

**Committee Date: 16th October 2014**

**Reference:** 14/00614/COU  
**Date Submitted:** 08.08.2014  
**Applicant:** Miss J Stretton  
**Location:** Land off Sandy Lane, Melton Mowbray.  
**Proposal:** Change of use to allow the siting of a static caravan for one travelling family with the grazing of horses.



**Introduction:-**

This application seeks planning approval for the change of use of a paddock to be occupied as a private gypsy site for one family consisting of a single pitch. A single static caravan would be located on hardstanding adjacent to the access into the site. The existing access onto Sandy Lane would be utilised.

The parcel of land is triangular in shape with the western boundary bordering Sandy Lane and is well landscaped with mature hedges along all boundaries. The site lies approximately 1 kilometre south of Melton Mowbray

**It is considered that the main issues relating to the proposal are:**

- **Whether the proposal is in line with Development Plan Policy and National Policy, promoting sustainable development**
- **Highway Safety**
- **Impact upon the Countryside**
- **Residential Amenity.**

### **Relevant History:-**

14/00309/FUL approved the provision of hardstanding for the parking and turning of horse boxes approved 06.06.14

13/00852/FUL approved the siting of 4 loose boxes and 2 tackrooms in 2 separate buildings on concrete bases to replace the existing structure approved 04.02.14.

### **Planning Policies:-**

#### **Melton Local Plan (saved policies):**

Policy OS2 – planning permission will not be granted for development outside the town and village envelopes except for, amongst other things, limited small scale development for employment, recreation and tourism which is not significantly detrimental to the appearance and rural character of the open countryside.

Policy H21:- allows for Gypsy caravan and show-peoples sites providing:-

- There would be no loss of amenities in the locality
- Satisfactory access can be provided
- Any permanent gypsy site would be well located to community facilities.

The National Planning Policy Framework was published 27<sup>th</sup> March 2012 and replaced the previous collection of PPS. It introduces a ‘presumption in favour of sustainable development’ meaning:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; *or*
  - specific policies in this Framework indicate development should be restricted.

The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that whilst the NPPF does not automatically render older policies obsolete, where they are in conflict, the NPPF should prevail. It also offers advice on the weight to be given to ‘emerging’ policy (i.e. the LDF) depending on its stage of preparation, extent of unresolved (disputed) issues and compatibility with the NPPF.

It also establishes 12 planning principles against which proposals should be judged. Relevant to this application are those to:

- Proactively drive and support sustainable economic development to deliver the homes (etc) that the country needs
- Always seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- recognising the intrinsic character and beauty of the countryside and supporting thriving communities within it

On Specific issues relevant to this application it advises:

#### **Sustainable Transport:**

- Safe and suitable access to the site can be achieved for all people.
- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

### **Delivering a Wide choice of High Quality Homes**

- Maintain a five year land supply of deliverable sites with a further 5% headroom.
- Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.
- Deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities
- Identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand
- Avoid new isolated homes in the countryside unless there are special circumstances
- Provide rural exception sites on the edge of rural villages to meet local affordable housing needs. Some market housing should be considered if it brought significant additional affordable housing to the area.

### **Conserving and Enhancing the Natural Environment**

- Encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value
- Aim to conserve and enhance biodiversity by taking opportunities to incorporate biodiversity in and around developments
- Protecting and enhancing valued landscapes
- Apply great weight to protection of designated landscape and scenic areas (e.g. National Parks)
- Avoid noise giving rise to significant adverse impacts
- Minimise other impacts on health and quality of life through conditions
- Identify and protect areas of tranquillity

This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (NPPF para. 12)

**Planning Policy for Travellers Sites:-** This document sets out the Government's planning policy for traveller sites. It should be read in conjunction with the National Planning Policy Framework. The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.

To help achieve this, Government's aims in respect of traveller sites are:

- that Local Planning Authorities should make their own assessment of need for the purposes of planning
- to ensure that Local Planning Authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites
- to encourage local planning authorities to plan for sites over a reasonable timescale
- that plan-making and decision-taking should protect Green Belt from inappropriate development
- to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites
- that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective

- for local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies
- to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply
- to reduce tensions between settled and traveller communities in plan-making and planning decisions
- to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure
- for local planning authorities to have due regard to the protection of local amenity and local environment.

In determining planning applications for Traveller sites the Local Planning Authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- a) the existing level of local provision and need for sites
- b) the availability (or lack) of alternative accommodation for the applicants
- c) other personal circumstances of the applicant
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- e) that they should determine applications for sites from any travellers and not just those with local connections.

**Consultations:-**

<b>Consultation reply</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Highway Authority</b> – Recommend refusal.</p> <p>The applicant has failed to demonstrate that their proposal would be in a location where services are readily available and safely accessible by walking, cycling and public transport. The County Council seek to deliver new development in areas where travel distances can be minimised and genuine, safe and high quality choices are available (or can be provided) for people to walk, cycle or use public transport facilities and services nearby. This reflects Government guidance contained in the NPPF.</p> <p>Although the existing vehicular access serving the site would not meet current standards in terms of width, surfacing, location of gates, drainage and visibility splays, it would be possible to provide such an access within land shown under the applicant’s control. As such there would not be a technical reason for refusal. However, the principle of residential development in the countryside in an unsustainable location in transport terms is not acceptable. If your Authority is minded to grant approval for the proposal request that conditions are imposed requiring the access to be upgraded in accordance with a scheme to be submitted to and approved, all such details to Highway Authority standards. Parking and turning facilities will also be required in accordance with these standards.</p>	<p>The comments relating to the issue of sustainability are noted and are discussed below.</p> <p>The access, subject to suitable upgrading, could provide a safe entrance and exit for the proposed development and in the event of permission being granted conditions could be imposed to ensure the access is upgraded and satisfactory parking and turning areas are provided within the site prior to first occupation. The upgraded access would comply with County Highway standards.</p> <p><b>It is not considered that the development would have a detrimental impact to highways users.</b></p>

**Representations:** A site notice was posted at the entrance to the site. No responses have been received.

**Other Material Considerations Not Raised In Consultations:**

<b>Consideration</b>	<b>Assessment of Head of Regulatory Services</b>
<p data-bbox="236 349 754 439"><b>Application of Planning policy, including the Need for the site and consideration of alternative locations</b></p> <p data-bbox="236 472 783 804">The Leicester and Leicestershire Gypsy and Traveller Accommodation Assessment 2013 identified a need for residential pitches in Melton of 8 pitches to 2017, one further pitch to 2022, 3 further pitches to 2027 and three further pitches to 2031. The brief for the 2012 GTAA Refresh includes the assessment of requirements for transit provision. The GTAA stated that this was for transit caravan capacity of 5. In terms of transit need there is an outstanding requirement of two pitches from the 2006-2016 assessment.</p>	<p data-bbox="810 349 1358 589">Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan consists of the Local Plan policy OS2, BE1 and H21, National Planning Policy Framework and Planning Policy for Gypsy and Travellers.</p> <p data-bbox="810 622 1358 1106">NPPF Paragraph 215 advises that due weight should be given to existing local plan policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). Policy H21 is limited in scope and detail to that reflected in the Planning for Travellers Site policy, which forms the framework for consideration of this proposal. In this instance it is considered that the saved Local Plan Policy can be afforded some limited weight as it is considered to be partly consistent with the NPPF strategy and objectives. However, Planning for Travellers Sites 2012 is the most up to date policy in assessing the suitability of the site.</p> <p data-bbox="810 1144 1358 1352">Local Authorities have a duty under the NPPF to meet the housing needs of the Borough, including traveller's sites. The Local Plan is in development and will generate such a target. However, the most up to date evidence on need is the 2013 study referred to elsewhere, which identified a need for 8 pitches to 2017.</p> <p data-bbox="810 1391 1358 1507">Local Planning Authorities are required to consider the following issues, amongst other relevant matters, when considering planning applications for traveller's sites:</p> <ul style="list-style-type: none"> <li data-bbox="810 1541 1358 1597">a) the existing level of local provision and need for sites</li> <li data-bbox="810 1603 1358 1659">b) the availability (or lack) of alternative accommodation for the applicants</li> <li data-bbox="810 1666 1358 1693">c) other personal circumstances of the applicant</li> <li data-bbox="810 1700 1358 1845">d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites</li> <li data-bbox="810 1852 1358 1935">e) that they should determine applications for sites from any travellers and not just those with local connections.</li> </ul> <p data-bbox="810 1973 1358 2024">The Government's overarching aim is stated as to ensure fair and equal treatment for travellers, in a</p>

way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community. The policy advises that Local Authorities should assess need for sites and to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply and to promote more private traveller sites provision.

The Borough has an undersupply of Gypsy and Traveller sites and has identified a requirement to provide 8 more pitches by 2017 (GTAA 2013).

Therefore the Council has a requirement for additional pitches and this application seeks to provide a single pitch which would contribute towards the Borough's gypsy and traveller site provision.

Local Plan Policy H21 supports the provision of travellers sites provided, amongst other things, the site is well related to community facilities. The site occupies a relatively isolated location in the countryside, approximately one kilometre from the town. As such there would be a significant reliance on use of the private vehicle for accessing local facilities.

It is acknowledged that the site can be considered to be a relatively unsustainable location. However, this needs to be balanced against the requirement for additional pitches, and the fact that these are unlikely to be provided in the short term due to the timescale associated with the replacement Local Plan.

In terms of the personal circumstances of the applicant the Agent confirms the applicant is currently living on the edge of Leicester on an area of waste land with her two children, aged 3 and 4. The applicant has no fixed security in terms of location and keeps being moved on. As a result neither of the children are currently schooled and the applicant seeks a more permanent site to stay to allow her children to enter full time education. The applicant also has horses and, although of secondary importance, the site would provide secure stabling, in addition to accommodation for the family.

The Agent has advised that temporary three year permission would be acceptable and would provide a satisfactory level of certainty for the applicant.

The applicant therefore presents a genuine need which cannot be met on currently available sites. The approval could be conditioned to provide a personal consent to the applicant and her family

	<p>to reside at the site, on a temporary basis.</p> <p>On balance it is considered a temporary permission could be provided in order to meet the current need for sites which would also allow the Local Plan process to assess alternative sites and provision requirements with a view to providing alternative, more sustainable sites.</p>
<b>Visual Impact</b>	<p>The field is bordered by mature hedges and is screened from wider views. The static caravan would be located adjacent to the hedged boundary running parallel with the highway and would not be unduly prominent from outside the site. However, the proposal would inevitably lead to a more domestic appearance to the paddock with the static caravan and associated domestic paraphernalia.</p> <p>As a temporary permission is recommended the unit may only be on the site for a limited three year period. It is considered although the proposal would introduce a static caravan and residential curtilage to a countryside location the proposal would have a relatively limited impact upon the countryside and such impacts could be effectively mitigated by the existing landscaping.</p> <p><b>It is considered that the proposal will not result in a significant any adverse impact on the landscape for the temporary period of permission.</b></p>
<b>Residential Amenity</b>	<p>The site occupies a relatively isolated location with no nearby neighbouring properties. The use of the site would be limited to a single family and it is not considered the use of the site as proposed would have an undue adverse impact on the residential amenities of occupiers of neighbouring dwellings.</p> <p><b>It is considered the proposal would not impact on residential amenity.</b></p>

### Conclusion

The principal national policy framework for this proposal is the Planning Policy for Travellers Sites 2012, which is to be read in conjunction with the NPPF. Local plan policies OS2 and H21 are considered to remain partially compatible with the NPPF and as such form the local policy approach and retain limited weight, and the development should be also be considered against the content and criteria of these.

It is acknowledged the site does not perform well in terms of a sustainable location; however this needs to be balanced with the requirement of the Borough for additional pitches and the length of time before the replacement Local Plan provides these sites. The benefits arising from the development are that it would contribute to the identified need for gypsy accommodation within the District and the site, although rural, can provide access to the town to health care and education facilities with little impact on the existing established communities. The site would also meet the specific personal circumstances of the applicant and her family and would avert the impact of eviction and an unsettled future.

The key judgements for the Committee are therefore to, firstly, conclude on the significance of the adverse effects and limited sustainability and , secondly, weigh them against the benefits.

The relative unsustainable location and the introduction of a domestic use and the associated visual impact of this must be balanced with the Council's requirement to provide a satisfactory level of pitches, a need which is not currently being met and is not likely to be met imminently through the emerging Local Plan.

In this case the benefits are considered to be significant in terms of meeting overall need that is currently unmet and the family's particular requirements; accordingly the recommendation is for approval.

**RECOMMENDATION:- PERMIT subject to the following conditions:-**

1. The use hereby permitted shall cease and the land be restored to its former condition on or before 31st October 2017 in accordance with a scheme of restoration work which shall be submitted to the Local Planning Authority at least 3 months prior to the afore indicated date and agreed in writing by the Local Planning Authority, unless in the meantime a further application has been submitted to and approved by the Local Planning Authority.
2. The permission relates to the following plans: 1:2500 Location Plan and Plan 13/00852.
3. Notwithstanding the information submitted details of the accommodation units to be placed on site shall be submitted to and be approved in writing by the Local Planning Authority. The use shall take place in accordance with these approved details.
4. The gypsy caravan site hereby approved shall only be used for 1 permanent residential pitch for the use of Miss J Stretton and her dependants and for no other purpose. The pitch shall accommodate no more than 2 caravans.
5. Before the use commences details relating to the upgrading of the vehicular access, to include width, surfacing, location of gates, drainage, visibility splays, parking and turning, shall be submitted to and be approved in writing by the Local Planning Authority. The agreed details shall be provided on site prior to the first occupation of the residential unit hereby approved and shall remain as approved for the duration of the permission. All details shall comply with Leicestershire County Council Highway standards.
6. The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul sewage has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved for the duration of the permission.
7. The site shall be used solely for the purposes of a residential gypsy site, and no businesses or commercial activities shall be carried out at the premises.

The reasons for the conditions are:-

1. The use is not one the Authority wish to see retained on a permanent basis at this time.
2. The permission relates to the following plans: 1:2500 Location Plan and Plan 13/00852.
3. For the avoidance of doubt.
4. For the avoidance of doubt.
5. In the interests of highway safety.
6. To ensure satisfactory drainage is provided for the use approved.



7. For the avoidance of doubt and to ensure the use remains compatible with the site and surroundings.

**Contact: Mr J Mitson**

**Date: 2<sup>nd</sup> October 2014**