

44/2006/021

MR J ISAACS

CHANGE OF USE OF LAND FOR RESIDENTIAL GYPSY SITE FOR 2 NO. MOBILE HOMES AND 2 NO. TOURING CARAVANS AT TWO ACRES, FORD STREET, WELLINGTON

315351/118191

FULL

PROPOSAL

The proposal provides for the siting of two mobile homes and two touring caravans for a single gypsy family. The applicant and his family moved onto the site in August 2003. A previous similar application with the same circumstances was refused in September 2003 with a subsequent enforcement notice being served. An appeal against the refusal of planning permission and the enforcement notice was dismissed in March 2005, although the Inspector extended the time for compliance until September 2006. There is some tree and hedge cover around the site, although it is relatively open to view from the entrance from the road and there is relatively little screening to the south, although views towards the site from the Blackdown Hills are limited. The site is just within the Blackdown Hills Area of Outstanding Beauty (AONB). The applicant's agent states that the applicant is a bona fide gypsy within the definition of ODPM Circular 01/06. The two mobile homes are for the applicant and his wife and 2 school age children and the applicant's sister with one child. The applicant's agent states that the applicant now not only has need for a settled base from which to travel but also to provide education for his daughter and his own health needs. The children currently attend Rockwell Green primary and Court Fields secondary schools in Wellington.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY a previous submission on this site was refused by TDBC and appealed by the family. The Appeal Inspector determined that highway safety was a serious consideration. The situation with regard to the highway network has not changed since this last application and as such all previous comments made with regard to the last application apply equally at this time. The application is recommended for refusal on the basis of highway safety and sustainability grounds as per the previous application. SOMERSET ENVIRONMENTAL RECORDS CENTRE no statutory or non-statutory sites and species at the application site. One or more legally protected species found within 1 km of the site. Nine County Wildlife Sites found within 1 km of the site. One or more badger data found. RIGHTS OF WAY OFFICER no observations to make.

LANDSCAPE OFFICER at this time of year the proposals appear to have limited visual impact but my concern is that unless the hedgerows are reinforced and managed to maintain their integrity, the site will become more visible and impact on the visual amenity of the AONB. The timber fencing, gateway and roadside planting are visually intrusive and out of character with surrounding landscape features of the

area. If the application is granted, more appropriate conditions should be sought. ENVIRONMENTAL HEALTH OFFICER it is unclear as to whether the applicant proposes to use a septic tank/cesspit or connect to the main public sewer for foul drainage. If the applicant wishes to install a septic tank, an appropriate condition should be imposed. Would recommend against installing a closed cesspit system. HOUSING OFFICER no observations to make.

BLACKDOWN AONB PARTNERSHIP note that TDBC has recently reviewed its approach to planning for Gypsy and Traveller Sites in the light of Circular 01/06. If the planning authority is minded to approve this application, the Partnership would wish to see that conditions are attached to ensure that the site layout, siting and any landscaping and planting is sympathetic to the site's location on the sloping boundary of the AONB.

PARISH COUNCIL no objections to the application and support the plans subject to the following proviso's - that the proposed screening to the east of the site is completed, the proposed number of Vans be strictly adhered to and that the proposed lowering of the profile of the vans be completed as detailed.

FOUR LETTERS OF OBJECTION have been received raising the following issues:-
romany means travelling, not a permanent site – if they need a permanent site they should abide by the same rules as everyone else especially in an AONB; previous appeal dismissed – by establishing a home in breach of planning law and by ignoring the decisions of the planning authority, the applicant is making a mockery of planning legislation; nothing has changed in the last 3 years to invalidate the previous reasons for refusal; a serious precedent could be set if approved – there is already a gypsy site in Ford Street which is enough for such a small hamlet; there is no shop within half a mile; the development is not suitable for this AONB, which should be protected; access is from a narrow lane unsuitable for further traffic; may in the future lead to a full development of homes.

ONE LETTER OF REPRESENTATION raising no objection.

POLICY CONTEXT

Policy H14 of the Taunton Deane Local Plan states that sites for gypsies or non-traditional travellers will be permitted outside the defined limits of settlements provided certain criteria are met. One of these criteria is that the site is not within an AONB. However these criteria need to be considered more flexibly in the light of the new Government Circular.

ODPM Circular 01/06 'Planning for Gypsy and Traveller Sites'. The circular has the following stated aims:-

- (i) To create communities where there is respect between the travelling and settled communities;
- (ii) To reduce the number of unauthorised encampments and developments;
- (iii) To significantly increase the number of gypsy and traveller sites in appropriate locations;

- (iv) To protect traditional ways of life whilst respecting the interests of the settled community;
- (v) To stress the need for regional assessments of need and for local authorities to develop strategies to ensure that needs are dealt with fairly and effectively;
- (vi) To make provision for sites where need is identified;
- (vii) To ensure that Development Plan Documents include fair, realistic and inclusive policies;
- (viii) To promote more private gypsy and traveller site provision through the planning system;
- (ix) To help avoid gypsies and travellers becoming homeless through eviction from unauthorised sites.

The Circular advocates a rural exceptions site policy for gypsies similar to that for housing. In designated areas such as AONBs, 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. However, local designations should not be used in themselves as a reason for refusal. Rural sites are acceptable in principle and local authorities are encouraged to be realistic about the availability or likely availability of alternatives to the car in accessing local services.

ASSESSMENT

The previous application was refused and the subsequent appeal dismissed on the basis of the site being an inappropriate location for the proposed development within an AONB and highway safety grounds on the basis of the local highway network being unsuitable for the proposed development. An 18 month period was allowed to enable the applicant to obtain a more suitable site within the locality. The applicant has indicated that he and his family have searched for land for many years before moving onto their land and while they have been living on the land, but have been unsuccessful in their attempts. Since the previous appeal, Central Government Guidance has changed significantly and there is now a much greater obligation on Local Planning Authorities to assist gypsies to find land and for Local Authorities to find sites. The new Circular, ODPM Circular 01/06 came into effect in February 2006 and replaces Circular 1/94. The new Circular contains revised guidance for Local Planning Authorities, including a requirement for sites to be allocated in Local Development Frameworks for gypsies and travellers, which will need to be taken into account in due course. The Circular also amends previous guidance concerning the circumstances in which gypsy and traveller sites may be acceptable and emphasises that private sites are to be encouraged. The Human Rights Act refers to the question of proportionality and the weighing up of the harm which could be caused by permitting the applicants to occupy the land as against the harm which could be caused to them and their families by refusing permission. The County Highway Authority recommend refusal of the application. However Circular 01/06 states that applications should not be rejected if they would only give rise to modest additional daily vehicle movements and / or the impact on minor roads would not be significant.

RECOMMENDATION

Permission be GRANTED subject to conditions of accommodation for gypsies only, no more than two mobile homes and two touring caravans, no business activities unless agreed, no open storage in connection with any business activities, personal to applicant, his spouse and children, applicant's sister and her daughter, landscaping, surface water drainage, specific details of second mobile home, retention of hedges and removal of GPDO rights for means of enclosure

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

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

CONTACT OFFICER: 356461 MR J HAMER

NOTES: