

24/2006/023

MR P ORCHARD

SITING OF 2 EXTRA MOBILE HOMES AND 2 EXTRA TOURING CARAVANS AT LONGACRE, ROCKHILL, WRANTAGE

332233/123069

FULL

PROPOSAL

The application site is rectangular piece of land measuring approximately 30 m long x 25 m wide situated at the rear of a long and narrow piece of land (just under 1 acre in size) that runs approximately north- south. Its access lies at the northern end of the site off the A378, Wrantage to Langport road. There are hedgerows around the site, except at the point of access, and it is set within a large agricultural field that is in separate ownership. The site is in the foothills of the North Curry Ridge Special Landscape feature.

Planning permission was granted on appeal in July 2002 for the siting of 2 mobile homes and two touring caravans for the personal use of gypsies, Mr and Mrs Peter Orchard and Mr and Mrs Joe Orchard and their families.

This application is for the siting of an additional 2 mobile homes and two touring caravans for use by their son, Mr Michael Orchard, and daughter, Sophie Smith, and their families. Both applicants have submitted personal details that establish their gypsy credentials and links to Mr and Mrs Peter Orchard. The additional caravans and tourers would be sited at the rear of the site in the former "paddock" where the stables had been.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the site is remote from services and derives access direct from the A378, a county route with substantially sub - standard visibility. It is within a 50 mile per hour restricted area where visibility splays of 160 m would normally be required. On site inspection on 18th July, 2006 it was only 50 m (appropriate for speeds less than 30 mph). The planning Inspector, when allowing the appeal noted that the site was not in a sustainable location and caused significant harm to highway safety. On allowing the appeal he accepted that the harm that would arise would be outweighed by the substantial need for a gypsy site for the family. In conclusion the highway objections remain and I recommend the refusal of the application as it derives direct access from a county route, does not provide adequate visibility and is in a non-sustainable location. COUNTY EDUCATION OFFICER no comment received. 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. He has also confirmed that he considers there is adequate space on the land to site an additional two caravans and touring caravans.

LANDSCAPE OFFICER views awaited. POLICY OFFICER no observations to make. ENVIRONMENTAL HEALTH OFFICER views awaited. HOUSING OFFICER need to investigate situation if likely to become homeless if not approved.

PARISH COUNCIL do not support this application as it was granted subject to strict conditions of two caravans and touring vans only, and no wavering of the conditions should be allowed.

WARD COUNCILLOR STONE the site is located in open countryside with no services in walking distance and no pavements along the busy A road; North Curry Parish has made more than a reasonable contribution to provision for gypsy families, including the nearby hamlet of Wrantage with considerable provision in the area; recent land ownership changes at Lords Wood mean that the condition set on this site are also in danger of being violated so compounding the problem; this represents an attempt to totally overrule two inspectors decisions and bring the system into disrepute.

8 LETTERS OF OBJECTION from 9 local residents have been received raising the following issues: - the caravans should have been painted green, the only one that was, being removed a short time after; the adjacent landowners hedge was cut without permission; 4 extra caravans moved onto the site 3 months ago and were only recently removed for this application; the mobile homes have been vacant for months; an additional two pitches will reduce house prices; planning permission was refused for a new bungalow in the area; planning rules should be applied equally regardless of class, race or religion; the planning appeal recognised that it was detrimental to the landscape, environment, highway and safety of the area and an increase in the development and traffic associated with it will be increasingly detrimental; neighbouring kennels refused planning permission for a mobile home as it was on the base of the North Curry Ridge; placement of the mobile homes on the site is likely to intrude onto neighbouring land against the owners wishes; additional caravans have been put on the site contrary to the planning permission the caravans and mobile homes have not been painted a sympathetic colour; this site has become an overflow for families from Oxen Lane with problems shifted from one site to another; council housing should be provided if there is a need; it is an extremely small piece of land and more vehicles will make it more unsightly and unable to sustain the number of people resident upon it; the applicant has given a false name; the additional occupation will cause unacceptable harm to the environment and highway safety; the eastern hedge was to be retained but has been replaced by a timber fence due to fire damage; the mobile home has been placed in a more prominent position; the and was to revert back to agricultural when vacated by the Orchards.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 Sustainable Development, Policy 36 - Sites for Gypsies and travelling people, 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, 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. (Appendix Attached)

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 2001 against the accepted view that the development “ causes unacceptable harm to the character and appearance of the area and significant harm to highway safety” The inspector weighed this harm against the education and health needs of the family and considered that the applicants needs were paramount. I see very little difference in that argument for this application except that Government Circular 1/2006 has downgraded the considerations of sustainable location, and impact on locally designated sites in importance. The circular states that local landscape designations should not be used in themselves to refuse planning permission. The site is situated on the foothills of the Five Head ridge. Generally there are good hedgerow boundaries around the site that help to assimilate the site into the surrounding area. The Inspector conditioned that caravans were coloured to reduce the visual impact of the caravans on site but did not condition that they should remain as such thereafter. One of the site caravans was painted green to the approval of the planning authority but was subsequently replaced with a newer unit that was not green. There is now no ability to control the colour of those caravans on the site. In my opinion the additional impact of the extra mobile homes and touring vans will not be significantly worse than at present and the retention of the boundary hedges at the current height will continue to help screen the impact from wider view.

The County Highway Authority maintains their original objection to occupation of the site. Visibility splays are inadequate for the speed of traffic along the adjacent A378 and it is considered that the additional traffic movements associated with the new units will create an unacceptable highway danger. Advice in Circular 1/2006 does not suggest that highway safety should be compromised to allow gypsy sites however Para 66 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 for a permanent site for the two new families and the acceptance that gypsies often live and travel in extended family groups and that this should be accommodated where possible, within provision of sites for gypsy families (Para19 of Circular 1/2006) I consider that the proposal is acceptable in this case.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, occupation restricted to Mr Michael Orchard, son of Mr Peter Orchard, Mrs Sophie Smith, Daughter of Mr P Orchard, their partners and dependant family, hedge reinstatement, parking and turning area for 2 vehicles, details of external lighting, existing hedges on the west east and south boundaries to be retained, removal of permitted development rights for fences gates and ancillary structures. Notes re the entrance and access conditions applied on the earlier planning permission 24/2001/022 continue to apply to the remainder of the site.

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