

MISCELLANEOUS ITEM

APPEAL AGAINST CONDITIONS IMPOSED ON PLANNING APPROVAL 06/2008/046 FOR THE USE OF LAND TO SITE 3 NO. MOBILE HOMES AND PROVISION OF SEPTIC TANK FOR ONE GYPSY FAMILY AT SUNNY DENE, DENE ROAD, COTFORD ST LUKE, BISHOPS LYDEARD (REVISED SITING) AS AMENDED AND AMPLIFIED BY LETTER DATED 13TH JUNE 2008.

At the meeting on 2 September 2008 members resolved to grant planning permission (planning reference 06/2008/046), for the use of land to site 3 No. mobile homes and the provision of septic tank for one gypsy family. The application was granted on the basis that the proposed revised siting of the mobile homes and landscape mitigation measures, addressed the previous refusal reasons and reduced the visual harm of the development so as to be considered acceptable.

A copy of the previous planning report to Committee and the decision notice are attached. A number of conditions were imposed.

On the 14th August 2008 a breach of condition notice was served on the applicant with regards to conditions 4, 11, 12 and 13. The notice came into effect after 28 days and required compliance within 14 days. The deadline for compliance was therefore the 25th September 2008. Upon receipt of the breach of condition notice Mr Small lodged an appeal against all the conditions imposed on the application. To summarise his grounds of appeal, he considers that he is being forced to live like a non gypsy and the conditions are both repressive and restrictive and do not serve any planning purpose. Further action in relation to the breach of condition notice has been held in abeyance pending the outcome of the appeal.

Details in relation to conditions 8, 13, 14 and 16 have been submitted and the details / works considered acceptable. However there is a fee payable for discharge of conditions and as no payment has been received no formal discharge of these condition(s) can be given.

The purpose of this report is to inform Members of the current position in relation to the appeal and to seek agreement in respect of condition 3, the Council would support variation from a personal permission to a standard gypsy occupation condition as follows:

“The three mobile homes hereby granted shall be occupied solely by Mr Henry Small, the applicant’s spouse or dependant relative thereof, together with their children living as one extended gypsy family.

Reason – The proposed development would be undesirable if allowed to become permanently established in this area, but personal permission is given in this instance to avoid undue hardship to the applicant in accordance with Taunton Deane Local Plan Policy H14.”

This is proposed against the background that there is still an under provision and therefore the need for more gypsy sites across the Borough. It also accords with other recent decisions. The most recent of these is the approval of one mobile home and one transient pitch at Altana Park, Hillfarrance, planning reference 27/2008/026, which was considered by Planning Committee on the 3rd September 2008 and approved subject to a standard gypsy occupancy condition.

The application granted permission at Sunnysdene, Cotford St Luke was only considered acceptable on its planning merits, subject to the imposition of the various conditions. However, it is considered the revised wording restricting the use of the site to a single gypsy family would accord more closely with government guidance taking into account the special need to accommodate gypsies and most recent permissions for gypsy sites.

Recommendation

The Council do not defend Condition No. 3 attached to permission 27/2008/026, but propose a variation to that condition as follows:

The site shall not be occupied by any persons other than gypsies and travellers, as defined in paragraph 15 of ODPM Circular 01/2006.

Reason – The proposed development is located outside of settlement limits where development would not normally be allowed, but permission is granted in this instance to avoid undue hardship to a gypsy family in accordance with Taunton Deane Local Plan Policy H14 and advice contained within Circular 01/2006.

The Solicitor to the Council be authorised to take prosecution action, subject to the Inspectorate dismissing the appeal in relation to any of the conditions referred to on the breach of condition notice.

06/2008/046

MR HENRY SMALL

USE OF LAND TO SITE 3 NO. MOBILE HOMES AND PROVISION OF SEPTIC TANK FOR ONE GYPSY FAMILY AT SUNNY DENE, DENE ROAD, COTFORD ST LUKE, BISHOPS LYDEARD (REVISED SITING) AS AMENDED AND AMPLIFIED BY LETTER DATED 13TH JUNE 2008

317423/127565

FULL

PROPOSAL

Permission is sought for the retention of three mobile homes to accommodate one gypsy family comprising Mr Small, his wife and five children. In addition a septic tank is proposed. The applicant purchased the site, which forms part of a larger field abutting the south side of Dene Road – located to the east of Cotford St Luke, in June 2006. The land purchased is just over 1 hectare. In July 2006 a planning application was submitted for the erection of a stable block in the south west corner of the site. The application was subsequently approved.

The mobile homes now in situ were brought onto the site over the weekend of the 24th/25th of November 2007. Two stop notices were served, one for operational development and the second for no further mobile homes to be placed on the site. The access from the highway to the site was already in existence for agricultural purposes but there was previously no track into the field. The Council temporarily permitted the applicant to the laying down of hardcore to enable vehicles to enter/leave the site following highway safety concerns regarding mud being carried onto the highway. In addition a one metre access strip was agreed to provide access to the mobile homes again using hardcore which is easily reversible.

The previous application, planning reference 06/2007/064, for the retention of the mobile homes and the installation of a septic tank was refused by the Planning Committee, on the 18th February 2008, for the following reason: -

‘the siting of the mobiles homes would appear an incongruous and significant skyline feature and would have a harmful impact upon the rural character and appearance of the landscape. Furthermore, the required visibility splays would require a significant amount of hedgerow to be removed and would also reduce the availability to provide landscape mitigation measures. As such the development would be contrary to the provisions of Policy 5 of the Somerset & Exmoor National Park Joint Structure Plan Review and Policy S1, S7, H14 and EN12 of Taunton Deane Local Plan’

In order to address the above reason for refusal the applicant has been in discussion with the Council’s Landscape Officer in order to mitigate the visual impact of the proposal. As such a revised block plan has been submitted which repositions the largest of the mobile homes, located immediately adjacent to the highway, further

into the site and set down from the existing position. Furthermore, a comprehensive landscape mitigation scheme is now proposed, using native species, and this forms part of the submission. The proposed curtilage has also been reduced as shown on the block plan and a revised site/location plan has subsequently been submitted to reflect the application site as shown on the block plan.

The applicant has confirmed there are no changes in personal circumstances or need since the previous application was determined.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL – The proposed revised siting in no way addresses the Council's concerns and therefore the Parish Council objects to the proposal on the grounds that: -

- The development is contrary to the Taunton Deane and Cotford St Luke development plans.
- Use of land for siting of mobile homes is contrary to the original use agreed for the land.
- The development is in open countryside and has a detrimental impact on nearby residents' visual amenity.
- The Parish Council has concerns over the safety of access from Dene Road, both for passing motorists and for anyone attempting to enter or exit the field where the mobile homes are currently located.
- The Parish Council is concerned over the request for unlimited vehicles to be parked on the site and over the request for goods vehicles to be parked on what is claimed to be a residential site.
- The Parish Council notes that no claim of gypsy status was made by Mr Small in his original planning application.

SOMERSET COUNTY GYPSY AND TRAVELLER SERVICES – In response to application 06/2007/064 confirmed that Mr Henry Small is recognized as a bonifide Gypsy as defined within the Housing Act 2004.

LANDSCAPE OFFICER – The relocation of the mobile home and two caravans further into the site, more restricted garden curtilage and proposed landscaping should help to reduce the landscape impact of the proposals. My remaining concerns are the colour of the roof tiles which would be better grey and the wider landscape impact from the south.

DRAINAGE OFFICER – I note a septic tank is to be used to dispose of foul sewage. Percolation tests should be carried out to ascertain the length of the sub-surface irrigation drainage. The Environment Agency's consent to discharge to underground Strata is also required. With regards to the use of soakaways, these should be constructed in accordance with Building Research Digest 365 (Sep 91) and again made a condition of any approval.

COUNTY HIGHWAYS AUTHORITY – Previous comments apply equally. The proposed development site is located just outside of the development limit for Cotford St Luke. As a result, under normal circumstances if a proposal for residential

development had been received, the Highway Authority would recommend the application for refusal on sustainability grounds. However, information in the ODPM and Policy 36 of the Somerset and Exmoor National Park Joint Structure Plan Review 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'. The site is in close proximity of Cotford St Luke and Bishops Lydeard, which are the nearest settlements with any services and facilities. I consider that the distance may not so great as so conflict with Policy 36.

In detail the proposal will derive access onto a classified unnumbered highway, which is subject to the national speed limit, however vehicle speeds are generally lower than 60mph. It is imperative in the interests of highway safety for all road users that adequate visibility splays are incorporated, which may result in the loss of part of the roadside hedge/trees, together with sufficient onsite parking and turning within the site to avoid reversing to or from the public highway. Given the size of the applicant's land it would appear that this would be achievable, however no layout has been submitted with the application. I am aware there have been personal injury accidents on this stretch of highway to the east of the site, however I do not consider that this proposal would result in a significant increase in traffic over and above that, which currently occurs on this stretch of highway.

If the Local Planning Authority is minded to approve the application a number of highway related conditions are recommended.

HOUSING OFFICER – Previous comments reiterated - Initially there is reason to believe that if unable to remain on their land at Cotford that the family would be threatened with homelessness, and therefore put TDBC under a duty to carry out enquiries under Section 184, Part 7 of 1996 Housing Act (as amended by Homelessness Act 2002). If homeless they appear to be eligible for assistance. If found to be homeless unintentionally and if they could establish a local connection with TDBC, which initially they do not appear to have one, then the onus would be for TDBC to accommodate. The Council would find it very difficult to discharge this duty as TDBC would need to be able to secure for them suitable land to site their trailers/mobile homes owing to their aversion to bricks and mortar. Authorities must give gypsies special consideration to securing accommodation that will facilitate their traditional way of life. (R (Price) v Carmarthenshire CC (2003).

COTFORD ST LUKE COMMUNITY ASSOCIATION strongly objects to the development for the following reasons: -

- The original Cotford St Luke Master Plan and Taunton Deane Borough Council's ten year plan did not include this land for residential purposes and therefore, it should not be built upon.
- The land is registered for agricultural use and does not have any Planning Permission for building a dwelling or installing drainage. Mr Small is in breach of the Town and Country Planning Act 1990.
- Mr Small's previous Planning Application was based on the building of a stable block only. Mr Small is a well known horse trader. Mr Small stated in his Planning Application that he only wanted the land to graze his horses. This is clearly not the case.

- The erection of these three mobile homes is in contravention of the present Planning Permission granted in application 06/2006/036.
- The erection of these three mobile homes is not in keeping with the present built environment of the village and the natural beauty of the area (proximity to the Quantock Hills AONB) as set out in the Cotford St Luke Master Plan and Taunton Deane's Local Plan.
- Taunton Deane's Local Plan states that the appearance of open countryside should be protected for its own sake. The mobile home site is clearly visible especially to those living in North Villas. Although Mr Small is proposing to plant Field Maple, Crab Apple and Oak trees along his boundary that faces North Villas, these trees will take some considerable time to reach a height that will block out the mobile home site.
- A significant amount of vehicles each day travel from/to Cotford St Luke using Dene Road as the thoroughfare. I understand that Mr Small claims in his Access statement that the gates are presently set nine metres back from the road. This is not the case. Situating the entrance to these three mobile homes so close to the sharp bend and allowing light goods vehicles and public carrier vehicles to access the site; would potentially put the public at risk – be the cause of a fatality or further serious accidents along this stretch of road.
- Mr Small states in this Planning Application that unlimited vehicles are to be parked on site that will include goods vehicles and public carrier vehicles. Does Mr Small intend to run a business on the site? If this is the case, then the change of land usage is not only for residential but commercial as well.
- There is the potential for cars and goods vehicles to be parked in Dene Road which has a 60mph speed restriction. Parking vehicles on Dene Road will cause an obstruction to fast flowing traffic and the potential for another fatality or accident to occur.
- The erection of three mobile homes so close to Norton Manor Camp would raise security concerns for the Ministry of Defence.

Cotford St Luke Community Association therefore urges that the planning application is rejected and the Enforcement Notice and permanent Stop Notice that were originally served on Mr Small earlier this year are enforced.

13 LETTERS OF OBJECTION have been received. Summary of objections: - changes do not overcome previous reason for refusal; Contrary to development plan; contrary to Circular 01/06 which requires Gypsy and Traveller Caravan Sites to be carefully planned after consultation with Gypsy and Traveller representatives and local communities. Such sites should be established according to a formal plan – in the same way as housing needs for the rest of the community – and should not simply appear as unauthorised developments; Concern raised as to the investigation undertaken by the Council's Gypsy Liaison Officer in relation to the 'Gypsy Status' of the applicant; Gypsy status should be allocated based on 'habit of life' and confirmation is sought that the Council has investigated the applicant's previous 'habit of life' and Gypsy Status has not simply been allocated on the basis of race, which would contravene planning regulations; nature of site is permanent not temporary – Council are urged to define what constitutes a 'mobile home' in terms of planning regulations – essentially the site would be classified as a 'housing development'; Outside settlement limits; Creeping development; Detrimental impact upon visual amenity of the area and erodes the rural landscape; Development sited

in a very prominent and elevated position and should have been carefully planned and positioned within the site; bright orange roof tiles can be seen from the A358 and the B3227; caravans not shown on plan; removal of hedgerow to provide visibility; landscaping mitigation will not be sufficient and would take a considerable time; concern that landscaping will be implemented; Contrary to the original use of the land previously approved (stables); livestock in relation to earlier approval have never materialised; Proposal does not integrate with the development style; scale or layout of the surrounding area by reproducing any of the building characteristics found within Cotford St Luke; Highway safety concerns regarding the proposed access from Deane Road, both for motorists, cyclists, walkers and anyone attempting to enter or exit the field where the mobile homes are currently located; application form states parking provision for 'unlimited vehicles'; applicant to run business from the site; Lack of information; the road is not safe, Somerset and Exmoor National Park is an 'Area of Outstanding Natural Beauty', suitable plots for gypsy sites should be allocated with Taunton Deane not on ad hoc; Blot on the landscape – close to AONB; Unfair precedent; To live in a static caravan of park home is not conducive to nomadic way of life and are synonymous with a settled way of life for people (non gypsy or travellers); proposal does meet the requirements of Policy H14; development took place without permission being sought; application form not correct and insufficient information submitted; potential for further increase in numbers; local residents urged to be patient in the Council not prosecuting the stop notice breaches.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review

POLICY STR6 - Development Outside Towns, Rural Centres and Villages.

Development in the Countryside will be strictly controlled to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel.

POLICY 5 - Landscape Character

The distinctive character of the countryside of Somerset and the Exmoor National Park should be safeguarded for its own sake. Particular regard should be had to the distinctive features of the countryside in landscape, cultural heritage and nature conservation terms in the provision for development.

POLICY 36 - Sites For Gypsies and Travelling People

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 49 - Transport Requirements of New Development

Proposals for development should be compatible with the existing transport infrastructure, or, if not, provision should be made for improvements to infrastructure to enable development to proceed. In particular development should:-

- (1) Provide access for pedestrians, people with disabilities, cyclists and public transport;
- (2) Provide safe access to roads of adequate standard within the route hierarchy and, unless the special need for and benefit of a particular development would warrant an exception, not derive access directly from a National Primary or County Route; and,
- (3) In the case of development, which will generate significant freight traffic, be located close to rail facilities and/or National Primary Routes or suitable County Routes subject to satisfying other Structure Plan policy requirements.

Taunton Deane Local Plan

Taunton Deane Local Plan. The following policies are considered especially relevant:-

S1 General Requirements

Proposals for development should ensure that:-

- (A) additional road traffic will not lead to overloading of access roads or road safety problems;
- (C) the appearance and character of any affected landscape, settlement, building or street scene would not be harmed as a result of the development;
- (E) potential air pollution, water pollution, noise, dust, glare, heat, vibration and other forms of pollution or nuisance, which could arise as a result of the development will not harm public health or safety, the amenity of individual dwellings or residential areas or other elements of the local or wider environment;
- (F) the health, safety or amenity of any occupants or users of the development will not be harmed by any pollution or nuisance arising from an existing or committed use.

S7 Outside Settlements

Outside defined settlement limits, new building will not be permitted unless it maintains or enhances the environmental quality and landscape character of the area and

- (B) accords with a specific Development Plan policy or proposal;

H14 Gypsy and Travellers sites

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;

- (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) accommodation for incompatible groups of gypsies and/or non-traditional travellers are not mixed on the same site;
- (G) 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; and
- (H) in the case of transit sites, there is convenient access to a County or National route;
- (I) 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;
- (J) adequate fencing, capable of preventing nuisance to neighbouring areas, is provided.

EN12 Landscape Character Areas

Development proposals must be sensitively sited and designed to respect the distinct character and appearance of Landscape Character Areas.

Executive report dated 3rd May 2006 - Providing for Gypsies and Travellers

Impact of Circular 01/2006 on the Determination of Planning Applications.

However, in light of the new Circular the criteria may need to be considered more flexible 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.

Circular 01/2006 identifies the issue of the scale of sites in relation to existing settlements. Large-scale gypsy sites should not dominate existing communities. In implementing Policy H14, the relative size of any proposed site in relation to nearby settlements must be taken into account.

RELEVANT CENTRAL GOVERNMENT GUIDANCE

Up to date Government advice is contained within ODPM Circular 01/2006 Of particular relevance are paragraphs referred to below

Paragraph 4

This circular will help to promote good community relations at a local level, and avoid the conflict and controversy associated with unauthorised developments and encampments

Paragraph 12 The Circular's 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.

Paragraph 19

A more settled existence can prove beneficial to some gypsies and travellers in terms of access to health and education services and employment and can contribute to a greater integration and social inclusion within the local community. Nevertheless the ability to travel remains an important part of their culture. Some communities of gypsies and travellers live in extended family groups and often travel as such. This is a key feature of their traditional way of life that has an impact on planning for their accommodation needs.

The scheme of C1/2006 is that all local planning authorities must carry out Gypsies and Travellers Accommodation Assessment (GTAAs) to ascertain the need for pitches in their districts. These must be submitted to the relevant regional authority. The regional authority will use the information from the GTAAs to impose quotas of gypsy pitches on all the districts in the region. Each district will be obliged to allocate sufficient land in their Development Plan Documents (DPDs) to meet its quota. The circular contemplates that this process will lead to the provision of an adequate number of gypsy sites.

C1/2006 sets out what is called "transitional arrangements" to govern the period before quotas are imposed by the relevant regional authority (paragraphs 41-46). In certain circumstances it may be necessary for local planning authorities to make allocations in this period. Further, in districts where there is a clear need for additional sites and a likelihood that allocations will be made within a defined period, it may be appropriate to grant temporary planning permissions for gypsy sites.

Paragraph 48

In applying rural exception site policy, local planning authorities should consider in particular the needs of households who are either current residents or have an existing family or employment connection.

Paragraph 53

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

Paragraph 54

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 services. 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.

Paragraph 60In particular questions of road access, the availability of services, potential conflict with statutory undertakers or agricultural interests and any significant environmental impacts should be resolved at the earliest opportunity...

Regional Spatial Strategy (RSS)

The regime of the Planning and Compulsory Purchase Act 2004 provides for Regional Spatial Strategy (RSS) to be formulated by the regional authority, the South West Regional Assembly. This Authority is to determine the amount of provision within each district for additional gypsy and traveller sites.

In April 2006 the Regional Assembly published a draft RSS of which paragraph 6.1.1.13 states 'at the time of publication of the draft RSS the RPB was of the view that there was not sufficiently robust information on which to establish district level numbers, that it is necessary to establish transitional arrangements in accordance

with C1/2006 and that there will be an early review of the draft RSS 'to fully implement the Government's requirements' (i.e. to impose quotas).'

For the South West, this regional context can be summarised as follows:-

- The extent of existing provision in the region is approximately 550.
- The following parts of the region have relatively high numbers of unauthorised sites; South Gloucestershire, City of Bristol and North Somerset, Unitary Authority areas, and parts of Devon, Gloucestershire and Dorset counties.
- An interim estimate of the additional pitch requirements at regional level is about 1,100 pitches which will be used to monitor delivery in LDDs.

Regarding pitch requirements, the indicative regional figure set out above will serve as a monitoring basis until local authorities have completed their needs assessments and are able to provide a more comprehensive position for site requirements. It is anticipated that all local authorities in the region will have completed their GTAAs in 2007, and it is hoped a single issue review of the Draft RSS can be completed in step with this.

The partial revision of the RSS to review additional pitch requirements is now well underway, with public consultation on the draft Revision running until 31 October. Additional pitch requirements to 2011 are included for Unitary Authority and District Council areas. The requirement for Taunton Deane is 17 pitches, of which 8 have already been provided.

The Ark Report and the GTAA

Circular 1/2006 requires all Local Authorities to undertake a needs assessment (GTAA) for new pitches within their areas. Taunton Deane, in association with the other Somerset Local Authorities, had commissioned the Ark Consultancy to undertake a needs assessment prior to the publication of the Circular, although this did not produce specific pitch numbers. However, in response to the request for First Detailed Proposals to inform the preparation of the partial revision of the RSS, further work was undertaken to update the assessment of identified need, and produce figures. This work was undertaken by a group that included officers of the District and County Councils and representatives of the Gypsy and Traveller communities. It identified a requirement for 17 additional pitches in Taunton Deane to 2011, and was based on detailed consideration of the known situation within the Borough in terms of unauthorised sites and the circumstances of individual households.

The assessment did not identify the current gypsy family needs. However, it is recognised that the scale of need identified only reflected known needs at that time. In submitting the results as First Detailed Proposals it was recognised that the process by which the results had been produced had pre-dated the publication of the government guidance, and that further work would be needed to produce a more thorough and robust assessment that complied fully with the government guidance on GTAAs. The implication of this is that there may have been an under estimate of the need for sites, and that additional pitches might be required in the course of time.

RELEVANT LEGISLATION

European Convention for the Protection of Human Rights and Fundamental Freedoms (Human Rights Act 1998)

Articles 8 and 14 of the Convention and the First Protocol Articles 1 and 2 are of particular importance in the consideration of this application.

Article 1

1. Everyone has the right to respect for his private and; family life, his home The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association
2. No person shall be denied the right to education. In the exercise of any function which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religion and philosophical convictions.

ASSESSMENT

Circular 01/06 relating to gypsy and traveller sites amends the definition of 'gypsies and traveller's' to be more wide-ranging. The new definition is:-

'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such'.

The applicant was interviewed with regards to his gypsy status under planning reference 06/2008/046 and in relation to a housing needs assessment. The Somerset County Gypsy Liaison Officer confirmed in writing that the applicant was a bona fide gypsy as defined within the Housing Act 2004. The Housing Officer considered that there is reason to believe that the applicant would be threatened with homelessness should they not be able to remain on site and appear to be eligible for assistance. Due to the applicant's aversion to 'bricks and mortar' this would put a duty on the Council to accommodate the family on suitable land. A copy of the Housing Assessment will be distributed to Members at the Planning Committee at the meeting. This information also details the travelling pattern of the applicant.

Circular 01/06 makes it clear that local planning authorities should not refuse private applications solely because the applicant has no local connection. It is accepted that there is currently an unmet need for gypsy sites within the area. Circular 01/06 recognises that traditional patterns of work are now changing and that the community has generally become more settled. The Circular states that a more settled existence can prove beneficial to some gypsies and travellers in terms of health and education services. The applicant has indeed expressed his belief that as traditional employment opportunities have changed there is now a desire to settle in

the locality and to be in close proximity to educational and health care facilities. The site is within close proximity to the settlement of Cotford St Luke and it is therefore considered the proposal is not so isolated as to be considered unsustainable taking into account the latest guidance within Circular 01/06.

The application site is located in the open countryside, within Low Vale Landscape Character Area, where normal policies resist the erection of new dwellings or the siting of new residential caravans. However there are exceptions to this policy including policy H14, which allows the principle of gypsy and traveller sites within rural areas provided they can fulfil certain criteria. These criteria were relaxed as a result of Government advice contained within Circular 01/06 to allow additional sites. In particular the Council has agreed a more flexible approach in terms of distance to facilities and accepted that sites could be provided in areas of local landscape designation provided they do not undermine the purpose of the designation. The guidance contained within Circular 01/06 identifies that sites in rural settings, where not subject to special planning constraints, are acceptable in principle. It is considered the proposal would not place undue pressure on the local infrastructure given the low number of mobile homes proposed.

The site is not located in an area of nationally recognised designations as referred to within the Circular 01/06. The site is not located within an Area of Outstanding Natural Beauty. Despite concerns from the public regarding the impact upon the Quantocks AONB to the north it is considered that given the distance from the site to the AONB that the proposal would not affect the AONB landscape. The guidance within Circular 01/06 states that local landscape and local nature conservation should not be used in themselves to refuse planning permission for gypsy and traveller sites.

The primary issue therefore relates to whether the proposed revisions to the scheme overcome any demonstrable harm to the landscape set against other planning considerations such as an identified need for gypsy sites and taking into account the advice contained with Circular 01/06.

The applicant has reduced the site curtilage considerably from the original application. The mobile home and caravans are located at the northern end of the field, previously at the highest level within the site. However, in order to reduce the visual impact of the larger mobile home it is to be repositioned further into the site and is located at a lower level than the previous refusal. The proposed repositioning of the mobile home would reduce its visual prominence when viewed along the public highway. The applicant has previously stated that it would not be feasible to locate the units even further down the slope and as such the application needs to be assessed against the information submitted. It is accepted that the mobile homes would still be visible from long distance views towards the site. However, due to the topography of the land it would no longer be a skyline feature and would be seen against the backdrop of the existing hedgerow when viewed from the south. It should be noted that the landscape officer is seeking for the hedgerow, adjacent to the highway, to be left to grow to 3.0m high. The highway visibility splay will require a section of the hedgerow to be removed, but the Landscape Officer is satisfied that the remainder of the hedgerow along the highway, set back, can be retained and

supplemented. Moreover, the landscape officer has agreed a comprehensive landscape mitigation plan which will help to soften the visual impact of the site.

In assessing the potential adverse impact upon local residents it is considered that whilst the development would be visible from residential properties in the vicinity, given the separation distances involved it would be difficult to substantiate a reason for refusal based upon unreasonable loss of amenity such as to be harmful to the living conditions of those occupiers.

The potential danger to road users is a recurring theme raised in the representations to this application. However, the Highway Authority (subject to the imposition of the necessary improvements to the access and necessary visibility splays) do not consider that this proposal would result in a significant increase in traffic over and above that which currently occurs on this stretch of highway. As such there is no highway objection to the proposal. Local residents concerns raised in relation to the provision of numbers of vehicles parked on site could be controlled by condition. The application does not seek any business activity as part of the application other than the provision of vehicle parking for cars/light goods vehicles.

To conclude, the applicant's personal circumstances and need for choosing this site in order to offer a settled base for his family. To provide for their education and health requirements, is a material consideration, which has to be balanced against the degree of landscape impact. It is considered the revised submission which seeks to reposition the larger mobile home further into the site and set at a lower level would, together with the proposed landscape mitigation plan, and taking into account guidance on such issues in Circular 01/2006, not be so harmful as to warrant a refusal. As such it is recommended the application be approved subject to the imposition of conditions detailed below.

RECOMMENDATION

Permission be GRANTED subject to the conditions of occupation by one gypsy family only, personal occupancy, no fencing, no other buildings, not more than one mobile home and 2 caravans, details of any external lighting, details of foul drainage and surface water; no business activities unless agreed by the LPA, no open storage of items connected with business activities; landscaping; retention of hedgerow; details of parking spaces, siting and dimensions of mobile homes to be in accordance with submitted block plan and existing mobile homes to be relocated within one month of the decision notice; highway visibility requirements.

REASON FOR APPROVAL

The mobile homes are considered to fulfil an outstanding gypsy need in accordance with 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.

CONTACT OFFICER: MR A PICK

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

CONTACT OFFICER: 356586 MR A PICK

NOTES:

AMENDMENT SHEET

PLANNING COMMITTEE DATE

02/07/08

APPLICATION NUMBER –

06/2008/046

AMENDED TITLE –

AMENDED RECOMMENDATION –

AMENDED CONDITIONS –

Details of parking spaces' to be replaced by 'provision of parking to be within the identified hard standing area only as identified on the submitted block plan'

AMENDED NOTES –

AMENDED CONSULTATIONS –

Forward Plan Unit

Firstly, I would draw your attention to the comments that I made on the previous application on this site (06/2007/064), which are equally applicable to the current proposals. Those comments are reiterated below. You will note that my earlier comments conclude that the applicant has a legitimate need for the site, and that in general terms its location is acceptable in terms of the relevant policy considerations.

Turning to the Action Committee's comments, there are a number of policy-related matters to which I would like to respond.

In relation to Circular 01/2006 the first point made in paragraph 1 is that everyone should have the opportunity of living in a decent home, while paragraph 3 explains that in the case of Gypsies and Travellers the planning system has failed to ensure

that adequate opportunities have been provided for those communities to do so. Thus, at paragraph 12 one of the main intentions of the Circular is stated to be 'to increase significantly the number of gypsy and traveller sites in appropriate locations with planning permission...[within] 3-5 years'.

To achieve this sites do not necessarily have to be allocated through the Development Plan process, as is suggested by the Action Committee. Provision can also be made through the grant of planning permission to proposals from gypsies and travellers themselves. This is recognised at paragraph 13 of the Circular as being a method of provision preferred by many gypsies and travellers. It is also the method of delivery chosen by the Borough Council in the Taunton Deane Local Plan, where policy H14 sets down the criteria against which applications such as the current proposal will be considered, and no sites are allocated. The TDLP has, of course, complied fully with statutory requirements for public participation, so the requirements of PPS1, paragraph 46 have been met.

The Action Committee comments in respect of criterion (A) of H14 is an issue that is covered by my previous comments, which explain that the former requirement to reside or pass through the area has been replaced by others, which the applicants meet.

Previous comments apply equally

In terms of the principle of this development, the key policy of the 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.

The majority of the criteria relate to matters of detail rather than principle. Others will comment on the details, so I will limit my views to the general principles of the application site's location, and the need for the pitch.

In assessing these issues regard must also be given to the following:

- ODPM Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites;
- DCLG guidance on Gypsy and Traveller Accommodation Needs Assessments (2007); and
- the proposals of the emerging Regional Spatial Strategy (RSS) including the current review of additional pitch requirements.

Also relevant are the recommendations contained in a report to, and agreed by, the Executive in April 2006, in response to the advice in Circular 01/2006.

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 of the TDLP relates specifically to proposals in such areas.

Two criteria of the policy relate to the location of residential sites – (B) and (H). The issue dealt with by criterion (B), that of safe and convenient access to schools and other community services is one of the areas affected by the advice in the Circular. In addition to the statement above, which indicates unequivocally that rural locations are acceptable, paragraph 54 goes on to say 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’. The need for the Council to take a more flexible approach to the consideration of this issue was one of those agreed by the Executive in April 2006.

In this case, the application site is situated a short distance from the village of Cotford St Luke, which contains local services including a primary school, community centre and shop. The village also has a reasonable level of bus services to Taunton. I therefore consider its general location to be acceptable.

As far as criterion (H) 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, is an area where the more recent advice and guidance in PPS3, Circular 01/2006, Gypsy and Traveller Accommodation Assessments Guidance, and the emerging RSS is of particular relevance.

At present there is no agreed figure for the number of additional pitches needed in the Borough, with the TDLP only containing the criteria-based policy H14 and no estimate of pitch requirements.

PPS3 tasks local authorities with ensuring that everyone has access to a decent home, and Circular 01/2006 requires them to undertake Gypsy and Traveller Accommodation Assessments (GTAA) in their areas, to assess the scale of need and identify pitch requirements. The information produced is to inform the preparation of Regional Spatial Strategies, which will identify the number of pitches required for each local planning authority, and the preparation of Development Plan Documents.

An assessment of accommodation needs was undertaken by the Ark consultancy in 2005 for all the Somerset local authorities, but it pre-dated the Government guidance. Consequently, it was not fully compliant with the guidance, and did not produce a specific recommendation of the number of additional pitches required. Since then, in order to have an input to the preparation of proposals for gypsy and traveller needs in the RSS, an estimate of pitch requirements has been made. This identified a need for 17 additional pitches. However, it is recognised that the figure produced was an interim estimate, and that further, detailed work is required as a matter of priority to properly assess the situation and inform the preparation of the Local Development Framework. It is hoped that the results of this will be available by the end of the year.

In the meantime, in advance of those results it is appropriate to have regard to the methodology in the guidance on GTAAs when assessing proposals such as the current one. This identifies a number of sources of demand that need to be taken into account in assessing the number of pitches for which provision should be made. Two of the groups to be included are households seeking permanent accommodation in the area, and households on unauthorised developments. The applicant clearly falls within these categories, so there is a clear need to make provision for the household.

In conclusion, I consider that, subject to acceptance of the applicant's gypsy status, there is a clear need for a site to accommodate the household. One of the Government's objectives in relation to gypsies and travellers, set out in paragraph 12 of Circular 01/2006, is to promote more private gypsy and traveller sites in appropriate areas. The general location is appropriate so, unless there are concerns with the site on other grounds, I consider that the proposal should be supported.

AMENDED REPRESENTATIONS–

Ward Member – Cllr J Lewin-Harris objects to the application on the following grounds -

1. Despite the new site for the mobile home and proposed screening, this application will still have an unacceptable impact on the countryside, particularly from the south, and on the visual amenity of nearby residents. Effective screening is hard to achieve on such a prominent site. The current proposal shows deciduous trees, so clearly the screening will not be effective in the winter. An evergreen screen would look totally out of place.
2. The requirement to grub up a significant length of old hedgerow along the road for visibility splays. Replacing this hedge with an oak and field maples will not provide anything like similar screening.
3. Access: the fact that there is no limit on the number of vehicles that can be kept on the site indicates that there is likely to be a considerable increase in traffic entering and exiting the site which would increase the risk on an already dangerous stretch of road.
4. Gypsy and Traveller sites should have safe access by bus, cycle or on foot to schools and other community facilities. In this case, access to school will mean walking along a narrow busy road, with a specific limit of 60mph and no footpath. I would not describe this as safe access on foot.

I urge you to refuse this application.

- One additional letter of objection raising the following objections: - unlawful site; if permitted would allow the applicant to continue to ride roughshod over planning regulations; originally informed by the applicant that permission was only sought for livestock and no further development would occur – local community concerns now proved right; the Council are already in breach of

their statutory duty to enforce planning regulations – to permit this would compound that breach.

- One further objection letter from Cotford St Luke Action Committee has been circulated directly to the Members of the Planning Committee.



The Deane House, Belvedere Road
Taunton, Somerset TA1 1HE

File

TOWN AND COUNTRY PLANNING ACT, 1990

MR HENRY SMALL
SUNNYDENE
DENE ROAD
BISHOPS LYDEARD
TAUNTON
TA4 3LX

APPLICATION NO: 06/2008/046

APPLICATION TYPE: FULL

PROPOSAL:

USE OF LAND TO SITE 3 NO. MOBILE HOMES AND PROVISION OF SEPTIC TANK FOR ONE GYPSY FAMILY AT SUNNY DENE, DENE ROAD, COTFORD ST LUKE, BISHOPS LYDEARD (REVISED SITING) AS AMENDED AND AMPLIFIED BY LETTER DATED 13TH JUNE 2008

GRID REFERENCE: 317423 127565

Taunton Deane Borough Council under the above Act hereby GRANT PERMISSION for the above development for the following reason(s):- The mobile homes are considered to fulfil an outstanding gypsy need in accordance with Taunton Deane Local Plan Policy H14 (Gypsy & Traveller Sites) (as amended).

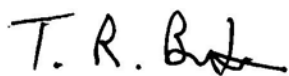
The development must be carried out in accordance with the application and accompanying plan(s) submitted to the Council subject to compliance with the following condition(s): -

- 01 Not more than three mobile homes shall be stationed on the site at any one time.
- 01 Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Policy S1 and S2.
- 02 No touring caravans shall be stationed on the site without the written permission of the Local Planning Authority.
- 02 Reason: In the interests of the character and amenities of the locality in accordance with Taunton Deane Local Plan Policies S1 and EN12.
- 03 The three mobile homes hereby granted shall be occupied solely by Mr Henry Small, the applicant's spouse or dependant relative thereof, together with their children living as one extended gypsy family.
- 03 Reason: The proposed development would be undesirable if allowed to become permanently established in this area, but personal permission is given in this instance to avoid undue hardship to the applicant in accordance with Taunton Deane Local Plan Policy H14
- 04 The siting and dimensions of the mobile homes shall be in accordance with the submitted block plan and no change of unit or siting shall be permitted unless agreed in writing by the Local Planning Authority. The existing mobile homes shall be relocated as per the approved details within one month of the date of this permission and shall thereafter be maintained as such.
- 04 Reason: In the interests of the character and amenities of the locality in accordance with Taunton Deane Local Plan Policies S1 and EN12.
- 05 No business activities, including storage of equipment, materials or machinery, shall be conducted at the site other than access and egress necessitated by the adjacent stables unless otherwise agreed in writing by the Local Planning Authority.
- 05 Reason: In the interests of the character and amenities of the locality in accordance with Taunton Deane Local Plan Policies S1 and EN12.
- 06 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent Order amending or revoking and re-enacting that Order), no gate, fence, wall or other means of enclosure shall be erected on the site unless an

application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority

- 06 Reason: The Local Planning Authority wish to exercise control over the matters referred to in the interests of visual amenity in accordance with Taunton Deane Local Plan Policy S2 (A).
- 07 No building, structure or tent shall be erected on the land other than in accordance with details submitted to and approved in writing by the Local Planning Authority.
- 07 Reason: The Local Planning Authority wish to exercise control over the matters referred to in the interests of the visual amenity of the area and in accordance with Taunton Deane Local Plan Policy S2 (A).
- 08 There shall be no external lighting on the site unless otherwise agreed in writing by the Local Planning Authority.
- 08 Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Policy EN34.
- 09 The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development. For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition to the satisfaction of the Local Planning Authority and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.
- 09 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 10 The hedgerow on the north boundary of the site, adjacent to the public highway, shall be retained, supplemented and maintained in accordance with details to be submitted to and agreed in writing by the Local Planning Authority within one month of the date of this permission. The submitted details shall take into account the requirements of the highway visibility splay.
- 10 Reason: To ensure the continuity of amenity afforded by existing trees, shrubs and hedgerows in accordance with Taunton Deane Local Plan Policy S2.
- 11 Within one month of the date of this permission details of the foul water drainage system and surface water drainage works shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 11 Reason: The Local Planning Authority wish to ensure that satisfactory drainage is provided to serve the proposed development(s) so as to avoid environmental amenity or public health problems in compliance with Taunton Deane Local Plan Policies S1 (E) and EN26.
- 12 There shall be no obstruction to visibility greater than 900mm above adjoining road level forward of lines drawn 2.0m back from the carriageway edge on the centreline of the access and extending to the extremities of the site frontage. Such visibility splays shall be fully provided within one month of the date of this permission and shall thereafter be maintained.
- 12 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Joint Structure Plan Review Policy 49.
- 13 The first 6.0m of the access, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) within 3 months of the date of this permission in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- 13 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Joint Structure Plan Review Policy 49.
- 14 A recessed entrance 4.0m wide shall be constructed 4.5m back from the carriageway edge and its sides shall be splayed at an angle of 45 degrees towards the carriageway edge. The area between the entrance and the edge of the carriageway shall be properly consolidated and surfaced (not loose stone or gravel). The works shall be carried out within one month of the date of this permission.
- 14 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Joint Structure Plan Review Policy 49.
- 15 Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 4.5m from the carriageway edge.
- 15 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Joint Structure Plan Review Policy 49.
- 16 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall be submitted to and approved in writing by the Local Planning Authority within 1 month of the date of this permission.

- 16 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Joint Structure Plan Review Policy 49.
- 17 Parking of vehicles within the site shall be restricted to the area of hard standing as identified on the submitted block plan unless any variation to is agreed in writing by the Local Planning Authority.
- 17 Reason: In the interests of the character and amenities of the locality in accordance with Taunton Deane Local Plan Policies S1 and EN12.



DEVELOPMENT MANAGER

Date: 10th July 2008

N.B. Notes of the applicant's rights are overleaf.

NOTES

(1) If the applicant is aggrieved by the decision of the Local Planning Authority to grant permission for the proposed development subject to conditions, he may appeal to the Secretary of State in accordance with Section 78 of the Town and Country Planning Act, 1990 within six months of the date of this notice. (Appeals must be made on a form which is obtainable from **The Customer Support Unit, Planning Inspectorate, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Telephone 0117 3726372)**). Identical sets of documents should be submitted to the Planning Inspectorate and the Chief Executive, The Deane House, Belvedere Road, Taunton TA1 1HE. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances, which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order. The Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal – see www.planningportal.gov.uk/pca. The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

(2) If permission to develop land is granted subject to conditions, whether by the Planning Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Taunton Deane Borough Council, a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act, 1990.

(3) In certain circumstances, a claim may be made against the Planning Authority for compensation, where permission is granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act, 1990.

(4) Having regard to the powers of the Highway Authority under the Highways Act, 1980, you should consult the Planning Liaison Officer, County Highways, Somerset County Council, County Hall, Taunton, TA1 4DY (Telephone: 01823 321501) in respect of a proposal within or immediately adjacent to a public highway (e.g. footpath and margin crossings, piping of ditches, construction of waiting bays etc.).

(5) This permission does not authorise you to stop up or divert a public right of way in order to enable the development permitted to be carried out. Separate legal steps are necessary for this, and, if required, further information can be obtained from the Somerset County Council, Rights of Way Team, County Hall, Taunton, Somerset, TA1 4DY (Telephone 01823 355455).

(6) You are advised to investigate the possible existence of apparatus of Statutory Undertakers before commencing the development.

(7) In the case of development which will result in (1) buildings or premises to which the public are to be admitted whether on payment or otherwise, or (2) office premises, shop premises and railway premises to which the Office, Shops and Railway Premises Act, 1968, applies; premises which are deemed to be such premises for the purpose of that Act, or factories as defined by Section 175 of the Factories Act, 1961; being premises in which persons are employed to work, attention is drawn to Sections 4 and 7 of the Chronically Sick and Disabled Persons Act, 1970, in connection with (1) and to Sections 8 and 8A of that Act and the Code of Practice for Access for the Disabled to Building (i.e. British Standards Institution Code of Practice referred to as BS 5410:1971) in connection with (2).

(8) In the case of development which will result in the provision of a building intended for the purposes of (1) a university, university college or college or a school or of a school or hall of a university; or (2) a school within the meaning of the Education Act, 1944, a teacher training college maintained by a Local Education Authority in England or Wales or any other institution providing further education pursuant to a scheme under Section 42 of that Act, attention is drawn to Sections 7 and 8 of the Chronically Sick and Disabled Persons Act, 1970, and Design Note 18 "Access for the Physically Disabled to Educational Buildings", published on behalf of the Secretary of State for the Environment.

(9) This decision notice does not purport to convey any approval or consent which may be required by any byelaw, order, regulation or any enactment other than the Town and Country Planning Act, 1990. In particular it may be necessary to submit an application for approval under the Building Regulations, advice on which may be obtained from the Building Control Officer, The Deane House, Belvedere Road, Taunton. (Telephone: 01823 356470).