

24/2008/002

MS L WILSON

**PROPOSED SITING OF TWO MOBILE HOMES, ONE TOURING CARAVAN AND THE ERECTION OF A DAYROOM AT PLOT 1 GREEN ACRE, OXEN LANE, NORTH CURRY (PART RETENTION)**

331385/124527

FULL

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**RECOMMENDATION**

I recommend that permission be REFUSED for the following reasons: -

- 01 The proposed development by reason of its scale and appearance will be detrimental to the visual amenities of this attractive rural area and would not respect the distinct Low Vale Character of the North Curry Ridge Landscape Area, contrary to Taunton Deane Local Plan Policy EN12.
- 02 The site is located in open countryside where it is the policy of the Local Planning Authority to allow gypsy sites to be permitted where they comply with the criteria listed in policy H14 of the Taunton Deane Local Plan (as amended by the executive report dated 3<sup>rd</sup> May 2006). The Local Planning Authority consider that the proposal does not comply with criteria (B), (C), (E), (H), (I), and (J) and the proposal would therefore be contrary to Taunton Deane Local Plan Policy H14.
- 03 The proposed development would generate significant additional traffic using the substandard junctions of Oxen Lane with Greenway and the County Highway Authority consider this to be prejudicial to highway safety and contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policies S1 (A).
- 04 Oxen Lane and Greenway by reason of their lack of footway provision are considered to be unsuitable to serve as a means of access to the proposed development contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policy H14 (B).
- 05 The use of the site for the provision of 2 mobile homes and 1 dayroom, by reason of its scale appearance and proximity to surrounding properties, would have a detrimental impact on the residential amenity and privacy of existing residents of Oxen Lane, particularly those of 6 Oxen Lane, contrary to the requirements of Taunton Deane Local Plan

Policy S1(E), and would not provide an adequate level of privacy and amenity for the residents of the site contrary to the requirements of Taunton Deane Local Plan Policies S1(F) and H14, (E) and (F).

06 The proposed development would create a precedent for future unauthorized and unlawful development contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policies S1, H14 and EN12.

If planning permission is refused Ms Wilson will become subject to the existing injunction relating to the site and could face eviction. Her personal needs and circumstances would be considered by the court as part of the appeal process and the Court could in its discretion delay eviction.

## **PROPOSAL**

The proposal is for the retention of one mobile home and touring caravan and the provision of a further mobile home and day room on plot 1 Green Acre, Oxen Lane, North Curry.

## **THE SITE**

The application site comprises a former agricultural field lying to the south of Oxen Lane. It lies to the south west of and beyond the settlement limit of North Curry. Agricultural fields surround it, with a row of six semi-detached dwellings located to the north west of the site. There are established hedgerows on all boundaries, except at the point of access. An access is provided off Oxen Lane with an internal spine road that runs south into the site and then forms a spine road from west to east across the site. The application site lies at the south and west of the field (in the opposite corner of the field to the access) Oxen Lane is a single track lane that joins the two main roads going west-east into North Curry at Borough Post, to the north and Greenway, to the south. The site is within an area of low vale countryside considered to be of value and zoned as a "Landscape Character Area" and is visible from the North Curry Ridge Landscape Area lying to the west of the site. The site is located on rising land and as a result it can be seen from the surrounding countryside as well as the public footpath, that runs to the south of the site, and the adjacent highways.

## **RELEVANT PLANNING HISTORY**

24/2004/042 Change of Use of Agricultural Land to Form Permanent Gypsy Site, Including the Stationing Of 16 Mobile Homes, 16 Touring Caravans and 16 Utility Dayrooms at Land on Oxen Lane, North Curry. Permission REFUSED on 17th December, 2004. Planning and enforcement appeals DISMISSED on 26th September, 2005. 1 year for compliance with Enforcement Notice. It follows that the site should have been cleared by September 2006 and the present occupation of the site is unlawful.

The main conclusions reached by the Secretary of State in refusing planning permission and dismissing the appeals were:

- a. The existing impact on 6 Oxen Lane is severe and the proposed presence of mobile homes would add to this. The amenities of number 6 have been reduced to a level far below that which ought reasonably to be expected. Mitigation by planting would have an undesirable effect.
- b. The existing development constitutes a major encroachment into the countryside. even with landscaping it will remain conspicuous from across the valley.
- c. Access to schools and community facilities is not 'safe and convenient' as required by the local plan.
- d. The development breaches H14 (B) and (C) of the local plan and local and national policies which seek to protect the character of the countryside.
- e. Visibility at the junction of Oxen Lane and Greenway falls well short of the required 60m. The conditions are so substandard that there is a material highway objection.
- f. The six monthly counts of gypsy caravans present a reliable picture of the situation in Taunton Deane. Occupation of the Land has altered the need position.
- g. The Council failed to carry out a quantitative assessment when preparing the local plan. The local plan does not make allocations of land for gypsy sites, as it should. The failings in the local plan weigh in favour of the grant of planning permission, despite the fact that the Council has a good record of site provision.
- h. There is a need for further sites in Taunton Deane but this is difficult to quantify.
- i. There is no substantive case that all the occupants of the Land need to be accommodated on the same site.
- j. A number of children at school exhibit typical educational problems associated with their past lifestyle and the previous lack of a settle base. If the occupants have to leave the Land the children are likely to lose continuity of education and so will suffer a major disruption. This would also affect children not yet of school age.
- k. The stability of the residential base provided by the Land brings benefits to the occupants in terms of healthcare
- l. The personal circumstances of the occupants are a material consideration which lends support to the case for planning permission
- m. It is likely that the occupants would be on the roadside if there have to leave the Land. This consideration in favour of planning permission is strengthened by educational and health factors. The Secretary of State gives these issues considerable weight.
- n. It would not be appropriate to grant a temporary planning permission, given the serious planning objections to the development.
- o. In the absence of alternative sites for the occupants, dismissal of the appeals will involve a serious interference with their human rights. However the objections to the development are serious ones, which cannot be overcome by

conditions. The public interest can only be safeguarded by the refusal of planning permission

- p. Given the acknowledged difficulties of finding an alternative site and the review of gypsy accommodation needs currently underway, the compliance period in the enforcement notice should be extended to 12 months.

24/2006/038

Change of use of land for the retention of two gypsy caravans and a day room at Oxen Lane, North Curry Permission refused 7<sup>th</sup> March 2007

24/2006/046

Change of use of land for the siting of one touring caravan and one mobile home for gypsy occupation and the erection of a day room at no. 1 Greenacres, Oxen Lane, North Curry. Permission refused 7<sup>th</sup> March 2007

Appeal Lodged and inquiry completed. Decision awaited.

24/2006/047

Change of use of land for the siting of one touring caravan and one mobile home for gypsy occupation and the erection of a day room at no. 8 Greenacres, Oxen Lane, North Curry. Permission refused 7<sup>th</sup> March 2007

Appeal Lodged and inquiry completed. Decision awaited.

24/2006/048

Change of use of land for the siting of one touring caravan and one mobile home for gypsy occupation and the erection of a day room at no. 16 Greenacres, Oxen Lane, North Curry. Permission refused 7<sup>th</sup> March 2007

Appeal Lodged and inquiry completed. Decision awaited

**RELEVANT PLANNING POLICY**

**Somerset and Exmoor National Park Joint Structure Plan Review**

POLICY STR6 - Development Outside Towns, Rural Centers 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 traveling 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.

### EN12 Landscape Character Areas

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

### 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.

Taunton Deane Borough Council noted, in an Executive Report dated 3 May 2006 – titled "providing for Gypsies and Travellers", that Circular 01/2006 altered the approach to the provision and assessment of gypsy and traveller sites nationally.

In order to address these alterations the Executive agreed that whilst all proposals will still need to be assessed in terms of Policy H14 of the Taunton Deane Local Plan, the criteria that are applied may need to be considered in a more flexible way 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.

The report also acknowledged that Circular 01/2006 states that large-scale gypsy sites should not dominate existing communities. As a result, in implementing policy H14, the relative size of any proposed site in relation to nearby settlements must be taken into account as a material planning consideration.

### **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 unauthorized 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 unauthorized 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 recognize, 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 recognizing 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, unauthorized 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.

Circular 1/2006 requires all local planning authorities to carry out Gypsies and Travellers Accommodation Assessment (GTAAAs) to ascertain the need for pitches in their districts. This must then be submitted to the relevant regional authority. The regional authority will use the information from the GTAAAs 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.

The circular sets out 'transitional arrangements' to govern the consideration of new pitches 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

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 60

In 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 Regional Spatial Strategy (RSS) is formulated by the Regional Assembly and will be responsible for deciding 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 Regional Planning Board was of the view that there was not sufficiently robust information available on which to establish district level numbers and that it was 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 summarized as follows:-

- The extent of existing provision in the region is approximately 550.
- The following parts of the region have relatively high numbers of unauthorized 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, referred to in the Draft RSS, has made significant progress and has now completed its Examination in Public. The EiP Panel's report is due in May (this will be updated if the report is issued prior to the committee date). This report will specify additional pitch requirements to 2011 for Unitary Authority and District Council areas. The Draft Review identified a requirement for 17 additional pitches in Taunton Deane, although it is anticipated that this may be increased to around 20, taking into account a need for existing gypsy pitches to expand. To date, 10 new pitches have been permitted in the Borough since the start of the RSS period in 2006.

### **GYPSY AND TRAVELLER ACCOMMODATION ASSESSMENT (GTAA)**

PPS3 tasks local authorities with ensuring that everyone has access to a decent home, and Circular 01/2006 requires them to undertake Gypsy and Traveller Accommodation Assessments (GTAA) in their areas, to assess the scale of need and identify pitch requirements. The information produced is to inform the preparation of Regional Spatial Strategies, which will identify the number of pitches required for each local planning authority, and the preparation of Development Plan Documents.

An assessment of accommodation needs was undertaken by the Ark consultancy in 2005 for all the Somerset local authorities, but it pre-dated the Government guidance on the preparation of GTAAs. Consequently it was not fully compliant with the guidance, and did not produce a specific recommendation for the number of additional pitches required. Since then, in order to have an input to the preparation of proposals for gypsy and traveller needs in the RSS, an estimate of pitch requirements has been made. This was made by officers of the County and District Councils and representatives of the Gypsy and Traveller communities. It identified a need for 17 additional pitches. However, it is recognised that the figure produced

was an interim estimate, and that further detailed work is required as a matter of priority to properly assess the situation and inform the preparation of the Local Development Framework

Work is due to start on the updated GTAA in the near future. Its results will inform the preparation of the Council's LDF, including any need which may exist for the identification of new sites.

## **CONSULTATIONS**

COUNTY HIGHWAY AUTHORITY views awaited

GYPSY LIAISON OFFICER It is still my opinion that Oxen Lane, North Curry is by definition an unauthorised development in an inappropriate location.

At the present time there are no vacancies on any of the authorised Local Authority sites.

In the recent Gypsy and Travellers Accommodation Needs Survey, Taunton Deane accepted that a total of six pitches were needed immediately to relocate the families on this site.

Somerset County Council has identified to the Deane two sections of land owned by the County Council, which could be leased to the District Council as possible sites. I am also informed that the applicants have identified over 20 possible locations, which could be developed as sites.

Under existing legislation it is the responsibility of the District Council to address accommodation applications from Gypsies and Travellers and both the District and the County Council are working together to address this difficult issue.

CHIEF FIRE OFFICER the details of the proposals have been examined and the following observations are made:

1. Access for Appliances

Access for fire appliances should comply with Approved Document B5, of the Building Regulations 2000.

2. Water Supplies

All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards.

3. The Regulatory Reform (Fire Safety) Order 2005

This authority will be responsible for enforcement of the above legislation relating to any communal buildings on this site. Applicants should be directed as set out below. For technical detail and guidance you are strongly advised to obtain the appropriate publication that has been published by HM Government, details of these publications are available at <http://www.communities.gov.uk> for purchase or free download. When purchasing or installing equipment, compliance with the relevant British Standard is normally taken as being adequate. Should the issues set out in this report require major changes or costs then you are advised to take professional advice before proceeding.

SOCIAL SERVICES no views received

WESSEX WATER The development is located within a foul sewered area. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. This can be agreed at the detailed design stage.

According to our records, there is a public foul sewer crossing the site. Please find enclosed a copy of our sewer records indicating the approximate position of the apparatus. Wessex Water normally requires a minimum, three-metre, easement width on either side of its apparatus, for the purpose of maintenance and repair. Diversion or protection works may need to be agreed.

It is further recommended that a condition or informative is placed on any consent to require the developer to protect the integrity of Wessex systems and agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site. The developer must agree in writing prior to the commencement of works on site, any arrangements for the protection of our infrastructure crossing the site.

There are no public surface water sewers in the vicinity of the site; it is advised that the developer investigate alternative methods for the satisfactory disposal of surface water from the site (e.g. soakaways). Surface water should not be discharged to the foul sewer. Your Council should be satisfied with any suitable arrangement for the disposal of surface water.

With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage. However for capacity reasons, it should be noted that connection would need to be made to the 150mm PVC main that crosses Oxen Lane near Borough Post, and not to the main to the rear of numbers 1 - 6 Oxen Lane. In addition no connection is to be made to the 800mm spine main to the north of Oxen Lane.

It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure.

the site is in a mains water and foul sewered area, the developer should contact Wessex Water to agree details of any connection. Taunton Deane should ensure that the surface water drainage details are acceptable

ENVIRONMENT AGENCY no objection to previous proposals

LANDSCAPE OFFICER this is one of the most prominent plots on the site and in my opinion would be detrimental to the landscape character of the area.

POLICY views awaited

ENVIRONMENTAL HEALTH OFFICER previous views: - The applicant should be advised that suitable and satisfactory drainage provision shall be made. With respect to the proposed use of the existing septic tank the applicant shall ensure that the septic tank systems capacity is satisfactory to provide drainage for the maximum likely numbers of occupants of the property.

HOUSING OFFICER no comments

DRAINAGE OFFICER tests should be carried out to ensure the required lengths of subsurface drainage are provided. Details of the surface water drainage should be a condition of any approval.

NORTH CURRY PARISH COUNCIL strongly objects to the proposal for the following reasons: -

1. The plot was the subject of a previous Planning Application 24/2004/042, permission for which was refused by Taunton Deane Borough Council on 16th December 2004. That decision was the subject of an Appeal resulting in an inquiry being undertaken in June 2005. As a result of that Inquiry the Inspector's Report dated 19th July 2005 recommended that the Appeal be dismissed and that the Enforcement Notice be upheld. In September 2005 the Secretary of State upheld the Inspector's recommendation.

2. The impact of the proposed development on the outlook from 6 Oxen Lane and its attractive rear/side garden is severe. The visual amenities of the occupants at 6 Oxen Lane have been reduced to a level far below that which ought reasonably to be expected. The impact could be mitigated by landscaping / planting. However, such new planting that would be required to supplement the existing boundary growth, would need to be substantial and once matured this would be likely to enclose 6 Oxen Lane to such a degree as to have in itself an undesirably oppressive effect on the enjoyment of this house and its garden. This is not therefore an appropriate option. The occupants of both Nos.5 and No.6 Oxen Lane also raise strong objection on account of noise disturbance caused by dogs barking, music being played from vehicles, additional traffic and shouting.

3. The development of this site amounts to a major encroachment into the countryside. Although not given any specific landscape protection this is an attractive location, open to view from the A378 / public footpaths across the valley on the slopes of the Fivehead Ridge. The impact of the development from this direction, exacerbated by the gradual slope of the appeal land up towards the west, is significant. The development even with additional planting / landscaping would be likely to remain conspicuous from across the valley.

4. There is a fundamental conflict with SP Policy 5, which seeks to safeguard the distinctive character of the countryside for its own sake, and a failure to meet TDLP Policies S1 (D) and H14(C). The development, moreover, is and would be inconsistent with the requirement under TDLP Policy EN12 that proposals must be sensitively sited and designed to respect the distinct character and appearance of Landscape Character Areas, with EN1 of RPG10 which seeks to protect the character of the countryside and with the related national guidance in PPS7 seeking the protection of the countryside for its own intrinsic character and beauty.

5. The Parish Council contend that if permission is granted for this application, it would be very difficult to control any further incursions of caravans onto the rest of the site.

6. The applicant moved her mobile home onto the Oxen Lane site on 11th January, since that time and up until today's date (28th February 2008) she has only spent two single separate nights on the site, indicating a lack of need.

7. As this is an application from a totally new person not mentioned on any of the previous enforcement notices, the Parish Council feel this application should not even have been accepted.

The Parish Council contends that the reasons outlined in the Inspector's recommendation to dismiss the earlier Appeal still hold good in respect of this application.

## **REPRESENTATIONS**

67 representations have been received raising the following points: -

- This site has had the full consideration of the First Secretary of State and planning permission was refused for the occupation of this site.
- The applicant's occupation of this site was contrary to an existing High Court Injunction and a mobile home should never have been brought onto the site and its continued presence should not be tolerated.
- If planning permission is granted for this gypsy it would create a precedent whereby it would be impossible to control further occupation of the site
- Occupation of the site will lead to pollution of the area by noise, waste and light.
- The occupation has lead to increased noise from Quad bikes during evenings and weekends, dogs barking at all hours of the day and night.
- If planning permission were granted for this plot then the majority of the site would remain unaltered as it is situated to the far south west of the site and the whole of the access would need to be retained in order to gain access. This would be likely to lead to a gradual infill of the other pitches over time.
- Oxen Lane is an unclassified single track Lane without a footpath and the additional use is detrimental to highway safety
- Horse riders, cyclists, dog walkers and children use oxen Lane; the increase amount of traffic going to and from the site is detrimental to highway safety.
- The increased use of the junctions especially at Borough Post, with their poor visibility, at either end of Oxen Lane is detrimental to highway safety
- The increased use of the field access is dangerous to highway safety
- increase amount of traffic going to and from the site is detrimental to highway safety and is contrary to Somerset and Exmoor Structure Plan policy 49 and Taunton Deane Local Plan policy H14 (b).
- The additional use of Oxen Lane has resulted in vehicles passing without adequate space causing a widening of the Lane and impact on visual amenity of the area as well as highway safety.
- In winter runoff from the field through the gateway has lead to ice over the road additional run off from the site now that it has been hard surfaced with access tracks is likely to make this worse and it would become even more dangerous.

- Septic tanks have been installed adjacent to residential boundaries, have these been checked to make sure they do not cause pollution down slope to other agricultural and residential properties.
- The Secretary of State has already refused planning permission for this use and this application is exploiting a loophole in the law.
- The use sets an undesirable precedent for similar unauthorised encampments within the area
- This site has been illegally occupied since October 2004 and this application represents another attempt to delay proceedings.
- Approval of this application will open the site up and encourage further unauthorised occupation
- This represents breaking of planning laws.
- Nobody should be allowed to break the law no matter what their rank, race, or creed
- Existing residents would not be allowed to act in this way.
- Under Article 8 of the Human Rights Act there is an equal right to respect for private and family life and this includes the rights of existing residents whose lives have been detrimentally affected by this proposal.
- The unauthorised site has had a detrimental impact of the visual amenity of the area. The site, on high ground can be seen from the local and wider area as a detrimental incursion into this area, the occupation of the site is detrimental to the character of the Landscape Character Area and Currel Rivel Ridge.
- The caravans and occupants of the site overlook the existing residential properties and this is detrimental to the privacy and amenity of existing residents.
- Dogs are allowed to roam freely in the surrounding fields and residential gardens with no one attempting to keep them within the site.
- The site is located outside of the settlement limits of North Curry where new residential development is not permitted. The proposal is contrary to the requirements of Taunton Deane Local Plan policies S1, S2 and S&.
- The police raids further affect the amenity of existing residents.
- Activities on site and armed police visits have resulted in a fear of further crime and disorder.
- The occupation of this site, an agricultural field in the midst of the open countryside will be detrimental to the existing wildlife of the area
- The occupation alters the site character from agricultural to domestic.
- There has been an accumulation of waste in hedges around the site.
- The occupation has a detrimental impact on the character of the North Curry Ridge landscape character area from near and far views.
- Since the unauthorised occupation three years ago no planting has taken place around/in the site and it remains as big an eyesore as ever.
- North Curry already has a good provision of authorised gypsy sites within the parish and additional units will result in a disproportionate level of gypsy occupation.
- There are already Gypsy sites in the area with vacancies.
- The mobile homes and buildings are out of character with the existing development of the area.
- Since the unauthorised occupation there has been such a breakdown in

relations between the settled community and the occupants of the site due to the activities of those on site that integration between the two sets of people is now impossible.

- The school is at capacity. Mobile classrooms do not answer as this reduces the play and admin areas at the school.
- The health centre facilities will be stretched by the additional demand.

#### WARD COUNCILLOR

I wish to object strongly to yet another Gypsy site application on this site. Previous applications have been refused and the first appeal was also refused as a result of a public inquiry. The reasons why this site is not suitable are the same as the previous applications. The vehicle access to the site is very poor and dangerous, especially at the junction between Oxen Lane and Greenway; the site is in open countryside where the development is against normal planning policy and the caravans etc are a blot on the landscape. The site at Oxen Lane is recognised in the previous inspectors report as being much bigger than any studies of gypsy need have shown a demand for. If even a single permission is granted then it is inevitable that the whole of the site would eventually be filled with vans, authorised or unauthorised. This would have a very negative impact on North Curry, especially the school, the health centre and the level of unsocial activity in the village. Police reports over the last 3 years indicate how many incidents of disorder there have been since the site was occupied and adjacent residents have been badly affected as a result. The application should be refused in line with previous decisions.

#### **PRINCIPAL ISSUES FOR CONSIDERATION**

THE SECRETARY OF STATE'S DECISION

POLICY

HIGHWAYS

IMPACT ON PRIVACY AND RESIDENTIAL AMENITY

IMPACT ON THE LANDSCAPE

SUSTAINABILITY

PRECEDENT

HARDSHIP/PERSONAL CIRCUMSTANCES

GENERAL NEED/AVAILABILITY OF OTHER SITES

INTERFERENCE WITH ARTICLE 8 RIGHT AND JUSTIFICATIONS

#### **THE SECRETARY OF STATE'S DECISION**

The appeal proposal, considered by the Inspector and First Secretary of State, was for the permanent use of land to form permanent gypsy site, including the stationing of 16 mobile homes, 16 touring caravans and 16 utility dayrooms.

At the time of the Inquiry there were caravans stationed on all plots although plots 6, 10,11,13,14 were unoccupied. All the appellants were resident at the time. Currently plot1 is occupied by the applicant, Ms Wilson, plots 8, 15 and 16 are occupied by the appellants, plot 9 is occupied by Mr Dolan and plot 7 is intermittently occupied by Ms O'Neil. The rest of the site remains empty.

At the time of the first appeal it is clear that the Inspector and the Secretary of State considered the impact of the development in existence at the time of the inquiry (i.e. the development enforced against) to be unacceptable: their conclusions were not confined to the proposed full development of the site. (In any event, officers fear that if planning permission is granted for the present plots, this will lead to further development on the site, see below).

In these circumstances officers consider that the findings of the Inspector/Secretary of State on the following matters are still relevant:

- Impact on residential amenity (it is quite clear that no. 6 Oxen Lane continues to suffer unacceptable harm to residential amenity, see below);
- Encroachment of existing development into the countryside (due to the siting of plot 1 the degree of actual encroachment is much the same);
- Access to schools and community facilities (this remains unsafe as there continues to be no footways);
- Breach of countryside policy (see below);
- Visibility at junction of Oxen Lane and Greenway (this has not changed). The conclusions of the Inspector and the Secretary of State were not predicated on any particular level of usage;

I consider that main considerations that are different from those at the time of the appeal are: -

- 1) The balance of the personal need of the applicant, Mrs Wilson, to remain on the site against the recognised objections to the occupation of the site.
- 2) The identified need for sites within Taunton Deane as quantified by the GTAA work.

The Secretary of State's decision was based on the absence of a quantitative assessment of need for gypsy pitches within Somerset and district of Taunton Deane.

The decision acknowledged that there were no alternative sites to accommodate the appellants and recognition that if the enforcement notice were to be upheld the occupants would probably be on the roadside. To this extent this position has changed in the Council's favour. The Council has carried out substantial work to assess the existing level of need in the area (the work predated and does not completely conform to the Government's guidance on GTAA's) but it is clear that the need to 2011 is relatively small, in the region of 17 pitches of which 8 have already been provided. Since Circular 1/2006, the Council has shown a willingness to grant planning permissions for new gypsy sites (see below).

Overall officers considered that the following conclusions of the Secretary of State remain sound:

- That the planning objections to this site are so great that use by gypsies must be ended even if this means that the occupants have to live on the roadside;
- Requiring the occupants to leave the land would be a justified interference with the applicants' A8 rights;

## **POLICY**

The development plan contains policies at Structure and Local Plan level for the provision of gypsy sites within Taunton Deane. Policy H14 governs the development of gypsy and traveller sites. The council has decided that it is appropriate to apply this policy in a flexible manner, given the provision of C1/2006 which indicate that planning permission should not be refused because gypsies do not have a local connection, that local landscape designations should not be used as the basis for refusing planning permission of gypsy sites and that a less restrictive approach should be taken to questions of access to local services etc

Policy H14 lists 9 criteria that need to be satisfied:

1. 'There is a need from those residing or passing through the area'. Circular 1/2006 accepts that changes in the working patterns of gypsies may result in a need for sites that are in different locations from those of the past. In this context the links to an area have become less important. The advice goes on to state. 'LPA should not refuse planning permission solely because the applicant has no local connection'. Of the 6 applicants only 1 family had a family link to north curry and the immediate area and 2 others had a link to Somerset before occupation of the oxen lane site. The others have not listed any prior local connections.

2. 'Safe and convenient access by bus, cycle or on foot to schools and other community facilities'. Whilst the council cannot now insist on close proximity to such services, I do not consider that it is intended to encourage use that would be dangerous to users. In this case the site is located approximately 260km from the settlement in greenway and 400 m from the village hall/school. Access to the village is along unlit country lanes without any footpaths. In the previous planning appeal The Secretary of State considered that the use of the highway, which has no footpath or speed restriction "cannot be described as safe and convenient" and in this respect I consider that the current proposal is contrary to highway safety and criteria 2 of policy H14.

3. 'A landscaping scheme has been provided which screens the site from outside views and take account of residential amenity. The appeal decision recognized the harm to the surrounding landscape and character of the area. The applicant has not proposed any landscaping for the site. The landscape Officer comments that plot 1 is one of the most prominent on the site and I consider that the retention of the Mobile home and provision of additional mobile homes and a day room would be contrary to these criteria.

4. 'Adequate open space is provided'. A principal feature of this development is the huge size of the plots, extending to about 1/3 of an acre each. While the policy does not include a measure of 'adequate open space' so that the assessment has to be subjective, I consider that there would be adequate open space within plot 1.

5. 'Accommodation will enjoy adequate privacy and sunlight'. The plot measures 70m x 24m approx laid out on the far west of the larger site. As such there is abundant sunlight available to each plot. At present there are post and rail fences separating the plots and this would not provide for any privacy to occupants within

the site. Around the edge of the site are native hedgerows forming a boundary with the adjoining agricultural land. I consider that the hedge boundary with the fields would require support planting to provide adequate levels of privacy from the west. In the northeastern corner of the site are two storey dwellings; the patio and upper windows of these properties (particularly those of no. 6 Oxen Lane) overlook the whole site. As a result of the above considerations I do not consider that the proposed site offers adequate privacy for the occupants of the site. More to the point the development involves a severe impact on the privacy and amenity of the residents of existing dwellings.

6. 'Areas for business are provided with separation from accommodation to allow for the safety and amenity of residents'. There have been no areas of land allocated for business use on this plot. I consider that any business uses on this plot is likely to result in disturbance to other residents on the site and residents adjacent to the site.

7. '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'. This criterion has been relaxed due to Circular 1/2006 to allow such sites to come forward provided there is no harm to those areas. In this case the site has no specific national protection. However the site does lie within a locally designated landscape character area. This character is valued for its low vale characteristics with a patchwork of fields typically bounded by hedgerows with standard of oak and ash with pockets of broadleaved woodlands and orchards. The landscape officer has confirmed that the proposal will be obtrusive in this landscape and detrimental to those qualities.

8. 'Adequate fencing, capable of preventing nuisance to neighboring areas, is provided'. The application does not contain details of any proposed fencing. Due to the overlooking of the site by residents of existing residential properties, exacerbated by differences in ground levels between plot 1 and Oxen lane, I do not consider that adequate fencing could be provided to avoid nuisance to those existing residents. Furthermore, due to the visual prominence of the site, I consider that the erection of additional fencing in and around the plot would be detrimental to the character of the area. In conclusion I do not consider that the proposed site conforms to Taunton Deane Local Plan Policy H14 in this respect.

In conclusion and for the reasons set out above, I do not consider that the proposal complies with the criteria b, c, e, h, i and j set out in Taunton Deane Local Plan Policy H14.

## **HIGHWAYS**

The County Highway authority views are still awaited for this application however I consider that they are unlikely to alter from their views on similar applications elsewhere on the site in 2006 for this reason I reiterate the comments in the previous reports.

The application site is located to the west of North Curry. It is accessed from the main A378 road (that lies to the west of North Curry) via 2 country lanes. The first

lies to the south west of the settlement and passes through the hamlet of Lillesden on its route to North Curry (adjacent to North Curry it is known as Windmill Hill) and the other lies to the south of North Curry passing through Newport on its route to North Curry (known as Greenway). Both of these roads are sub standard with no footpaths for pedestrians. These roads converge near the centre of North Curry. The application site is accessed off Oxen Lane, an unclassified lane, approximately 400m to the south of North Curry that runs between Windmill Hill and Greenway. In accordance with the access requirements of the County Highway Authority, the site access should provide 4.5m x 60m visibility splays in each direction. The current site access provides a visibility distance of 60m in one direction but only 3m in the other direction. Whilst this is substandard, the County Highway Authority considers that, as Oxen Lane is only lightly trafficked; the proposed use of the site access would be acceptable from a highway point of view. In contrast the County Highway Authority considers that the visibility at the junctions of Oxen Lane with Windmill Hill to the north and Greenway to the south, are severely substandard. In their opinion, the continued occupation of the site by the 6 applicants is likely to result in several vehicle movements from each mobile home per day still resulting in significant additional traffic using those junctions which would be prejudicial to highway safety, contrary to the requirements of the Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policy S1. Officers acknowledge that the Inspector and the Secretary of State found that additional usage of the junction between Oxen Lane and Windmill Hill would not be prejudicial to highway safety and so, although concerned about its safety would not propose to place reliance on this as a reason for refusal.

### **PRIVACY AND RESIDENTIAL AMENITY**

The application plot lies 36m to the south of 6 Oxen Lane at a ground level significantly below the ground level of 6 Oxen Lane. Taunton Deane Local Plan Policy H14 criteria (C) require that levels of existing and proposed residential privacy is adequate as the result of development and Policy S1 criteria (E) and (F) requires the protection of the privacy and residential amenity of existing and proposed residents. The windows and garden area of 6 Oxen Lane are raised above the application site and overlook the whole site. In his decision on the provision of 16 caravans etc, the Secretary of State considered that the impact of the development on the outlook and visual amenities of 6 Oxen Lane was severe and that additional caravans and dayrooms (i.e. From 8-16 caravans plus dayrooms) would add to that harm. I consider that the occupation of plot 1, with the differences in ground level, results in a significant reduction in the outlook, privacy and amenity of the occupants of 6 Oxen Lane. I also consider that the relationship between the site and 6 Oxen Lane results in a detrimental impact on level of privacy and amenity of the applicant. In addition the occupation of the plot is likely to result in an increased level of noise and disturbance likely to have a detrimental impact on the amenity of nearby residents contrary to the requirements of this policy. I therefore consider that the proposals are contrary to Local Plan Policies H14 and S1.

### **IMPACT ON THE LANDSCAPE**

The site is located in an area of open countryside whose character is recognized in the local plan as special and worthy of retention and protection. Taunton Deane Local Plan policy EN12 requires this proposal to be sensitively sited and designed to respect the low vale character of the North Curry Ridge landscape character area. As stated previously, this site lies on rising ground and is open to local and distant views. The linear formation of plots, including plot 1, along with the erection of fencing and the siting of mobile homes, caravans and day rooms is completely out of character with the area. This is especially evident in views from the foothills of and road along the Fivehead Ridge, where the site stands out in contrast to its agricultural setting. There is no proposed landscaping scheme and any additional planting of the scale to screen the development would be out of keeping with the character of the area. I therefore consider that the proposal is contrary to the requirements of Taunton Deane Local Plan Policy EN12.

### **SUSTAINABILITY**

The site is located in a location outside of the settlement limits of a recognized settlement in an area of open countryside with isolated pockets of development. The site is in walking distance of North Curry but the roads do not have footpaths and their use would be dangerous. It is therefore likely that the private car would undertake most trips to North Curry or Taunton. In this case it is accepted that gypsy sites are often in such locations and, due to the need to provide exceptional accommodation for them, non-sustainable location, such as this, are considered acceptable in principle.

### **PRECEDENT**

The field has been divided by a central access drive from west to east across the site and 8 plots laid out to the north and south of the drive forming a total of 16 plots. The applicant has stated that she is the owner of plot 1. I understand that the remaining 15 plots are also in separate ownership. Caravans remain on most of the 16 plots. The application plot is located in the far south west of the site and would require the retention of the whole of the central access drive in order to access the plot. Since the unauthorized occupation in October 2004, there has been general activity on the site, including the unauthorized occupation of a number of the plots that the existing occupants have been unable to control. I consider that, if planning permission were to be granted for this plot, it is likely that additional unauthorized occupation would ensue. Occupation that would result in a long-term use of the site contrary to planning policy and the amenity of existing residents in Oxen Lane, as supported by the Planning Inspector and Secretary of State. The prospect of this is a material consideration, even if it were to take place without planning permission.

### **HARDSHIP/PERSONAL CIRCUMSTANCES**

Plot 1 currently provides a home for Ms Wilson, her two year old child and a second baby, born prematurely and still in hospital, will be joining them on the site in the future. Ms Wilson states that it she has led a travelling lifestyle with her father and has no alternative, permanent site to stop, she will become homeless if planning permission is refused. In addition Ms Wilson wants a settled base from which to

raise her two children enabling them to have settled base and a proper education. Whilst Ms Wilson claims friends and family within the area, no evidence of these links has been forthcoming to date. Currently Ms Wilson is having serious medical treatment at Musgrove Hospital and needs a settled base whilst this is being completed.

In terms of education Somerset County Council, offers an education service for Gypsy children specifically designed to accommodate them wherever they stop within the County. In this respect I do not consider that there are any particular educational needs for Ms Wilson to settle on the current site contrary to the policy objections to her continues occupation of the plot.

Ms Wilson has special medical needs that require a settled base for the completion of treatment. I do not consider that this need means that Ms Wilson must remain on this particular site, with its planning history and recognised planning harm but I do consider that she should be encouraged to move to a permanent site elsewhere in the district to enable continuity of the care she receives. At present Ms Wilson has no intention of applying for an alternative permanent site on County or District run sites. Neither does she intend to put her name on the housing waiting list for an alternative pitch until she has a final outcome for this site.

I accept that under Circular 1/2006 Ms Wilson has no current permanent site and therefore has an unmet need for a pitch and that this need may have to be met in the Taunton Deane area.

The Local Planning Authority has a duty to weigh Ms Wilson's need against the planning policies and harm caused by her unauthorized occupation of the plot. In so doing I take account of the Secretary of State's appeal decision against such occupation and determine that Ms Wilson's need is not sufficient to weigh in favour of her continued occupation of plot 1 Oxen Lane.

### **GENERAL NEED/AVAILABILITY OF OTHER SITES**

The position in summary is that the District has a high level of existing provision, that the Council has shown a willingness to grant planning permission for additional pitches, that apart from the occupation of the Oxen Lane land, the need for additional pitches is low. The position in terms of provision of sites for gypsy occupation is now clearer than during the public inquiry.

Present level of provision/unlawful development.

In July 2007, the County of Somerset had 327 gypsy caravans on authorized sites, a mixture of privately/ publicly owned/run sites. Of these, 122 are within the Taunton Deane Borough and 40 of these are within the parish of North Curry (including a transit site with 16 caravans). I include a list of sites within Taunton Deane showing both the number of caravans permitted under the relevant planning permission and the number of caravans actually observed on the count day in January 2007

With permission on site January 2007

On Site

1.	Stoneyhead	25 permanent caravans/mobile homes; 20	6
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		transit caravans and 16 transit	
2.	Longacre	2 pitches permissions now 5 caravans	5
3.	Lords Wood	4 mobile homes ownership now 6 vans with permission	6
4.	Newport	Gypsy family (2 mobile homes/2 caravans)	5
5.	Greenway	1 family caravan	1
6.	West Hatch	Up to 8 mobile homes caravans (resolution to grant permission)	21
7.	Fosgrove	2 mobile home	1
8.	Dodhill	2 mobile homes	1
9.	Park View, Milverton	1 mobile home	1
10.	Pitt Farm	5 caravans	3
11.	Highview	2 caravans	4
12.	Two Acres Ford Street	2 caravans	
13.	Lodge Copse	3 caravans	3
14.	Upcott	2 caravans	3
15.	Otterford (1)	29 caravans	27
16.	Otterford (2)	3 caravans	
17.	Brimley Cross	3 caravan	3
18.	Hillfarance	1 caravan	1

#### Site with temporary permission

19. Otterford (2) 3 caravans

#### Site Occupied without Planning Permission

20. Oxen Lane  
21. Cotford St Luke

It can be seen that there is planning permission for a total of 91 caravans. Of these planning permission for 6 caravans has been granted since the Oxen Lane inquiry, as follows, Long Acre (2 extra) and Otterford (3new pitches, unoccupied at present) and Hillfarance (one caravan). This illustrates that, as an authority, Taunton Deane are keen to enable private provision of sites wherever possible.

These planning permissions were largely granted to gypsy families already unlawfully in Taunton Deane so as to enable their needs to be met and area the result of the more flexible application of H14 referred to above. (See Appendix 1 for map of above sites).

#### Unlawful development

Apart from the occupation of the site at Oxen Lane there are relatively few unlawful gypsy caravans in Taunton Deane. Leaving aside Oxen Lane, on the January count day there were 5 caravans passing through the area and stopped in a lay by at Shoreditch Road. There is also an unlawful pitch at Cotford St Luke. There are currently two names for pitches listed on the Taunton Deane housing waiting list.

Work currently being undertaken

Consistently with the general approach of seeking to meet the needs of gypsies in Taunton Deane, the council has set up a working group to look at the allocation of sites to provide accommodation for gypsies and travellers and their priority has been to find sites for the current identified need. This work is on going but to date no sites are available. Prospects of being able to enable the provide such pitches in the future has been greatly improved by the receipt of monies from Central Government and Taunton Deane for the purchase of sites.

In addition, the County Council has agreed that any land in its ownership, which becomes surplus to requirements will be referred to the Borough Council for assessment as a potential gypsy site.

### INTERFERENCE WITH ARTICLE 8 RIGHT AND JUSTIFICATIONS

The site provides a home for Ms Wilson. A refusal of planning permission will involve an interference with her Article 8 rights. Members will need to consider whether this interference is justified within Article 8(2). In the appeal against the unauthorized occupation the Secretary of State considered that the interference in those occupants rights was justified because of the public interest in ending the harm caused by the development. I have considered the current personal circumstances of the applicant. I accept that Ms Wilson has a need for a permanent site but in weighing this consideration against the harm caused by this occupation I consider that such interference is also justified in this case.

### APPENDIX



## **CONCLUSION**

The Secretary of State refused the principles of the change of use of this field to 16 pitches for the stationing of caravans on appeal in September 2005. The current application by Ms Wilson is for the retention of a mobile home and the stationing of an additional mobile home, touring caravan and day room on the site. This represents a reduction in the level of accommodation on the whole field and this will lessen, to a degree, the detrimental effects of the development on the environment. I consider that the relationship between Ms Wilson on plot 1 and the residents Oxen Lane (especially those at number 6) is poor resulting in unacceptable levels of overlooking for existing residents, detrimental to the amenity and privacy of residents and is likely to result in additional disturbance due lighting, noise and out door domestic activities associated with any residential occupation. Taunton Deane Borough Council have shown, through their granting of permissions since circular1/2006, that they are prepared to regularise unauthorised encampments where possible but on this occasion, I consider that the impact on the neighbours is of sufficient weight to override the need for Ms Wilson to occupy the site. Circular 1/2006 emphasises the desire to create good community relations, the history of the occupation of this site and the manner of the occupation appear to make this difficult if not impossible in the future.

In terms of the impact of this proposal on highway and landscape, the traffic associated with the use of Ms Wilson's plot alone does lessen the impact of the use on the surrounding highway network I am concerned that the precedent that it creates would be likely to result in additional occupation equally unacceptable as the appealed application for 16 plots. In terms of the impact on the surrounding Countryside, the Landscape Officer has advised that plot 1 is one of the most visually prominent sites on the site and that the occupation of this plot would be detrimental to the Landscape character and visual amenity of the Landscape Character Area.

In the above report I have referred to the precedent that granting permission on part of the field may have on the use of the remainder of the field in the future. Case Law has established that it is appropriate to consider this matter. In this case the history of the field, its various ownerships and unauthorised activities over the past three years mean that I consider it likely that a permission for plot 1 is likely to attract further applications for the remainder of the 16 plots in the future contrary to the strong planning objections, upheld on appeal. In this respect my recommendation also considers the impact of any intensification of the use of the field on the residents of Oxen Lane, Landscape and Highway Safety.

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

**CONTACT OFFICER: 356467 MRS J MOORE**

NOTES:

