

10/2005/018

MR N M BURT

RETENTION OF RESIDENTIAL CARAVAN FOR TRAVELLER FAMILY AT BRIMLEY CROSS, CHURCHSTANTON.

17469/14185

RETENTION OF BUILDINGS/WORKS ETC.

PROPOSAL

The proposal is for the continued siting of 2 caravans and a lorry providing residential accommodation by the applicant, his partner and daughter. There is an existing workshop building, which is believed to have been part of the adjacent farm. The applicants use an unaltered, existing agricultural access into the site and have cultivated part of the land for growing vegetables.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY The proposal is a retrospective application for the retention of a residential caravan at the above location. Brimley Cross is outside of any defined development limit, remote from any urban area and therefore distant from adequate services and facilities such as, education, employment, health, retail, leisure, and public transport. As a result occupiers of the new development would be reliant on the private motor vehicle and the proposal constitutes unsustainable development in terms of transport policy. This is contrary to advice given in given in PPG13 and RPGIO, and to the provisions of policies STR1, STR6 and Policy 36 and 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted: April 2000). Policy 36 states the provision of sites for gypsies and other travelling people should be made where the site is within reasonable distance of a settlement providing local services and facilities. The Highway Authority, however do not consider that Brimley Cross, in transport terms, complies with this policy. In detail the site is accessed off of a unclassified highway. The means of access has not been shown on the submitted plan, however I note from my site visit that there is an existing field access into the site. The existing field access is substandard in terms of visibility, for a residential use and there are no proposals within the application to improve this situation. Given all of these points, I would recommend that this application be refused on highway grounds for the following reasons:- 1. The proposed development site is remote from any urban area and therefore distant from adequate services and facilities such as, education, employment, health, retail, leisure, and public transport. As a consequence, occupiers of the new development are likely to be dependent on private motor vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to Government advice given in PPGI 3 and RPGIO and to the provisions of Policies STR1, STR6, and Policy 36 and 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted April 2000). 2. Any increased use made of the existing sub-standard access such as would be generated by the development proposed would be prejudicial to road safety. COUNTY ARCHAEOLOGIST views awaited.

LANDSCAPE OFFICER the caravan is well screened and the site only partially visible from the surrounding landscape. Subject to no further development it should be feasible to visually integrate it with the surrounding countryside. I recommend that the hedgerows be reinforced with new plants, where practical, to provide longer term screening and additional width for the winter when the site will be more open to surrounding views. ENVIRONMENTAL HEALTH OFFICER the applicant should be aware that the property is served by a private water supply and any increased usage from the proposed accommodation should be notified to the Environmental Health department.

PARISH COUNCIL recommends that permission be granted, the site is well screened by well established, dense hedge of an indigenous nature; Mr Burt and his family have lived in the area for a number of years and his children attend the local school; any consent should be specific to Mr Burt and if he leaves the site should be revoked; the land was sold to Mr Burt with restrictive covenants restricting Mr Burt's activities and includes the right to buy back for the seller; the seller canvassed local opinion before he sold the land and did not encounter any dissension to the proposal; the right of access to a water main passing under the land has been protected for the owner of Brimley farm.

26 LETTERS OF SUPPORT have been received raising the following issues:- the applicants are reliable, hardworking and an honest member of the community; it is impressive that they have set up a logging business using heavy horses for log felling and wood extraction; the development is low impact, environmentally friendly and contained within their own field; the use of composting waste facilities and solar power are commendable; his daughter has attended Churchstanton Primary School and now castle school and has a good attendance and is benefiting from continuous education; no one can afford to buy or rent in the Blackdown and properties are being bought by people who don't work on the land so where are those workers to live?; Mr Burt and partner offer support throughout the community from helping on farms and gardens to house and animal sitting; Whilst he has lived in a house Mr Burt finds it uncomfortable and prefers to live in the open in an environmentally acceptable way and has always left sites tidy and planted trees and shrubs when he has left; there are no permanent structures so I cannot see why it is a problem; at Stapley Wood holiday chalets were allowed for profit why can't Mr Burt remain and help the community?; Dr J Davies, Mr Burt's daughter has a profound hearing impairment and any disruption would be likely to have a detrimental impact on both her health and education; Mr Burt and his partner have submitted the following in support of their application: - They are living in a low key sustainable way looking after local people, animals and houses when they are away they have friends in the area and have been able to find work locally; they will continue to visit fairs, including the Green fair in the Mendips; his daughter has benefited from a settled base and has excelled in Primary School and is looking forward to starting Secondary School, there is local work but this is not paid sufficient monies to be able to afford to live locally, Mr Burt was on the housing list (with his disabled son living with him at the time) but he didn't hear anything about any housing so we have sorted out our own accommodation; we have a sense of belonging to this community and any upheaval would be wholly detrimental to us all.

POLICY CONTEXT

ASSESSMENT

The site is located in an unsustainable location in the open countryside where Policy S7 restricts all new development to that which is required for the purposes of agriculture or forestry, accords with a specific development plan policy or proposal; is necessary to meet the requirement of environmental or other legislation or supports the vitality and viability of the rural community in a way that cannot be sited within the defined limits of a settlement. The current proposal does not conform to any of these requirements. The applicant has claimed to be a traveller who has settled to enable his daughter to have a base for education and health reasons. (The Gypsy Liaison Officer is unaware of Mr Burt and cannot confirm that he is a traveller, indeed he is of the opinion that he cannot claim such status). Taunton Deane Local Plan Policy H14 sets out criteria for the consideration of gypsy or traveller applications as exceptions to the normal restrictive policies. Even accepting that Mr Burt may be a traveller the site is located within the Blackdown Hills Area of Outstanding Natural Beauty where it is the general policy of the Local Planning Authority and Central Government, to resist gypsy or traveller sites. To allow any occupation contrary to this policy would undermine this level of protection given to the area in recognition of its importance. To allow this proposal would make it more difficult to resist future applications by other gypsy/traveller families whether they fit into the local community or aggravate it. In this case I am satisfied that the applicant has become a welcomed and valuable member of the community but planning permission is not determined on this basis. The applicant's daughter has a hearing problem but medical help for such conditions would be provided wherever the family lived and this does not depend on staying at Brimley Cross. Likewise her education would be provided for wherever she lived and her continued occupation at Brimley Bottom is not an over riding consideration. The Landscape Officer has stated that the accommodation cannot be seen easily from outside of the site and that additional hedging could help to obscure any views. It is important to remember that this is no excuse for allowing development contrary to the policies of the Local Plan for it is an argument that could be repeated often and lead to an erosion of the protection of the countryside and Area of Outstanding Beauty (This view is often sited by Appeal Inspectors when such arguments are made on appeal). The applicant and his partner are using the existing agricultural access which has inadequate visibility for such purposes and its continued use in association with the residential occupation of the site would be prejudicial to highway safety. Proposal considered unacceptable.

RECOMMENDATION

Subject to the receipt of no further representations of support raising new issues by the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be REFUSED for the reason that the site is located in the open countryside contrary to Policy S7 of the Taunton Deane Local Plan, unsustainable location, increased use of the sub-standard access would be prejudicial to highway safety.

Enforcement Action be authorised to secure the vacation of the site and its return to its former condition. In this case I would recommend that the timing of such action be in tune with the running of the school year to provide as little disruption to the education of the applicants daughter as possible in the circumstances

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: