

47/2006/004

MR & MRS GOLDING

CHANGE OF USE OF LAND FOR THE SITING OF 10 PITCHES TO ACCOMMODATE GYPSIES AND TRAVELLERS AT SLOUGH GREEN CARAVAN PARK, WEST HATCH, AS AMENDED BY LETTER DATED 25TH MAY 2006 AND NEW SITE PLAN RECEIVED 19TH JULY 2006

327817/121468

FULL

PROPOSAL

Planning permission was granted on appeal in September 1995 for the 3 year temporary use of land to site for up to 8 mobile homes. This has been renewed on a temporary basis until October 2005. There was a delay in submitting the current application as the applicant chose to await the Government's publication of its new guidelines on gypsy and traveller sites. In February 2006 the current, full application, for the provision of 10 pitches was registered. The agent has submitted details that confirm the occupants of the site have all been involved in travelling in the past and to a lesser extent at the present. The proposal would utilise the existing access and toilet block, providing 2 additional pitches on land to the left of the access track into the site.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the proposed development site is remote from any urban area and therefore distant from adequate services and facilities, such as, education, employment, health, retail and leisure. In addition, public transport services are infrequent. As a consequence, occupiers of the new development are likely to be dependant on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in PPG13 and RPG10, and to the provisions of Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted: April 2000). The site with permission for 8 units has been established for some time and an appeal against a refusal for the 8 temporary units was allowed in 1995. There were two highway objections relating to road safety issues. The first concerned the junction of the Ash Cross - West Hatch road with the A358. The inspector concluded that any traffic generation caused by the development using the junction was likely to be low and that it could be negotiated safely. Before that application and since accidents have occurred at the junction. Over the last 11 years there have been 6 personal injury accidents involving turning movements recorded at the junction. There is no way any of these accidents can be linked to the presence of the existing site. Therefore it would be unreasonable to object to the proposal on road safety grounds at this junction. The other road safety concern related to a visibility splay at the site entrance. As with the existing temporary permission this aspect would be acceptable provided the same condition is attached to the granting of any permission. The existing permission was temporary and for 8 units. This application is for a permanent situation and with 10 units. This increase and the fact that site has

been operating for a considerable time is not considered to be a sufficient reason for an objection. WESSEX WATER mains water supply is available at the site. The site is not within a sewered area and the Local Planning Authority should ensure that provisions are adequate. SOMERSET RECORDS OFFICE the Thurlbear Wood Site of Special Scientific Interest is immediately adjacent to the western and north western boundary of the site, the land is a county wildlife site due to its areas of unimproved pasture land, scrub, bracken and colonised building foundations. Within 1 km of the site legally protected species have been found. ENGLISH NATURE objects to the development because it may damage the special interest of the SSSI. Part of the SSSI is included within the application area (see attached map). Previous applications on this site for temporary use as a caravan site (47/91/002) and for temporary use for mobile homes plus hardstanding and toilet block (47/94/004) plus all subsequent applications have included part of the SSSI (see attached map). English Nature has not objected to any of these proposals but we have failed to alert you to the fact that a small part of the SSSI was included within the application areas. You will note some development has in fact taken place just over the boundary of the SSSI. A small part of the SSSI has therefore been damaged. However as we failed to make it clear that we did not want to see any development on the SSSI on previous occasions we do not want to pursue this further. We do wish to make sure that no further development takes place on the SSSI. This part of the development would also appear to have been constructed just outside of the application area but that is a matter for you. If the application were modified to exclude all of the SSSI land then we would withdraw our objection. Under Section 281 of the Wildlife and Countryside Act 1981 (as amended), "if [English Nature] advise against permitting the operations, or advise that certain conditions should be attached, but the [local planning authority] does not follow that advice, the authority- (a) shall give notice of the permission, and of its terms, to [English Nature], the notice to include a statement of how (if at all) the authority has taken account of [English Nature's] advice, and (b) shall not grant a permission which would allow the operations to start before the end of the period of 21 days beginning with the date of that notice". Therefore, should the Council be minded to grant permission for this application, we would expect the Council to give notice immediately to English Nature of how you intend to proceed. If no further consultation is required, please forward a copy of the decision notice for this application to English Nature, as required under paragraph 33 of PPG9. This letter represents English Nature's formal consultation response under Section 28 of the Wildlife and Countryside Act 1981 as amended). SOMERSET WILDLIFE TRUST we have studied the response of the Somerset Environmental Records Centre which indicates that the site is within the Quarrylands County Wildlife Site and adjacent to Thurlbear Wood and Quarrylands SSSI. We wish to reiterate the concerns we expressed in our previous correspondence that a permanent permission for accommodation here could set a dangerous precedent, undermining the precautions which are stated in the Taunton Deane Local Development Plan in controlling development on or near SSSIs, County Wildlife Sites and the open countryside. We sympathise with the point made by the Community Law Partnership that there is a need for further accommodation sites for Gypsies and Travellers in the area. However in view of the sensitivity of the SSSI and County Wildlife Site and as mentioned above, at the risk of undermining planning precautions we would argue that the addition of two pitches would be unsuitable at this particular site. As we stated in our previous correspondence, in the past this site has only been granted permission for a temporary siting of

caravans. We remain concerned that while the current occupants of the site may apparently only cause very minimal disturbance to the SSSI there is no guarantee that future residents will be so responsible. In any event, even responsible people living so close to a sensitive SSSI may unwittingly cause adverse effects, for example through increasing disturbance. In view of this we wish to register our continued objection to this proposal. If the applicant were to resubmit this application as a temporary permission and with a detailed, scaled plan for the site we would be willing to reconsider our position.

LANDSCAPE OFFICER the existing caravans are well screened but its not clear, from some local viewpoints, whether the new pitches would be partially visible therefore boundary management, tree and shrub managements and colour of the caravans should be controlled. Access to the new pitches will involve level changes that may have impact on surrounding vegetation. Overall it should be possible to integrate the proposal into the local landscape. DRAINAGE OFFICER standard note should be applied regarding septic tank size etc,

PARISH COUNCIL thank you for forwarding a copy of reference A to West Hatch Parish Council. Much of the content of this letter repeats policy statements issued by the Office of the Deputy Prime Minister's Office, or extracts from Ark Consultancy, regarding the need to find suitable sites for gypsies and travellers. Members of the Parish Council are aware of these documents and, as stated at reference B, recognise the need to provide suitable accommodation sites for gypsies and travellers. The parish council however does not support application No 47/2006/04 in its present form as, if approved, it would give gypsies and travellers at Slough Green preferential treatment over the settled community of West Hatch. Turning to the proposal in reference A for personal planning permissions, our understanding is that planning permission is given to the land/property in question, not the owner or occupier. Gypsies and travellers by definition are nomadic, and there would appear to be no justification, just to get around planning laws, to issue personal planning permissions to residents of the Slough Green Site. The High Court issued a ruling in 2005 stating that gypsies and travellers may not claim immunity from the law, and that their family and cultural rights take second place to the need for fair and firm enforcement of the planning laws that apply to everyone else - we believe that this ruling should apply to the residents at the Slough Green site. With reference to personal statements from 10 residents; our understanding is that approval was given under Planning Application 47/2002/03 for the temporary siting of 8 family mobile homes - if there are now 10 site residents wishing to be considered for a personal consent it would appear that two of the residents (applicants) are there illegally; possibly Taunton Deane Borough Council could ask the Community Law Partnership to explain this breach of planning law. West Hatch Parish Council does not agree with the statement in reference A that "Slough Green site is a success story". As far as West Hatch parish council, and local residents are concerned quite the reverse is true; during the past four years planning law has been flouted, and the majority of the Conditions and Undertakings set out by TDBC have neither been met nor enforced. This was very much in evidence and witnessed by many parishioners who attended a site meeting on 15th March; many local residents expressed dismay with what they witnessed, clearly few if any of the Conditions set out in Planning Application 47/2002/003 have been met, or enforced, during the past three years. The site was over crowded with vehicles of every description and was a general disgrace; the

feeling from a large number of parishioners was that they had been badly let down by Taunton Deane Borough Council and West Hatch Parish Council. The position of West Hatch Parish Council regarding this application remains as stated at reference B. Planning Application 47/2006/04 should be refused and that the applicants should be advised to resubmit a further application, together with a comprehensive site plan, for "The temporary siting of 8 family mobile homes, 8 towing vehicles, and 8 cars with hard standing and toilet block".

WARD COUNCILLOR WILLIAMS 1. The site is adjacent to a Site of Special Scientific Interest and right next to Ancient Woodlands. Conditions as previously imposed on temporary planning applications have been completely ignored. Under no circumstances should a permanent permission be even considered for this site bearing in mind the special land designations that exist adjacent its location. 2. Although the camp has been established on a temporary basis over a long period, this is not justification for it being made permanent or increasing it in size. 3. Under no circumstances should an increase in the number of pitches be allowed and particularly plots 9A and 10A are completely outside the accepted area and should be rejected. Although not indicated on this plan, these plots are in very close proximity to permanent housing along the road to Higher West Hatch. 4. I also note that creeping in are plots 9B and 10B, which with plots 9A and 10A, total 12 living units according to my calculations. This must be resisted and under no circumstances should an increase over the 8 existing temporary permissions be contemplated. 5. I note also that unit 2 has extended well beyond the limits of the site as they were originally contemplated. When the camp was first established, everything was north of the toilet block. I now note that accommodation block 5 and block 2 are shown south of this toilet block. Should it be considered that a temporary permission is again warranted, this should only be on the condition that block 2 is relocated to the removed units 9B and 10B. This, at least, maintains some assemblance of compactness to the camp. 6. I was under the impression that the application was going to be from each individual on the camp and now note that it is a sole application from a Mr and Mrs Golding. Who are Mr and Mrs Golding? Presumably, they are occupants of the camp. What control will they have on people moving in and out of the camp and observance of planning conditions. 7. The reason the Parish Council resist this application so strongly, and I fully support them, is the complete disregard and contempt the occupants have for the planning conditions that have been applied over the years. In my view, it is essential that only a temporary permission be considered otherwise there will be no control over the application of planning conditions knowing the contempt they have been treated with previously. 8. In previous objections I have made to this application, I have also drawn attention to the fact that business activities are carried on at this site which is completely contrary to planning regulations or conditions. No reference has been made to this and I would ask that the Committee consider taking enforcement action in relation to this. I can only reiterate under no circumstances should a permanent application for this site or any increase in plot numbers be considered.

7 LETTERS OF OBJECTION have been received raising the following issues:- the land should be returned to agricultural; if permission is granted adjacent land owner is likely to apply for a similar use, temporary planning permission was granted for 8 caravans; 8 towing vehicles and 8 cars but on the site are 3 x twin units, 13 caravans 1 bus, 1 truck, 10 cars and 2 sheds on top of this there would be 2 additional pitches;

recently, over the weekend, there was loud music coming from the two new plots; always understood that pitches 9a and 10a were for turning lorries/vehicles where will they turn now?; extra pitches will result in increased noise from the site, make the control of the site more difficult for the existing occupants, have a greater visual impact on the area, increase health and safety risks (an outbreak of hepatitis C has been reported at the site) and increase the risk of pollution from the septic tank that lies uphill of residential properties where sewage seepage has been known to migrate; the expansion of the site is disproportionate to the wider community; increased units will result in a greater risk of damage to the SSSI.

AGENTS LETTER IN SUPPORT our case is two fold:- that there is a general local need for further pitches for Gypsies and Travellers that the proposal would help to meet and that there are personal needs for these applicants with respect to health, education and accommodation which would be met by the approval of the proposal.

General Need:- In 2002 the Office for the Deputy Prime Minister issued a report which indicated that within five years of that date a further 4,500 pitches to accommodate residential and transit need would be required. That estimate was based upon the largely discredited bi-annual count figures for an unauthorised Gypsy encampments which the Office for Population Census and Surveys has found to be inaccurate and to grossly underestimate the true extent of need. As a consequence the Office of the Deputy Prime Minister (ODPM) enacted legislation and issued fresh guidance for Local Planning Authorities in the following way: henceforth by virtue of Section 225 of the Housing Act 2004 Local Planning Authorities are placed under a new statutory obligation to quantitatively assess the need for further Gypsy and Traveller sites as part of the Gypsy and Traveller Accommodation Assessment (GTAA). These assessments are to feed into the Regional Spatial Strategy which will identify the composite number of sites required and then allocate a number of pitches for each Local Authority to provide. Where there is an unmet need for further pitches Local Authorities are required to place "substantial weight" upon such needs in assessing applications for Gypsy and Traveller sites. The Planning and Compulsory Purchase Act 2004 has placed a further statutory duty upon Local Planning Authorities to allocate land to meet the needs identified in the GTAA. As you know Local Planning Authorities within Somerset collaborated on the GTAA by employing Ark Consultancy to investigate the accommodation needs assessment for Gypsies and Travellers within Somerset, the final report of which was issued in February 2006. As is made clear from page 9 of the Ark report, New Travellers make up nearly a third of all of the known Gypsies and Travellers in Somerset. That New Travellers should continue to be considered as part of any assessment of need is made plain in the new definition of Gypsies and Travellers adopted by the ODPM in Circular 1/2006 Planning for Gypsy and Traveller Sites which was issued again in February 2006. Initially the ODPM consultation draft had indicated that only traditional ethnic Gypsies and Travellers may be considered but in the final version that criterion was omitted expressly. Moreover also in February 2006 the ODPM issued for consultation a paper on the definition of Gypsies and Travellers which went even further and invited Local Authorities to take into account those persons living in bricks and mortar accommodation against their will and culture due to the lack of suitable lawful sites for them to occupy. Clearly the Ark report has not taken the latter group into account when reaching the view that "the number of families on unauthorised development sites [within Taunton and Deane Borough] indicates a need for further accommodation.... " (page 14 of the

report). Whilst the report states a need for as much as 22 additional caravans identified that was made on the basis that the existing site at Slough Green was lawful and fully occupied (see page' 26 of the report where it says number of vans authorised - 26 and number of factual vans - 26; comments - site full) in the context of a total authorised residential sites. At the moment the site is not lawful and clearly the provision of 10 further pitches on a permanent personal residential basis can be counted against the need identified by the Ark report. That is part of the need for further residential accommodation for Gypsies and Travellers identified by the report itself could be met by the approval of this proposal. We note further that the number of pitches available is due to be substantially reduced when the Gypsies resident at Oxham Lane, North Curry relocate following the expiry of the extension to the compliance period granted by the Secretary of State's Inspector last year. Moreover the transitory nature of New Travellers and Gypsies on unauthorised sites means that the Ark report has been unable to take account of subsequent changes that have occurred since the report was published in February 2006 including those Gypsies and Travellers who are now parked within Taunton Deane area on an unauthorised basis. The information in our position is that at least 6 further Gypsy and Traveller caravans are parked on unauthorised sites within your authority's administrative boundary. A further criticism of the report relates to the fact that between "30 and 40 families residing on one specific private site felt that they were unable to participate [in the research] due to the location of a large unauthorised development site in their area....." page 8. What this means is that a large proportion of families did not take part in the report and therefore their needs have not been considered at all. We note that the report states that "the first step in establishing this actual requirement in the longer term is therefore to identify which are the existing unauthorised sites [which of course now would include the application site here] are or could become acceptable and the conditions that would need to be met for them to become authorised. This to be on the basis of temporary and/or licence or permissions subject to conditions being met and maintained and might also include permanent permissionshaving established the number of pitches that cannot be made acceptable and the actual number of caravans that need to be accommodated, then alternatives have to be provided as a priority. That would represent immediate or backlog need.That clearly the number of caravans on site that are not tolerated will represent acute need that is equivalent to homelessness..." We note that if one takes the total figure of a total unauthorised sites in 22 vans then adds in the sites at Slough Green, West Hatch where 26 vans are included this more than doubles the need in the area. Our case is that allowing a personal permission on a permanent basis would meet a substantial element of that need. This would represent a win-win position for both the Local Planning Authority and the site residents. Personal Need:- Slough Green site is a success story. Allowed initially on appeal for a trial period of 3 years in order to make sure that the impact on the SSSI at the adjacent Thurlbear Woods was adequately managed when residential development was in close proximity, no real problems have persisted since that time. There has been a very low turnover of families on the site and this stability has enabled close co-operation to develop between the site residents and other people in the locality of the site. Children have been able to maintain regular access and attendance at schools with doctors surgeries and with hospital appointments, all of which evidence by the ODPM shows, would be imperiled by the closure of the site. In preparing for this application, our offices were in discussion with the leader of your authority and the Parish Council whose view is that the site remains needed. No one

is suggesting that this site should be evicted and these residents displaced to a roadside existence of chronic homelessness. Everyone is looking to render the use of the site acceptable in planning terms and the use of personal permissions would achieve this very result. In previous correspondence we have attached an appeal decision in relation to New Travellers at a site known as Llwyn Piod in Wales where a long standing breach of planning control was regularised by the Planning Inspectorate the conditions of which allowed for the use of the site by named individuals. We would argue that just such an approach in this case would ensure that the use of the site continues in a positive way and that constructive discourse between the site residents, local villagers and the Local Planning Authority continues in the positive constructive manner that has developed over the decade that this site has been occupied by these Travellers. Conclusion:- There is an accepted unmet need for further sites for Gypsies and Travellers within the area that has not even taken into account this site and these residents' needs. Once those needs are put into the equation the "substantial weight" with the ODPM Circular 1/06 confirms must be accorded to such circumstances means that permission should be granted in this case. Added to that the personal circumstances and health, education and accommodation needs of the individuals and their children living on the site combine to justify the granting of the planning permission in the terms sought in the application.

PERSONAL INFORMATION BY OCCUPANTS IN SUPPORT OF APPLICATION IS ATTACHED AS CONFIDENTIAL PAPERS

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 Sustainable Development; Policy 1 Nature Conservation (second paragraph) 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 -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. EN2 Sites of Special Scientific Interest and EN12 Landscape Character Areas.

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

Temporary planning permission was granted on appeal in September 1995 with 9 planning conditions:- 1. the use hereby permitted shall be discontinued and all caravans, mobile homes, vehicles, and debris removed from the land not later than 3 years from the date of this letter; 2. the site shall not be used other than as a caravan site for persons of nomadic habit of life or travelling people as specified in policy 44

of the Somerset Structure Plan Review Consultation Draft (1995) or any subsequent alteration or modification to that policy; 3. no more than 8 units of family accommodation shall be stationed on the site at any one time; 4. no more than 8 lowing vehicles and 8 cars shall be parked on the site at any one time; 5. no trade or business or storage of goods or materials in connection with any trade or business shall take place at the site; 6. within one month of the date of this permission plans for a fence along the western boundary of the caravan site between points A and B on the plan attached to this decision shall be submitted to the Local Planning Authority, such fence to be 1.25 m high and of a construction appropriate to prevent penetration by persons or dogs; the scheme shall be implemented within 2 months of approval by the Local Planning Authority or the Secretary of State and the fence thereafter retained in good repair; 7. notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, gates, walls, buildings or other structures, including any required by the condition of a caravan site licence, shall be erected on the land without a prior grant of planning permission; 8. the existing hedges on the north and east boundaries of the site shall be retained; 9. within one month of the date of this permission the vegetation between the boundary fence and the highway in the vicinity of the site access shall be cut back to the line of the fence and maintained in that state. The permission has been regularly renewed since that date. Over the years, children of the residents on site have grown and additional caravans have been sited on pitches to accommodate their need for more living space. The planning committee have also agreed not to take enforcement to secure the removal of additional caravans needed for such accommodation.

The applicants have provided information that establishes their travelling credentials and present need to have a permanent base. Of the current applicants 5 have been on the site for 7 - 9 years, most following travelling occupations during the summer months. All of the site occupants have educational or health reasons for having a settled base at the current time whilst maintaining links with their travelling community. I therefore consider that there is a need for them to be sited at West Hatch. In addition I note that the site was authorised at the rime of the ARK report and the occupants were not included in figures of unmet need within the Borough. At the present time they would need to be considered for inclusion in those figures as the site has no current planning permission.

Government Advice contained within ODPM circular 1/2006 has altered the overall approach to the assessment of traveller applications and this can be noted in the executive report referred to above. This concludes that there should be a changed approach to the implementation of Policy H14 (to reflect Circular 1/2006): - the new flexibility to a site if it is within an area with a wildlife or conservation designation (SSSI); give greater flexibility to distances to services and that existing communities should not be dominated by large scale sites.

The site is in the open countryside in a location where Policy H14 is applicable. It is acknowledged that a small part of the site lies within and the whole site adjacent to Thurlbear Wood SSSI. When originally granted on appeal the Inspector recognised the sites location and the potential for damage to the SSSI. He considered that a temporary permission would impose a check on any negative impact that the residents might have on the SSSI with an ultimate sanction that planning permission

could be refused at the next renewal. Since his consideration of the appeal circumstances have changed: -

1. There is now a site manager who is charged with informing new residents of the existence of the SSSI and how to behave towards it.
2. Government advice and the implementation of policy H14 does not preclude the use of sites within an SSSI for such purposes.
3. I am unaware of any proven damage to the SSSI by residents of the site during the last 10 years.

The current application is for a permanent permission to occupy the site with an additional two pitches, one of which would be lived in by the sister of an existing resident and one by a new traveller to the site. Taking into account the above I do not think that it is reasonable to continue to restrict permission to temporary provided that the occupants of the site can be restricted to those aware of and respecting the adjacent SSSI. (personal permission naming existing and proposed residents with a view to a 3 year temporary permission being imposed on any new occupants to ensure that the SSSI continues to be respected when the occupants change over time).

Government advice within Circular 1/2006 recognises that sites will often be located beyond settlement limits and it advises that local Authorities are realistic about distances and alternative modes of transport to local services. In this respect the County Highway Authority raise no objection to the continuation of the use. In addition they do not consider that an additional 2 units would be a significant danger to highway safety provided the previous visibility splay condition is applied.

The application site is located within a Landscape Character Area where the impact of the proposal on the visual amenity of the area needs to be considered. Government Advice contained within Circular 1/2006 states that

“Local landscape and conservation designations should not be used in themselves to refuse planning permission for gypsy and traveller sites”

In this case the Landscape Officer advises that it is possible to assimilate the site, including the additional 2 pitches, into the local landscape.

Government Advice states that existing communities should not be dominated by the size of new sites. This site has accommodated 8 traveller families since 1994. Some of the existing residents have been on the site since 1997 and have a good relationship with the settled community. This application is for two additional pitches on the site and I do not consider that the additional residents would have a significant additional effect on the settled, local community.

West Hatch Parish Council and Councillor Williams refer to constant breeches of the planning conditions attached to the site.

Whilst there are additional structures on site these are generally used as family accommodation.

The site has been occupied by travellers since 1994. Initial damage caused to the SSSI by residents ceased when they were informed of its ecological importance. The occupants for the additional two pitches are familiar with the site and likely to respect the local community and adjacent SSSI

RECOMMENDATION

Permission be GRANTED subject to conditions of caravan site for travelling people only (as specified in ODPM Circular 1/2006 paragraph 15), personal permission for Elizabeth Lirette, Vanessa Larkin, Anna Miller, Martine Croenen and Andy Borghs, Becky Davies, Harriet Doyle, James and Loll Golding, Coriander Smith, Bernard Blaydon and Haydon Thomas, and members of their direct families living together as one family, no more units of accommodation shall be stationed on the site at any one time than those identified on the site plan submitted on 19th July, 2006, no more towing vehicles and cars shall be parked on the site at any one time other than those identified on the site plan submitted on 19th July, 2006, this planning permission relates to additional plots 9B and 10B and specifically excludes plots 9a and 10a shown on the site plan received on 19th July, 2006, no trade business or storage of goods or materials in connection with any trade or business, retention of a 1.25 m high boundary fence along the western boundary of the site and shown on attached plan. retention of hedges along the north and eastern boundaries of the site, removal of permitted development rights for all ancillary buildings, structures, walls, gates and fences. Notes re adjacent SSSI, new occupants will need separate planning permission, in view of the proximity of the SSSI this would only be considered for a temporary period in the first instance, septic tank, need to comply with the Caravan Site Licence.

REASON(S) FOR RECOMMENDATION:- In accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies 1, 38 and 49 and Taunton Deane Local Plan Policies S1, H14 (updated policy), EN2 and EN12

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

CONTACT OFFICER: 356467 MRS J MOORE

NOTES:

TAUNTON DEANE BOROUGH COUNCIL

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Bishop)**

PROVIDING FOR GYPSIES AND TRAVELLERS – AN UPDATE

1.0 EXECUTIVE SUMMARY

- 1.1 The Council has responsibility for meeting the accommodation needs of gypsies and travellers as both housing and local planning authority. A recent assessment of needs has shown there to be 22 caravans on unauthorised sites. Although it is not expected that every caravan will represent a legitimate housing need that will need to be met on an authorised site, it is clear that a number will. Where the unauthorised site cannot be tolerated, such as at Oxen Lane, any households or groups with a legitimate need for accommodation represents a priority for action.
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2.0 PURPOSE OF REPORT

- 2.1 This report informs Members of the results and implications of a recently completed assessment of gypsy and traveller accommodation needs in Somerset. It also outlines the main elements of the new Planning Circular on gypsies and travellers. The report concludes with recommendations on actions that are required in response to these two new considerations.

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