDs.

Regarding pitch requirements, the indicative regional figure set out above will serve as a monitoring basis until local authorities have completed their needs assessments and are able to provide a more comprehensive position for site requirements. It is anticipated that all local authorities in the region will have completed their GTAAs in 2007, and it is hoped a single issue review of the Draft RSS can be completed in step with this.

The partial revision of the RSS to review additional pitch requirements is now well underway, with public consultation on the draft Revision running until 31 October. Additional pitch requirements to 2011 are included for Unitary Authority and District Council areas. The requirement for Taunton Deane is 17 pitches, of which 8 have already been provided.

The Ark Report and the GTAA

Circular 1/2006 requires all Local Authorities to undertake a needs assessment (GTAA) for new pitches within their areas. Taunton Deane, in association with the other Somerset Local Authorities, had commissioned the Ark Consultancy to undertake a needs assessment prior to the publication of the Circular, although this did not produce specific pitch numbers. However, in response to the request for First Detailed Proposals to inform the preparation of the partial revision of the RSS, further work was undertaken to update the assessment of identified need, and produce figures. This work was undertaken by a group that included officers of the District and County Councils and representatives of the Gypsy and Traveller communities. It identified a requirement for 17 additional pitches in Taunton Deane to 2011, and was based on detailed consideration of the known situation within the Borough in terms of unauthorised sites and the circumstances of individual households.

The assessment did not identify the current gypsy family needs. However, it is recognised that the scale of need identified only reflected known needs at that time. In submitting the results as First Detailed Proposals it was recognised that the process by which the results had been produced had pre-dated the publication of the government guidance, and that further work would be needed to produce a more thorough and robust assessment that complied fully with the government guidance on GTAAs. The implication of this is that there may have been an under estimate of the need for sites, and that additional pitches might be required in the course of time.

RELEVANT LEGISLATION

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

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

Article 1

1. Everyone has the right to respect for his private and; family life, his home The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association
2. No person shall be denied the right to education. In the exercise of any function which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religion and philosophical convictions.

ASSESSMENT

Circular 01/06 relating to gypsy and traveller sites amends the definition of 'gypsies and traveller's' to be more wide-ranging. The new definition is:-

'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such'.

The applicant was interviewed with regards to his gypsy status under planning reference 06/2008/046 and in relation to a housing needs assessment. The Somerset County Gypsy Liaison Officer confirmed in writing that the applicant was a bona fide gypsy as defined within the Housing Act 2004. The Housing Officer considered that there is reason to believe that the applicant would be threatened with homelessness should they not be able to remain on site and appear to be eligible for assistance. Due to the applicant's aversion to 'bricks and mortar' this would put a duty on the Council to accommodate the family on suitable land. A copy of the Housing Assessment will be distributed to Members at the Planning Committee at the meeting. This information also details the travelling pattern of the applicant.

Circular 01/06 makes it clear that local planning authorities should not refuse private applications solely because the applicant has no local connection. It is accepted that there is currently an unmet need for gypsy sites within the area. Circular 01/06 recognises that traditional patterns of work are now changing and that the community has generally become more settled. The Circular states that a more settled existence can prove beneficial to some gypsies and travellers in terms of health and education services. The applicant has indeed expressed his belief that as traditional employment opportunities have changed there is now a desire to settle in

the locality and to be in close proximity to educational and health care facilities. The site is within close proximity to the settlement of Cotford St Luke and it is therefore considered the proposal is not so isolated as to be considered unsustainable taking into account the latest guidance within Circular 01/06.

The application site is located in the open countryside, within Low Vale Landscape Character Area, where normal policies resist the erection of new dwellings or the siting of new residential caravans. However there are exceptions to this policy including policy H14, which allows the principle of gypsy and traveller sites within rural areas provided they can fulfil certain criteria. These criteria were relaxed as a result of Government advice contained within Circular 01/06 to allow additional sites. In particular the Council has agreed a more flexible approach in terms of distance to facilities and accepted that sites could be provided in areas of local landscape designation provided they do not undermine the purpose of the designation. The guidance contained within Circular 01/06 identifies that sites in rural settings, where not subject to special planning constraints, are acceptable in principle. It is considered the proposal would not place undue pressure on the local infrastructure given the low number of mobile homes proposed.

The site is not located in an area of nationally recognised designations as referred to within the Circular 01/06. The site is not located within an Area of Outstanding Natural Beauty. Despite concerns from the public regarding the impact upon the Quantocks AONB to the north it is considered that given the distance from the site to the AONB that the proposal would not affect the AONB landscape. The guidance within Circular 01/06 states that local landscape and local nature conservation should not be used in themselves to refuse planning permission for gypsy and traveller sites.

The primary issue therefore relates to whether the proposed revisions to the scheme overcome any demonstrable harm to the landscape set against other planning considerations such as an identified need for gypsy sites and taking into account the advice contained with Circular 01/06.

The applicant has reduced the site curtilage considerably from the original application. The mobile home and caravans are located at the northern end of the field, previously at the highest level within the site. However, in order to reduce the visual impact of the larger mobile home it is to be repositioned further into the site and is located at a lower level than the previous refusal. The proposed repositioning of the mobile home would reduce its visual prominence when viewed along the public highway. The applicant has previously stated that it would not be feasible to locate the units even further down the slope and as such the application needs to be assessed against the information submitted. It is accepted that the mobile homes would still be visible from long distance views towards the site. However, due to the topography of the land it would no longer be a skyline feature and would be seen against the backdrop of the existing hedgerow when viewed from the south. It should be noted that the landscape officer is seeking for the hedgerow, adjacent to the highway, to be left to grow to 3.0m high. The highway visibility splay will require a section of the hedgerow to be removed, but the Landscape Officer is satisfied that the remainder of the hedgerow along the highway, set back, can be retained and

supplemented. Moreover, the landscape officer has agreed a comprehensive landscape mitigation plan which will help to soften the visual impact of the site.

In assessing the potential adverse impact upon local residents it is considered that whilst the development would be visible from residential properties in the vicinity, given the separation distances involved it would be difficult to substantiate a reason for refusal based upon unreasonable loss of amenity such as to be harmful to the living conditions of those occupiers.

The potential danger to road users is a recurring theme raised in the representations to this application. However, the Highway Authority (subject to the imposition of the necessary improvements to the access and necessary visibility splays) do not consider that this proposal would result in a significant increase in traffic over and above that which currently occurs on this stretch of highway. As such there is no highway objection to the proposal. Local residents concerns raised in relation to the provision of numbers of vehicles parked on site could be controlled by condition. The application does not seek any business activity as part of the application other than the provision of vehicle parking for cars/light goods vehicles.

To conclude, the applicant's personal circumstances and need for choosing this site in order to offer a settled base for his family. To provide for their education and health requirements, is a material consideration, which has to be balanced against the degree of landscape impact. It is considered the revised submission which seeks to reposition the larger mobile home further into the site and set at a lower level would, together with the proposed landscape mitigation plan, and taking into account guidance on such issues in Circular 01/2006, not be so harmful as to warrant a refusal. As such it is recommended the application be approved subject to the imposition of conditions detailed below.

RECOMMENDATION

Permission be GRANTED subject to the conditions of occupation by one gypsy family only, personal occupancy, no fencing, no other buildings, not more than one mobile home and 2 caravans, details of any external lighting, details of foul drainage and surface water; no business activities unless agreed by the LPA, no open storage of items connected with business activities; landscaping; retention of hedgerow; details of parking spaces, siting and dimensions of mobile homes to be in accordance with submitted block plan and existing mobile homes to be relocated within one month of the decision notice; highway visibility requirements.

REASON FOR APPROVAL

The mobile homes are considered to fulfil an outstanding gypsy need in accordance with Taunton Deane Local Plan Policy H14 (as amended).

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

CONTACT OFFICER: MR A PICK

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

CONTACT OFFICER: 356586 MR A PICK

NOTES: