

24/2006/029

MRS J RICHARDS

VARIATION OF CONDITION FOR NEW OWNER MRS J RICHARDS, HER FAMILY AND MRS BRAZIL (GYPSIES) TO OCCUPY THE SITE AT LITTLE DENISE, MILL HILL, WRANTAGE (PREVIOUS PERMISSIONS 24/2003/020 AND 24/2005/049)

333240/123248

REMOVAL OF ONEROUS CONDITIONS

PROPOSAL

The application site comprises a triangular piece of land running between the A378 to the north and the Lords Wood Ancient Woodland, a Site of Special Scientific Interest to the south. There are treed hedgerows to the front of the site, except at the point of access and a 2 m high fence to the south to form a solid barrier with the SSSI. The site is also in the foothills of the Fivehead Ridge Special Landscape feature.

Planning permission was granted on appeal in September 2001 for the siting of 4 mobile homes and 2 touring caravans for the personal use for the extended gypsy family of Mr D Richards. In 2003 planning permission for an additional one mobile home and one tourer was granted for Mr Richards mother to live on site.

Mr Richards and his dependants have now vacated the site and his sister, Mrs Jenny Richards, and her extended family (two daughters and their families) have moved onto the site, along with a Gypsy friend, Mrs Brazil and her dependants. Mrs Lilley Richards would continue to be able to occupy the site in accordance with the earlier planning permission 24/2003/020. The occupants would continue to travel mostly during summer months, to horse fairs etc.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objection. COUNTY GYPSY LIAISON OFFICER attended a site meeting with the applicant and is happy to confirm that he regards the new occupants to be bonafide gypsies who would form an extended family unit on the site. With the addition of Mrs Brazil, who occupies the site as an associated gypsy friend who is in need of a permanent base in this locality. ENGLISH NATURE no objections to the proposal. SOMERSET ENVIRONMENTAL RECORDS OFFICE the site is immediately adjacent to a Site of Special Scientific Interest. No protected species have been recorded on the application site.

LANDSCAPE OFFICER the proposals should have no landscape impact. POLICY OFFICER views awaited. DRAINAGE OFFICER no objections. HOUSING OFFICER no observations.

PARISH COUNCIL object to this application.

1 LETTER OF OBJECTION has been received raising the following issues:- planning permission was specifically restricted due to the personal circumstances of the applicants and it is inappropriate to allow occupation by anyone else; the site should now be vacated and returned to its former agricultural state; the argument made at the appeal was that the Council could not offer alternative accommodation but I assume this no longer applies considering recent action by the Council.

1 LETTER has been received raising no objections to the application.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 - Sustainable Development, Policy 1 - Nature Conservation, Policy 36 - Sites for Gypsies and travelling people, Policy 49 - Transport Requirements of New Developments.

Taunton Deane Local Plan Policies S1 - General Requirements, S7 - Outside Settlements (especially part (B) accords with a specific development plan policy), H14 - Gypsy and Traveller sites, EN2 - Sites of Special Scientific Interest, EN11 - Special landscape Features.

Executive report dated 3rd May, 2006 - Providing for Gypsies and Travellers – an update:- Impact of Circular 01/2006 on the Determination of Planning Applications. 7.4 All proposals will still need to be assessed in terms of Policy H14 of the Taunton Deane Local Plan. H14 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 and they are sited near a public road; (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) 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; (G) in the case of transit sites, there is convenient access to a County or National route; (H) 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; and (I) adequate fencing, capable of preventing nuisance to neighbouring areas, is provided. 7.5 However, in light of the new Circular the criteria may need to be considered more flexibility 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. 7.6 Circular 01/2006 identifies the issue of the scale of sites in relation to existing settlements. Existing communities should not be dominated by large scale gypsy sites. In implementing Policy H14, the relative size of any proposed site in relation to nearby settlements must be taken into account.

Up to date Government advice is contained within ODPM Circular 01/2006 of particular relevance are paragraphs 12, 52, 53 and 54

Paragraph 12 The Circular comes into effect immediately. Its 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?

5.2 In areas with nationally recognised designations (Sites of Special Scientific Interest, National Nature Reserves, National Parks, Areas of Outstanding Natural Beauty, Heritage Coasts, Scheduled Monuments, Conservation Areas, Registered Historic Battlefields and Registered Parks and Gardens), as with any other form of development, planning permission for gypsy and traveller sites should only be granted where it can be demonstrated that the objectives of the designation will not be compromised by the development.

- 5.3 However, local landscape and local nature conservation designations should not be used in themselves to refuse planning permission for gypsy and traveller sites.
- 5.4 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.

ASSESSMENT

Planning permission was granted in 2002 against the Inspectors view that the development would cause some harm to the landscape of the area; would have the potential to cause harm to the adjacent SSSI by humans, their pets and general noise and disturbance and, due to conflicting traffic movements could cause harm to highway safety. In allowing the decision, the inspector weighed this harm against the education and health needs of the family and considered that the applicant's needs were paramount.

Government Circular 1/2006 has downgraded the considerations of sustainable location and impact on locally designated sites in importance. The circular states that the government are committed to providing additional sites for gypsies in appropriate locations and that local landscape designations should not be used, in themselves, to refuse planning permission. It states that sites in areas with nationally designated sites (SSSI) should only be granted where the objectives of the designation would not be compromised by the development. Finally the circular also states that rural areas are acceptable in principle.

This site lies adjacent to an SSSI where the Inspector, when allowing the appeal considered that the SSSI could be protected through the imposition of appropriate conditions. In this respect English Nature do not raise any objection to the continued occupation of this site by gypsies. The site is situated on the foothills of the Five Head ridge with the wood to the rear and the front hedge boundary, the site has been well assimilated into the surrounding area and the Landscape Officer raises no objection to the proposal. The site has a history of low impact gypsy occupation since 2000. The current occupants have been on the site for a period of approximately a year and I am not aware of any complaints from local residents about the occupants (other than non compliance with the personal permission) and no reports of damage to the surrounding area during that period.

In view of the appeal decision the County Highway Authority raises no objection to the proposed change of name. Advice in Circular 1/2006 states that "modest additional daily vehicle movements ... would not be significant". Taking into account the previous Inspector's conclusion that the personal need of the gypsies outweighed the highway danger of the site and balancing this with the current need of the occupants for a permanent site I consider that the impact on highway safety is acceptable. In conclusion, the site would continue to be occupied by gypsy families

in accordance with the Local Plan Policy H14 (as amended by the executive) and the proposal is considered to be acceptable.

RECOMMENDATION

Permission be Granted subject to conditions that occupation restricted to Mrs Jenny Richards, Ms Jade Richards, Ms Bianca Richards, Mrs Brazil and their partners and dependant families. Notes: re all other conditions applied on the earlier planning permission 24/2000/035 continue to apply to the remainder of the site:- no more than 4 mobile homes and 2 touring caravans, no working/storage of materials on site, visibility splays to be maintained, landscaping to be maintained, fence/wall along boundary with SSSI, no gate/fence or wall, no ancillary buildings/structure, no refuse/waste, no cats/dogs. You are also reminded that your mother, Mrs Lilley Richards has planning permission to occupy the site with an additional mobile home and touring caravan, making a total of 5 mobile homes on the site and 3 touring caravans.

REASON(S) FOR RECOMMENDATION:- In accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 36 and Taunton Deane Local Plan Policies H14 (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: