

29/2007/013

MR R G DANES

PROPOSED GYPSY CARAVAN SITE FOR THREE MOBILE HOMES WITH TOURING CARAVANS AND PORTABLE SHOWER BLOCK AT DANESWELL, ADJACENT TO GYPSY SITE, CULMHEAD

321811/115694

FULL

PROPOSAL

The proposal seeks to utilise an existing field next to the current gypsy site at Culmhead to provide an additional three pitches for a local gypsy family that currently occupy the Otterford site.

The site is served by an existing access for an agricultural building on the adjacent land which was granted permission on appeal in 2002. The development will involve the provision of three mobile homes plus a portable shower block building set in the field on hardstandings with space for touring caravans.

CONSULTATIONS AND REPRESENTATIONS

LANDSCAPE OFFICER - Subject to no new Highway visibility splay requirements and careful management of the roadside hedge and landscaping it should be possible to integrate the proposal into the local landscape.

ENVIRONMENTAL HEALTH OFFICER - No observations.

FORWARD PLAN UNIT - In terms of the principle of this development the key policy is H14 of the Taunton Deane Local Plan (TDLP). This allows for the location of gypsy sites outside the defined limits of settlements, provided that they meet a number of criteria that are set out in the policy.

The majority of the criteria relate to matters of detail rather than principle. Others will comment on the details, so I will limit my views to the general principles of the application site's location, and the need for the pitches.

Policy 36 of the Structure Plan is also relevant.

In assessing these issues regard must also be given to the following:

- ODPM Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites;
- DCLG guidance on Gypsy and Traveller Accommodation Needs Assessments (2007); and
- the proposals of the emerging Regional Spatial Strategy (RSS) including the current review of additional pitch requirements.

Also relevant are the recommendations contained in a report to, and agreed by, the Executive in April 2006, in response to the advice in Circular 01/2006.

LOCATION

In terms of the location of gypsy and traveller sites, it has long been accepted in planning policy that rural locations outside settlements are one of the exceptions to the normal strict control of new development.

This is re-affirmed at paragraph 54 of Circular 01/2006, which states that 'Rural settings, where not subject to special planning constraints, are acceptable in principle.'

Policy H14 of the Taunton Deane Local Plan relates specifically to proposals in rural areas.

Two criteria of the policy relate to the location of residential sites - (B) and (H). The issue dealt with by criterion (B) is that of safe and convenient access to schools and other community services.

Structure Plan Policy 36 is concerned with the same issue.

The application site is not located within a short distance of a settlement providing local services and facilities, so does not enjoy safe and convenient access by bus, cycle or foot.

However, there are other considerations that need to be taken into account. Circular 01/2006 advises that in assessing the suitability of sites '...local authorities should be realistic about the availability, or likely availability, of alternatives to the car in accessing local services'.

The need for the Council to take a more flexible approach to the issue of access to facilities was one of those agreed by the Executive in April 2006. Finally, the application site is immediately adjoining a much larger and long-established site on which some of the applicant families reside, so it would be unreasonable to view the inaccessibility of facilities as a significant problem.

The application is clearly contrary to criterion (H), as it is located within the Blackdown Hills Area of Outstanding Natural Beauty. However, this is an issue where a new approach was introduced by Circular 01/2006, as it states that in areas with nationally recognised designations such as Areas Of Outstanding Natural Beauty (AONBs) there is not an in principle objection to gypsy sites, but that planning permission can be granted where the proposal would not compromise the objectives of the designation.

The application site's proximity to the existing site is likely to make adverse landscape impact less likely, but the views of the landscape officer will be important in respect of this matter.

NEED

The issue of need, which is addressed by criterion (A) of policy H14, is an area where the more recent advice and guidance in PPS3, Circular 01/2006, Gypsy and Traveller Accommodation Assessments Guidance, and the emerging RSS is of particular relevance.

At present there is no agreed figure for the number of additional pitches needed in the Borough, with the Taunton Deane Local Plan only containing the criteria-based policy H14 and no estimate of pitch requirements.

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. Consequently it was not fully compliant with the guidance, and did not produce a specific recommendation of 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 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. It is hoped that the results of this will be available by the end of the year.

In the meantime, in advance of those results it is appropriate to have regard to the methodology in the guidance on GTAAs when assessing proposals such as the current one.

This identifies a number of sources of demand and supply that need to be taken into account in assessing the number of pitches for which provision should be made. In this case the applicant households are relocating from the existing Otterford site, which will free up authorised pitches that will then be available to meet other needs. With at least six households occupying unauthorised pitches at Oxen Lane, North Curry, this will provide an opportunity for meeting the needs of at least some of them.

In conclusion, in view of the difficulties in identifying suitable and available sites to meet the accommodation needs of gypsies and travellers, and the existence of unmet need within the Borough, opportunities for adding to the supply of pitches need to be considered carefully. In this case I consider that in overall terms the benefits of accommodating the desire of the applicant families to reside on their own site, and the consequent vacancies that will arise on the adjoining authorised site (providing an opportunity to meet other unmet needs) outweighs the shortcomings of the site in terms of its distance from local services. The site's location within the

AONB does not preclude its development in principle, and will need to be assessed on the basis of its impact on the landscape.

COUNTY HIGHWAY AUTHORITY - The proposed development site is located outside of any development limit and 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'. Given that there is another gypsy site/settlement located on adjoining land, it may be unreasonable to raise an objection. The access is onto a classified unnumbered highway. It is a well utilised, stretch of highway where the observed speed of vehicles is estimated to be in the region of approximately 40mph. The existing access is located on the outside of a slight bend, whereby visibility is currently reasonable, however I would seek that a condition is imposed to ensure as much visibility as possible can be incorporated within the applicants land ownership and thereafter maintained. In addition sufficient onsite parking and turning within the site should be provided 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 I have not be provided with any layout plan demonstrating this. Given the points raised above and if the Local Planning Authority are minded to grant consent I would recommend that conditions are imposed:

OTTERFORD PARISH COUNCIL - My Council considered this application at its meeting held on 8 January 2008. The Council wishes to register its very strong opposition to this application for the following reasons:

- The Parish already provides far more than a reasonable share of Gypsy accommodation within the Taunton Deane area It is understood that the policy is to provide a number of smaller sites scattered throughout the district
- The extra numbers would lead to a figure which is more than one which would be sustainable for the local community
- This Application is in addition to the accommodation agreed in the face of strong local opposition, under planning application 29/2005/011, which provides for a further six caravan sites alongside the existing Culmhead site
- The land is within an AONB and under Policy EN10, permission will not be granted for development within an AONB unless it is to supply national need or there is a lack of any other location – this Council found several other suitable sites for gypsy development within the Taunton Deane Area at the time of the discussions re 29/2005/011
- Under Policy S7- development outside settlements should enhance the environmental quality and landscape character of the area – patently, the development proposed will not satisfy this Policy
- The agent for this application appears to be Somerset County Council's Gypsy Liaison Officer – this Council considers such involvement off this officer as inappropriate, or is the County Council promoting the application?

- Loss of amenity/attraction to tourists – the Blackdown Hills are being promoted as a desirable destination and location for tourists, the addition of yet more gypsy sites will do little or nothing to further this hoped for development
- The sustainability of the site in terms of schools, local transport and shops is no better than it was in 2005 (at the time of the last application to develop land alongside the Culmhead site)
- We draw your attention to the recent refusal to allow further development of the privately owned caravan park within the immediate vicinity and the reasons cited for the refusal of this. (See Planning Application File 29/2006/026)
- The Council understands that one of the reasons for the application is to ‘free up’ three TDBC owned sites on the existing Culmhead site. This Council is of the opinion that the application is a mischievous way of extending the existing gypsy population within Culmhead
- The Council has concerns that the provision of a portable shower block is inappropriate and unsustainable.

THREE LETTERS OF OBJECTION - on the grounds of increase in number of caravans present in the AONB without facilities, impact of shower block on environment, lack of amenities, increase in traffic, contrary to AONB plan, no benefit to the rural community and on agricultural land.

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.

EN10 Areas of Outstanding Natural Beauty

Priority will be given to preserving and enhancing the natural beauty of AONB's. Development which would adversely affect the landscape, character and appearance of AONB's will not be permitted.

EXECUTIVE REPORT DATED 3 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 GTAA's 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 it calls '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 serviced. Sites should respect the scale of, and not dominate the nearest settled community. They should also avoid placing an undue pressure on the Local infrastructure.

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 GTAA's 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 GTAA's. 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. The circumstances of the households proposed to occupy the additional pitches in this case is just the type of situation that it was anticipated might arise.

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

The application site is located in the open countryside 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 gypsies and traveller sites within rural areas provided they can fulfil certain criteria. These criteria were amended as a result of Government advice contained within Circular 1/2006 to allow additional sites. In particular the Executive 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. This advice is reflected in paragraph 53 of the Circular.

The site lies within the AONB where the Authority has a duty to preserve the natural beauty of such areas. Policy EN10 requires the Authority not to permit development which would adversely affect the landscape, character and appearance of the AONB. This site is not in a prominent location in terms of its landscape impact and is well screened from the surrounding area and the road. It is not therefore considered that allowing the use here would impact on the reason for the area's designation and it is not considered it would harm the character of the area.

In terms of policy H14 I am satisfied that there is a need for the pitches by family members and that there is adequate space for each pitch without harm to privacy or the character of the area. There is also a requirement for safe access and the site lies adjacent to a public highway and the existing access serving the site is considered suitable in visibility terms. The Highway Authority raise no objection in this instance and reference is made to ensuring as much visibility as possible. With the importance of the roadside hedge in landscape terms it is not proposed to impose a condition which would result in any hedge loss. Circular 1/2006 accepts that, due to the difficulty of site provision, exception sites may be in non-sustainable locations. The Highway Authority raise no objection on sustainability grounds and while the site is in a rural location it would be difficult to sustain an objection on this

basis given the adjacent permanent site and previous permissions granted. In light of the above I do not consider that the distance to services and facilities is a ground on which to object in this location.

The Parish Council raise concern over the fact the parish already provide a reasonable share of the gypsy accommodation for the district and the extra numbers would lead to a figure which is more than one which would be sustainable for the local community. While domination of communities is an issue identified by the Circular, the addition of three pitches in this instance to serve gypsies who own the land is not considered to be of a scale to cause an unacceptable adverse impact on the local community. It is therefore concluded that the impact of the proposal on the surrounding area and community is considered an acceptable one.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, gypsy family members only, no more than one mobile home, one touring caravan stationed on each pitch, retention of existing hedges, landscape scheme, no business, remove GPDO rights for fences etc, details of external lighting, access drive to be provided prior to occupation and kept free from obstruction, drainage and parking/turning.

REASON(S) FOR RECOMMENDATION

The additional pitches are considered to fulfil an outstanding gypsy need in accordance with Taunton Deane Local Plan Policy H14 – Gypsy and Traveller Site (as amended).

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

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NOTES: