

27/2006/019

MS SALLY TUCKER

SITING OF ONE MOBILE HOME AND ONE TOURING CARAVAN FOR SINGLE GYPSY FAMILY AND ERECTION OF STABLES, LAND TO EAST OF KNAPP FARM (OS PARCEL 6769), HILLFARRANCE

317584/124729

FULL

PROPOSAL

The proposal provides for the siting of a mobile home and touring caravan for a gypsy family and the erection of stables. The proposed stables measures 8 m x 4 m with height to ridge of 2.9 m. The land is currently agricultural land. The applicant states that members of her family have lived in the Taunton area for generations and has been living on a friend's private site near Taunton, but will soon have to leave as their own family members will be returning. She has two pre-school age children and also regularly attends Musgrove Park hospital for treatment. A letter from the Devon Racial Equality Council submitted with the planning application confirms that the applicant is a romany gypsy and therefore has gypsy status.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY views awaited.

LANDSCAPE OFFICER the site is well screened to the north by the existing hedgerow but open to the south both to short views from the main line railway but also middle distant views from higher ground. If the highway visibility splay requirements can be met the existing hedgerow should be maintained and managed to provide longer term screening. If it has to be removed to meet requirements the site would be considerably opened up. There may be some scope to soften the impact to the south but it would have to be substantial and would take at least 5 years to achieve. The site appears large for a single family. The stables will also require landscape mitigation if allowed. DRAINAGE OFFICER soakaways should be constructed in accordance with Building Research Digest 365. Percolation tests should be carried out to ascertain the required lengths of sub-surface irrigation drainage. The Environment Agency's consent to discharge to an underground strata would be required. HOUSING OFFICER no observations to make.

PARISH COUNCIL objects on the grounds that it is unsuitable.

13 LETTERS OF OBJECTION have been received raising the following issues:- proposal does not comply with the requirements of Circular 01/2006; the site is not adjacent to a main road system and is reached by narrow lanes which are entirely unsuitable for caravans and larger vehicles; the nearest public transport is well over a mile away from the site; the nearest school is also over a mile distant; the nearest medical facilities are a considerable distance from the proposed development; recent problems encountered by householders in North Curry where intimidation and

aggressive behaviour appeared to be regular occurrences; a successful application will not be in the interests of the local community; there is no shop or post office nearby; the site borders the railway line and would therefore be very unsafe for small children; will make the land residential, setting a precedent for landowners in area to develop their land in the same way; preferential treatment for one section of society is seen as discriminatory, promotes tension and causes disruption and conflict – hope that TDBC will seek to avoid this; Circular 01/2006 charges LPAs with delivering adequate good quality sites for travellers and gypsies; proposal will be an ad hoc arrangement in an unsuitable environment without regard to the interests of the settled community in Hillfarrance; majority of the population of Hillfarrance are opposed to the application; reference to development and a mobile home in the adjacent field; applicant misled vendor of field when purchasing the land in stating that the land was to be used for stables and horses, which leads to mistrust of the applicant and the case set out; proposal is clearly contrary to both national policy and the Council's own policies regarding gypsy and traveller sites; application form inaccurate and defective; inappropriate development in open countryside in a remote location miles from the nearest local services; clearly visible from the public highway and footpaths in the vicinity, a nearby dwelling and from the main railway line; no independent evidence submitted in regard to medical circumstances or close family ties with the area; children are below school age and not attending a local school; applicant has not followed the pre-application procedure set out in the Circular; there are no human rights issues arising from the applicant's case; there is a real possibility that the granting of planning permission would have an adverse impact on the quiet enjoyment and value of adjacent dwelling contrary to human rights legislation; bottom part of the field is liable to flooding; if granted, would set precedent for further gypsies and travellers on the land; the North Curry experience has demonstrated that the travelling community cannot be trusted to respect the environment, the law, property or persons – the best way to avoid trouble is to keep them out; the Council's future avoidance of strife and conflict should be a paramount consideration in the decision process; the Authority's inability to control or enforce conditions in their jurisdiction is already proven and clearly shows that further development, however illegal, would be beyond control; the applicant's declared interest in promoting gypsies rights suggests that suspicion of future enlargement of the site may be well founded; positive discrimination; the road both sides of the entrance to the site has a history of flooding; not in keeping with the existing buildings and structures in the surrounding area; contrary to the Local Plan policy covering Oake; extremely dangerous exit onto highway; our precious countryside is being destroyed by countless changes; increase in traffic and noise in a tranquil location; would be better suited in an urban area where suitable services and housing area available; will make it impossible to sell adjacent dwelling; will result in loss of good farmland contrary to government advice; environmental impact – water emissions, soil pollution and impact on the habitat of wildlife; no evidence to suggest that the applicant has looked at alternative sites to meet her needs which would not require a negative environmental impact; contrary to the aims of Natural England; the area does not have the infrastructure to support the proposal; lack of utilities; adverse affect on the appearance and character of the landscape; site is remote from services and offers no opportunity for travel by public transport, cycling or walking; the country roads are unlit and would be dangerous for cyclists and pedestrians – car travel would therefore be inevitable, contrary to central and local government sustainability policies; County Structure Plan 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; Hillfarrance is a small hamlet set in attractive open countryside which under national and local planning policy should be protected for its own sake; the field is open and prominent in the landscape over long distances and will detract from the rural character of the area; concerned about the cumulative consequences of small parcels of agricultural land being sold off and then being developed in a manner which detracts from the appearance and quality of this attractive rural area; family connections with the area should not be taken at face value; contrary to the provisions of the Local Plan so should be advertised as a departure from the Local Plan; proposal does not replicate a gypsy way of life; applicant's needs could be met almost anywhere and certainly in a more sustainable location and where attractive countryside would not be so seriously threatened; since submitting the application, the applicant has connected water and electricity and carried out planting.

LETTER SIGNED BY 5 PERSONS (NO ADDRESSES) makes a number of the points as set out above.

ONE LETTER OF SUPPORT the specific needs of the applicant and her family are such that it warrants exception to local planning policies. The site complies fully with Circular 1/2006 Planning for Gypsy and Traveller Caravan Sites and would provide reasonable access to suitable education, health and welfare services within the area without causing any strain on any existing service. Proposed landscaping by the applicant appears sufficient to minimise any effect on the character of the area.

POLICY CONTEXT

Policy 36 of the County Structure Plan 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

Policy H14 of the Taunton Deane Local Plan states that sites for gypsies or non-traditional travellers will be permitted outside the defined limits of settlements provided certain criteria are met.

ODPM Circular 01/06 'Planning for Gypsy and Traveller Sites'. The circular has the following stated aims:- (i) To create communities where there is respect between the travelling and settled communities; (ii) To reduce the number of unauthorised encampments and developments; (iii) To significantly increase the number of gypsy and traveller sites in appropriate locations; (iv) To protect traditional ways of life whilst respecting the interests of the settled community; (v) To stress the need for regional assessments of need and for local authorities to develop strategies to ensure that needs are dealt with fairly and effectively; (vi) To make provision for sites where need is identified; (vii) To ensure that Development Plan Documents include fair, realistic and inclusive policies; (viii) To promote more private gypsy and traveller site provision through the planning system; (ix) To help avoid gypsies and travellers becoming homeless through eviction from unauthorised sites.

Rural sites are acceptable in principle and local authorities are encouraged to be realistic about the availability or likely availability of alternatives to the car in accessing local services.

ASSESSMENT

I consider that the applicant is a bona fide gypsy within the definition of ODPM Circular 01/06.

Since the Taunton Deane Local Plan was adopted, Central Government Guidance has changed significantly and there is now a much greater obligation on Local Planning Authorities to assist gypsies to find land and for Local Authorities to find sites. The new Circular, ODPM Circular 01/06 came into effect in February 2006 and replaces Circular 1/94. The new Circular contains revised guidance for Local Planning Authorities, including a requirement for sites to be allocated in Local Development Frameworks for gypsies and travellers, which will need to be taken into account in due course. The Circular also amends previous guidance concerning the circumstances in which gypsy and traveller sites may be acceptable and emphasises that private sites are to be encouraged. The Human Rights Act refers to the question of proportionality and the weighing up of the harm which could be caused by permitting the applicants to occupy the land as against the harm which could be caused to them and their families by refusing permission. Circular 01/06 states that rural settings, where not subject to special planning constraints, are acceptable in principle and that landscaping and planting with appropriate trees and shrubs can help sites blend into their surroundings, give structure and privacy, and maintain visual amenity. It goes on to say that applications should not be rejected if they would only give rise to modest additional daily vehicle movements and/or the impact on minor roads would not be significant. It also states that Local Planning Authorities should not refuse private applications solely because the applicant has no local connection.

The site is 1½ miles from the village of Norton Fitzwarren and slightly further from Oake. The gypsy way of life, being nomadic, inevitably involves travel by private transport. Circular 01/2006 accepts that, in principle, gypsy sites can be appropriate in rural areas where there is often a need for some travel by private vehicle. I therefore do not consider that the site is unacceptable simply on the basis that it involves the need for travel by private vehicles. The site occupies only part of the field and the proposed mobile home would be located over 200 m from the boundary with the railway. The Enforcement Officer is looking into the position of development on the adjacent field. The application form has been amended. There is good screening from the adjacent lane due to the existing roadside hedge. The public footpath is at the bottom of the field close to the railway line.

RECOMMENDATION

Permission be GRANTED subject to conditions of accommodation for gypsies only, no more than one mobile home and one touring caravan, no business activities unless agreed, no open storage in connection with any business activities, personal to applicant and children, landscaping, percolation tests, retention of hedges and

removal of GPDO rights for means of enclosure. Note re Environment Agency consent to discharge to an underground strata required and soakaway guidance.

REASON(S) FOR RECOMMENDATION:- It is considered that the proposal will have limited impact on the visual amenity of the rural area and furthermore the proposal is in line with Central Government advice contained in ODPM Circular 01/06.

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: