

27/11/0018

MRS S WOODBURY

CHANGE OF USE OF LAND TO SITE 3 NO. MOBILE HOMES, 3 NO. PITCHES FOR TOURING CARAVANS, 3 NO. UTILITY SHEDS, 1 NO. DAY ROOM AND THE REPOSITIONING OF STABLE BLOCK, FOR USE BY ROMANY GYPSY FAMILIES AT ALTONA PARK, HILLFARRANCE

Grid Reference: 317590.124751

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Refusal

The proposed development by reason of the large site area, visual appearance and prominent position in the landscape would have a detrimental impact on the rural setting and appearance of the area contrary to Taunton Deane Local Plan Policies H14 and EN12 and Core Strategy Policy DM3, in particular from local public footpaths and the nearby rail network. The site is not considered to be in a sustainable location and therefore the provision of further development (in particular due to its scale) outside of the existing site area would be contrary to the provisions of Core Strategy Policy DM3 which seeks to site gypsy and traveller sites in sustainable locations closer to services and facilities. The proposal would also comprise an inefficient use of land in an area where development should be strictly controlled and as such would be contrary to planning guidance contained in PPS1, PPS3 and PPS7.

RECOMMENDED CONDITION(S) (if applicable)

Notes for compliance

1. The applicant is advised to contact the Authority to discuss a re-submission for the relocation of the stable building and the provision of a day room to the existing mobile home as indicated on the submitted plans.

PROPOSAL

Planning permission is for the sought for the provision of the following:

- One day room to serve applicant's existing mobile home;
- Permanent pitch for one mobile home in lieu of an existing transit pitch (28 days) for touring caravans;
- Touring caravan to serve existing mobile home (to the south of the existing approved site area – adjacent to the stable block);

- A further two permanent pitches comprising a mobile home, touring caravan, shed, hardstanding and grassed areas (per pitch) to the south east (rear) of the existing site;
- The plans indicate proposed landscaping along the south east boundary in the form of a bund with native hedging;
- Re-positioning of the stable block.

In respect of drainage - foul drainage would be disposed of by way of a septic tank; surface water would be discharged to soakaways.

SITE DESCRIPTION AND HISTORY

Permission was granted in 2006, reference 27/2006/019, for the siting of one mobile home and one touring caravan for a single gypsy family and the erection of stables. A condition was imposed which restricted the consent to a personal permission for the benefit of the applicant. However, the applicant sought the removal of this condition as part of application 27/08/037, subsequently granted. In 2008, reference 27/08/0026, planning permission was granted for an additional mobile home for a gypsy family and a transit pitch (28 days) for touring caravans.

The existing site is reasonably well screened from the roadside due to the existing mature landscape belt, other than when viewing the site directly from the entrance point. There are trees and hedging along the side (north east and south west) boundaries with a hedge along the rear boundary of the existing site. Beyond the hedge is the applicants stable building and paddock, where two of the pitches are proposed to be located and is currently open to the south east. Public footpath WG 9/37 runs along the southern boundary of the site. The existing pitches are located at the top of the site, with the land sloping down from north west to south east. The site is outside of the Environment Agency's Flood Zone 2 or 3.

The immediate road network serving the site is representative of most country lanes, generally single track interspersed with passing places. There are no (lit) footways. The area is characterised by open countryside interspersed by individual properties and farms. The nearest settlements to the site are Hillfarrance (900 metres from the site), Oake (2.3km from the site) and Norton Fitzwarren (2.5km from the site). Hillfarrance has a Pub, Oake has a primary school and community centre, Norton Fitzwarren has a primary school, hall, regular bus service, convenience store, chemist, hairdresser, pub and takeaway.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

PARISH COUNCIL – While accepting that TDBC has a duty to find sites for travellers and that the applicant herself has been working cooperatively with TDBC on gypsy issues, Oake Parish Council has listened to the residents of the Parish and of the hamlet of Hillfarrance and therefore objects to the application for the following reasons:

1. The application does not meet all the criteria in the TDBC Core Strategy Policy DM 3. For example it is unsustainable in that it is not 'well-related to local services and facilities'. It is not within easy walking distance of shops, doctor's surgery, and buses.

2. It would involve further intrusion by residential units into the surrounding 'open countryside' in an area not designated for development. There is at present a 'mobile/permanent' pitch on site which looks more like a permanent housing unit than a temporary unit.
3. Access to the site is difficult due to narrow lanes, being only of single track width with few passing places. There are no pavements or street lighting in the area, making walking dangerous. There is already limited use of the lanes by lorries and additional use by articulated vehicles would exacerbate the problems.
4. Much of this site is already waterlogged and within the flood plain. Indeed a stable unit for which planning permission had been previously granted had to be moved to another part of the site because of flooding problems on the section where it is now intended to place 2 pitches. Sewage disposal problems are also likely to be problematic.
5. The site is next to a very busy rail line and could therefore be considered unsafe for children.
6. In the original planning application of four years ago, the applicant made her case by stressing that she only wanted a residential site for her own immediate family. The trust generated then in the 'nearest settled community' by this promise has now been lost and the 'scale' of the proposed development not considered 'appropriate' to that community...
7. Due regard should be paid to anticipated legislation from Government which recognises that current planning arrangements often treat travellers more favourably than the settled community and that green belts/open countryside should rarely be used.
8. There is already a nearby site for travellers at Otterford which currently has at least 6 empty pitches. This indicates a lack of need.

LANDSCAPE LEAD – My main concern is the impact of the proposals on the landscape character of the area (Policy EN12) and their visual impact as seen from public footpath WG9/37 and the mainline railway track within 150m. There is no landscape or visual impact assessment but my assessment is that the impact would be significant and contrary to Policy EN12.

HIGHWAY AUTHORITY – I would refer you to my colleague's letter dated 14 November 2006, in connection with planning application 27/06/0019. I would advise you that that the majority of these comments (highlighted in italic) apply equally.

Those comments specifically refer to:

The proposed development site is remote from any urban area and therefore distant from adequate services and facilities, such as education, employment, health, retail and leisure. As a consequence, occupiers of the new development are likely to be dependant on private vehicles for most of their daily needs. Such fostering of growth

in the need to travel would be contrary to government advice.

The proposed site is located approximately 1km from the centre of Hillfarrance, however the nearest settlement in terms of services is Norton Fitzwarren which is approximately 3km away. There is one very limited bus service that operates for Hillfarrance, but such a limited service from the village, would make access to facilities and major centres of employment difficult except by car and would be outside of the recommended walking distances as set out in RPG10.

If the Local Planning Authority consider that this is an acceptable location in terms of meeting the criteria set out in Policy 36 of the Somerset and Exmoor National Park Joint Structure Plan Review and H14 of the Taunton Deane Local Plan in relation to Gypsy and Traveller Sites, it may be unreasonable to raise a Highway objection.

The access into the site has been created to an appropriate standard, and in accordance with the recommendations (conditions) previously made. However, it is noted that a small amount of vegetation is beginning to obstruct the visibility splay to the southwest.

The applicant should be reminded to keep the visibility splays clear at all times, and it is recommended that this obstruction is removed at their earliest convenience.

STRATEGY – Comments as follows:

In terms of the principle of this development:

The key policy of Taunton Deane Local Plan (TDLP) is policy H14. 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.

Of significant consideration is the recently published Somerset Gypsy & Traveller Accommodation Assessment (GTAA). This assessment of need is a statutory requirement under the Section 225 of the Housing Act 2004 and Planning Policy 3: Housing. The GTAA forms part of the Strategic Market Housing Assessment (SHMA). The SHMA provides a comprehensive understanding of the Market Housing Area in order to provide a robust evidence for accommodation need.

The findings of the GTAA supersede the Secretary of States Proposed Changes to the Regional Spatial Strategy South West which set provision for 20 residential pitches and 5 transit pitches from 2006-2011. The 2011 GTAA, that forms part of the SMHA, took account of the RSS figures and the provision provided in the Borough. The calculation of need also considered, inter alia, the analysis of Central Government data in the bi-annual caravan count, natural migration and immigration patterns, authorised private and public pitches, unauthorised encampments, survey responses from the Gypsy & Travelling community and Central Government guidance on population growth. The 2011 GTAA set provision for 25 residential pitches and 5 transit pitches from 2010-2015.

Also of note is the emerging Taunton Deane Core Strategy, that was submitted to the Secretary of State in November 2011. Whilst not adopted it is of material consideration. Development Management Policy DM3: Gypsy and Traveller Site Selection Criteria sets out a sequential approach to site selection and criteria to be

satisfied for residential sites. It states that expansion of existing sites will be considered on its merits, taking into account the potential impacts of expansion in accordance with the provisions set out in criteria a) to f) of the policy.

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

In addition, the emerging National Policy – Planning for Traveller Sites published for consultation in April 2011, which whilst not adopted is a consideration. It is proposed by the Coalition Government that this will replace the current Planning Circulars in due course. It states that planning policy should align more closely with that of settled housing (PPS3, PPS7). This would mean that in rural areas residential development should:

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

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

Location - In terms of the location of Gypsy and Traveller sites, 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 and criterion (B) and (H) of the TDLP relates specifically to proposals in such areas.

Criterion (B); safe and convenient access to schools and other community services, is supported by paragraph 54 of the Circular states 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'. This policy is strengthened in the emerging Core Strategy to say '...well related to local services and facilities'. In this regard, the site is contrary to policy as it is situated some distance from the

villages of Hillfrance (900 metres from the site), Oake (2.3km from the site) and Norton Fitzwarren (2.5km from the site). Hillfrance has a Pub, Oake has a primary school and community centre, Norton Fitzwarren has a primary school, hall, regular bus service, convenience store, chemist, hairdresser, pub and takeaway.

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

Need - The issue of need, which is addressed by criterion (A) of policy H14 in the Local Plan, and criterion (a) in the emerging Core Strategy is an area where advice and guidance in PPS3, Circular 01/2006, Gypsy and Traveller Accommodation Assessments, is of particular relevance.

The GTAA has identified the need for 25 residential pitches and 5 transit pitches in the Borough between 2010 and 2015. Since 2010 planning permission has been granted for 8 new residential pitches in the Borough. The remaining need can not be met solely through the plan-led process since need is to 2015 and the Site Allocations Development Plan Document will not be adopted till post April 2013.

Summary - This site is contrary to policy because it does not satisfy TDLP Policy H14 criterion (B). However, it needs to be born in mind that the Authority does not have an adequate supply of pitches to meet the need set out in the GTAA and the site is an existing established Gypsy site.

Other colleagues are best placed to provide comments on the landscape, transport, appropriate infrastructure and onsite amenities.

DRAINAGE OFFICER – No details of how this development is to be drained (foul and surface water). I note comments regarding this application being within the Environment Agency's Flood Plain.

Full drainage details should be forwarded for approval before any consent is given.

Revised Comments 02/01/12 – The recently submitted drainage information (7 December) is unclear as to what is proposed here. The following information is required and until such time I must object to this proposal.

In the recent information submitted it would appear that an existing septic tank is to be utilised to deal with all foul flows from the existing mobile home together with that from an additional 3 or 4 units. If this is the case then the capacity of the existing tank stated (3600 litres) is, I believe insufficient. TDBC Building Regulations should be consulted as to the adequacy of this proposal.

Also no details of the sub surface irrigation drainage serving this tank have been provided or any consent received from the Environment Agency regarding consent to discharge and location within the floodplain. Full details should therefore be submitted and agreed before any works commence on site.

Further response 26.01.12.

The standard condition regarding septic tank installation should be imposed. It

should include in its wording, that the septic tank and its associated sub surface irrigation drainage should be of a size to accommodate the flows from the maximum number of potential occupants plus appliances for this planning application.

ENVIRONMENT AGENCY – Comments as follows:

Non Mains Drainage - The applicant proposes the use of non-mains (private) drainage facilities. However, if the site is located within an area served by public sewer, according to Circular 3/99 (Planning requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development), connection should be made to this sewer in preference to private drainage options, unless the applicant can provide good reason why this is not feasible. The advice of Circular 3/99 has, in this respect, been supported by the Planning Inspectorate.

Informative - If a new septic tank/treatment plant is the only feasible option for the disposal of foul water, or if there is an increase in effluent volume into an existing system, an Environmental Permit may be required. This must be obtained from us before any discharge occurs and before any development commences. This process can take up to four months to complete and no guarantee can be given regarding the eventual outcome of any application.

Note to applicant - If the applicant wants to discharge treated sewage effluent to a river, stream, estuary or the sea, and the volume is 5 cubic metres per day or less, you might be eligible for an exemption rather than a permit. Similarly, if you want to discharge sewage effluent to groundwater via a drainage field or infiltration system, and the volume is 2 cubic metres per day or less, you might be eligible for an exemption rather than a permit.

NATURE CONSERVATION & RESERVES OFFICER – No observations to make.

Representations

21 letters of OBJECTION have been received. Summary of objections:

Sustainability

- Site is remote and distant from the main road network and access to services and community facilities;
- No safe access by bus, cycle or on foot to schools, medical facilities or shops;
- Occupiers dependant on the private motorcar;
- Increased demand on existing facilities;
- Increased pressure for business and industrial use;

Highways

- The lanes are very narrow with limited passing places unsuitable for touring caravans and additional traffic generated;
- Gypsy & Traveller sites should be located near main road network;
- Poor visibility at access;
- Additional traffic will result in conflict with cyclists using Sustrans Route 3;

Flooding / Drainage

- Not connected to mains drainage; concern where all sewerage, waste water and rainfall is going and potential impact on livestock;
- A large part of the site is subject to flooding and is unsuitable for development without associated flood alleviation works – potentially in conflict with the recent major Hillfarrance Flood Alleviation Scheme and associated additional downstream works;
- Increase risk of flooding; no sequential test.

Landscape

- Prominent rural site without adequate screening from the road and railway;
- Development (permanent structure with brick surrounds, paved areas and wrought iron gates) is incongruous and significant skyline feature in open countryside and would have a harmful impact upon the rural character and appearance of the landscape;
- Scale of development is excessive;
- Impact on setting of Grade II Listed Building;

Planning History

- Site purchased for paddock and stables;
- Contrary to original request for a personal permission for a single family unit;
- Having exploited the law concerning travellers – applicants do not travel; applicant's husband and children are not gypsies;
- How many more pitches? Why such an increase? – This is exactly what residents expected to happen; Business use;
- TDBC has disregarded the needs and concerns of the settled community in Hillfarrance unnecessarily and imposed this mobile home site on the village through misrepresentation by the applicant causing resentment in the community;
- When is a mobile home a bungalow? as brick built walls have been constructed around it and decking;
- Piecemeal applications; Precedent for further pitches;

Planning Policy

- There is no identified need for additional gypsy pitches in the Borough; Taunton Deane has a very high number of gypsy and traveller pitches compared to the rest of Somerset; it would appear to be much more lenient than other councils;
- National planning guidance indicates that the interests of the settled community (opposed to this scheme) should be respected; The settled community, unlike the applicant, have no right of appeal;
- Positive discrimination is not what Circular 01/06 set out to achieve;
- Government taking steps to address the unfairness of current policy and any consideration of further preferential treatment by Taunton Deane must be balanced accordingly;
- New draft advice published in May by the Government seeks to give greater control to local councils for provided new gypsy sites – but this must be based on a specific need;
- Provision is available at Culmhead and Sandpits;

- Scale of development is inappropriate (which comprises 50 dwellings) and constitutes successive development by stealth;
- Contrary to Taunton Deane Local Plan Policies: -

OK1 / OK2 as proposal is not identified within the plan for housing or constitute infilling within the settlement;

Policy S7 requires development outside defined settlement boundaries to be strictly controlled; proposal does not accord with the 'stringent tests' that must be applied to new development; it would not 'benefit the local economy or maintain or enhance the local environment';

Policy H14 – proposal does not set out a defined need for the additional pitches in this locality;

- Contrary to Core Strategy – Development Management Policies:

DM1 (General Requirements) – the development would harm highway safety;

DM2 (Development in the Countryside) – sets out the type of developments that might be acceptable outside settlements; this application is a very significant intensification of the current position and is excessive along this narrow road.

DM3 (Gypsy and Traveller Site Section Criteria) - states that '*expansion of existing sites will be considered on its merits, taking into account the potential impacts of expansion in accordance with 5 criteria, a-f*'; this application does not accord with those criteria, in particular (b)

(b) The site is well located to local services and facilities including retailing opportunities, schools and doctors surgeries as well as existing employment provision...this cannot be demonstrated given the location of this proposal as a consequence would result in a significant increase in transportation requirements.

f) traffic movements...the nature of this application will significantly increase traffic movement on a country lane and in addition is totally unsuited to touring caravans and the like.

Other matters raised:

- Delay in site notice being displayed.
- Have TDBC given their support to this scheme?
- Fear of crime;
- Are the plans correct?
- Horses escape from the paddock.
- No community engagement;
- Provision of a day room – are all residents able to use this? Have local residents been contacted to build further development for their family and friends?

7 letters of SUPPORT has been received. Summary of support:

- Applicants abiding by the planning laws and are well valued members of the community and contribute to all local events, including supporting the school and village hall;
- Ideal location; No visual impact; Site is very clean, presentable and well managed;
- Outside of Flood Zone;
- Do not consider highways to be unsuitable; changing the transit site to a permanent pitch would reduce the amount of traffic;
- Somerset Travellers Ltd – (as prospective owners of Somerset County Council Gypsy Sites) confirm that the current vacant pitches have a long waiting list;
- There are 4 vacant pitches at Otterford, however these need to be refurbished before any new tenant can be allocated;
- Planning permission was granted to Taunton Deane Council for 6 Transient (temporary stay) pitches on land adjacent to Otterford, known as Otterford B, this planning has now lapsed.

Friends, Families and Travellers (FFT) – a national charity supports the proposal for the following reasons:

- Planning Authority has a duty to assess and address 'need' for gypsy and traveller pitches;
- FFT are aware that Taunton Deane applied and were successful in obtaining a £100,000 grant for identifying gypsy and traveller sites; no land has been purchased to use these monies;
- To address outstanding need Taunton Deane looked at how they can fulfil their duty by allowing Gypsies and Travellers to develop plots on existing sites or privately owned plots; this included contacting the applicant to accommodate further pitches;
- The applicant is a great example on how Gypsies and Travellers can successfully live alongside and integrate with the settled community; applicant has lived at this site for 4 years without any issues;
- The applicant provides help and support, as well as advice on policy making, to both the Gypsy and Traveller community and the settled community;
- Gypsies and Travellers are still facing the worst prejudice of any ethnic minority;
- It is traditional for Gypsy families to live together and support each other;
- It is essential that Gypsy and Traveller children have a secure base to live on from which they can access education; Gypsy children have the lowest educational achievement out of any ethnic group in the UK;
- Gypsy and Traveller children are also the most at risk health group in the UK, according to the British Medical Association;
- A permanent address is essential for accessing adequate health care and follow on services, which are hard to access with no permanent address or living on unauthorised encampments;
- Figures published in the partial review of the RSS indicate a 'need' for 26 new permanent pitches in Taunton Deane by 2013.
- The draft guidance suggests that Taunton Deane's new approach to providing pitches, by recognising that the most efficient way in the current economic climate is to ask Gypsies and Travellers to provide these pitches where possible – this is a sensible approach.

PLANNING POLICIES

CIRC 1/06 - Planning for Gypsy and Traveller Caravan Sites,
PPS1 - Delivering Sustainable Development,
PPS3 - Housing,
PPS7 - Sustainable Development in Rural Areas,
PPG13 - Transport,
STR1 - Sustainable Development,
STR6 - Development Outside Towns, Rural Centres and Villages,
S&ENPP5 - S&ENP - Landscape Character,
S&ENPP36 - S&ENP - Sites for Gypsies and Travelling People,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
S7 - TDBCLP - Outside Settlement,
EN12 - TDBCLP - Landscape Character Areas,
H14 - TDBCLP - Gypsy and Traveller Sites,
DM2 - TD CORE STRATEGY - DEV,
DM3 - TD CORE STRATEGY GYPSY AND TRAVELLER SELECTION CRITERIA,

DETERMINING ISSUES AND CONSIDERATIONS

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

Case on behalf of the applicant

The supporting information states that the additional pitches are to meet the demand [or need] from family and friends. Furthermore, the applicant refers to a £100,000 government grant that the Council secured, two years ago, and its failure to identify suitable gypsy and traveller sites in that time. The applicant highlights the need for 26 gypsy and traveller pitches. Moreover, the proposal for this private site will provide an additional 3 pitches without any expense to the Council. The new government guidance requires Taunton Deane to identify a 5 year land supply for gypsy and travellers sites.

Policy

At the national level, Circular 1/2006 'Planning for Gypsy and Traveller Caravan Sites' remains in force and is a material consideration. The guidance is aimed at providing more authorised gypsy and traveller sites so that bona fide gypsies and travellers have fair access to suitable accommodation, education, health and welfare provision. The Circular states, rural settings, where not subject to special planning constraints, are acceptable in principle.

The Government has published a draft Planning Policy Statement on Planning for Traveller Sites (April 2011). This would remove the housing and traveller sites targets as a result of the abolition of regional strategies. It will then be for the Local Planning Authority to determine the right level of site provision in their area [provided they have a robust evidence base], in consultation with the local community. The

guidance also seeks to 'amend policy so that it is consistent with policy on housing provision for the settled community'. Whilst the draft policy statement gives a clear steer of the governments intentions it is currently subject to amendment and therefore, whilst a material consideration, is of limited weight at this stage in proceedings.

It must be noted that future guidance will not, however, absolve the responsibility of Local Authorities to respond to the existing and future accommodation needs of gypsy and travellers. The guidance states that future assessments should reflect historic demand and need as opposed to the top down approach set by the Regional Spatial Strategy.

Need

There is no specific applicant for the proposed pitches or personal circumstances put forward as part of the submission. The assessment must therefore consider whether this site is suitable as a general gypsy and traveller site.

There is a statutory requirement for the Authority to carry out an assessment of Gypsy and Traveller Accommodation (GTAA) provision under Section 225 of the Housing Act 2004, PPS3 – Housing and Circular 01/06. The findings of the GTAA form the evidence base for gypsy and traveller provision within the Borough. The findings of the GTAA supersede the Secretary of States Proposed Changes to the RSS which set provision for 20 residential pitches and 5 transit pitches from 2006-2011. The findings of the GTAA identify the need for 25 residential pitches and 5 transit pitches in the Borough between 2010 and 2015. To date, the Authority has granted 8 new residential pitches in this period. The report also identifies that a further 19 residential pitches will be required for the period 2015-2020 together with an additional 5 transit pitches.

In addressing the identified need, as part of the previously referred to GTAA, the Strategy Unit are working on a 'Small Sites Allocation Development Plan Document' which will look at allocating suitable land for gypsy and traveller pitches. It should be noted, however, that 'need' can not be met solely through the plan-led process since the identified need is to 2015 and the Site Allocations Development Plan Document will not be adopted until post April 2013. There will therefore also be applications for new private pitches, as encouraged by paragraph 12 of Circular 01/06 – in appropriate locations.

Sustainability

The site is located outside of the defined settlement. However Local Plan and Structure Plan policies permit gypsy and traveller sites in rural locations as an exception to the normal strict control of new development. This is re-affirmed at paragraph 54 of Circular 01/06, which states that 'rural settings, where not subject to special planning constraints, are acceptable in principle'. The guidance continues that 'local authorities should be realistic about the availability, or likely availability, of alternatives to the car in accessing local services'. This need for the Council to take a more flexible approach to the consideration of the issue was one of those agreed by the Executive in April 2006.

However, both the draft national guidance and the Core Strategy Policy DM3 reaffirm sustainability as an important factor in the location of gypsy and traveller sites.

Accessibility to local services is an important element (though not the only element) of sustainability. It is noted that the site is not within walking distance of facilities or services. The nature of the road, with no footway or lighting, is also not likely to be conducive to pedestrians or cyclists for regular shopping/work/school trips.

Whilst it has to be borne in mind that this site has previously been considered acceptable, it cannot be considered a sustainable location. The original decision took account of the applicant's individual circumstances and 'need'. However, since that point, the personal occupancy tie and a further mobile home has been approved. Notwithstanding the aforementioned, there is clearly no easy access to alternative means of transport, and there would clearly be a fostering in the use of the private car given the distance to services and amenities contrary to national and local plan policy.

Highways

One of the recurring themes raised by both the Parish Council and local residents is the suitability of the road network to accommodate further development from this site - in particular the use of touring caravans. However, the Highway Authority does not raise any formal objection on the technical suitability of either the access or highway to this proposal.

Drainage

It is considered that there is no technical reason why suitable drainage cannot be provided for the proposed additional pitches. As such it is considered that a suitably worded condition could be imposed requiring full details of the foul and surface water drainage regime, prior to any works commencing on site.

Amenity

National and local policy seeks to ensure that gypsy and traveller sites in rural areas do not dominate the nearest settled community. The proposal would increase the number of permanent pitches to five; However, I do not consider that this would be of a scale to be reasonably considered as dominating the local community. Furthermore, I do not consider that the proposal would give rise to any substantiated loss of residential amenity.

Regularising Development

This application also seeks retrospective planning permission for the relocation of the stable block and the provision of a day room. It is considered that both these elements are acceptable and would have no adverse impact upon the visual amenities of the area. As the Authority cannot issue a split decision the applicant is invited to resubmit a revised application for these elements in the event of the application being refused as per the recommendation.

Alternative Proposal

It is considered it would be difficult to substantiate the refusal of replacing the transit site with a permanent pitch, located within the existing defined site area and screening that is in place. However, whilst this alternative proposal has been put to the applicant at this stage the request is to consider the proposal in its entirety.

Character and appearance

The impact of the proposed development on the rural character and appearance of the area needs careful assessment due to its exposed position on rising ground, in particular from the south. The Landscape Officer considers that the visual impact of the development would have a significant adverse impact on the rural character and appearance of the area. In particular the development would be unduly prominent when viewed from nearby footpaths and, to a certain extent, from passengers passing on the nearby railway line.

In addition to this, officer have concern as to the scale (site area) of the development in terms of efficient use of land. The site effectively, including the existing site, measures 80m from the roadside to the rear of the proposed expansion and up to 75m in width. Having regard to the strict control of development in the open countryside, it is considered the proposal constitutes an inefficient use of land, and for this reason alone will have a demonstrable adverse impact on the character and appearance of the area such as to outweigh the need for additional pitches.

Other matters

During the publicity process there have been representations from the public that seek clarification to the applicant's statement that the Borough Council has actively encouraged this application, by writing to the applicant. In response, there are two aspects to this.

Firstly, as part of the Strategic Housing Land Availability Assessment (SHLAA) process the Council's Strategy Unit contacted, as part of the 'call for sites,' all existing gypsy and traveller sites as to whether any land would be suitable for further development.

Secondly, prior to the SHLAA exercise, which sought to identify suitable sites for gypsies, there was an informal Gypsy and Traveller Group (2005 until 2009) tasked with identifying potential sites or increasing provision within the area. Its purpose was to address the need for pitches and so reduce the potential for unauthorised development. The task group went through a process of "trawling" sites from various government and quasi government institutions which was essentially unsuccessful. At the end of 2009 it was agreed to approach existing gypsy sites to see whether there was potential to accommodate any further units on the existing sites. Four sites were visited and assessed for suitability. One of these sites was Altona Park, where following a site visit and an assessment by the previous planning officer the applicant was advised that 'one additional mobile unit and one additional tourer might attract officer support'.

The letter went on to say that any such development would need to be within the existing site and subject to detailed discussion of location. There was also the caveat that the view expressed was an informal view of the planning officer and would not bind the Council were an application to be made.

Conclusion

In conclusion, the development by reason of the site area and prominent location on

sloping land would cause substantial harm to the character and appearance of this rural landscape. In addition poor accessibility to services and amenities for additional pitches would weigh against the suitability of the site. Officers also have concern over the inefficient use of land (given the larger site area,) in a countryside location where development should be strictly controlled. Set against the aforementioned matters, the outstanding general need for gypsy and traveller accommodation should be accorded weight, although no specific personal circumstances have been put forward with this proposal. It is concluded that the harm to the character and appearance of the landscape and sustainability factors outweigh the general need in this instance.

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

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