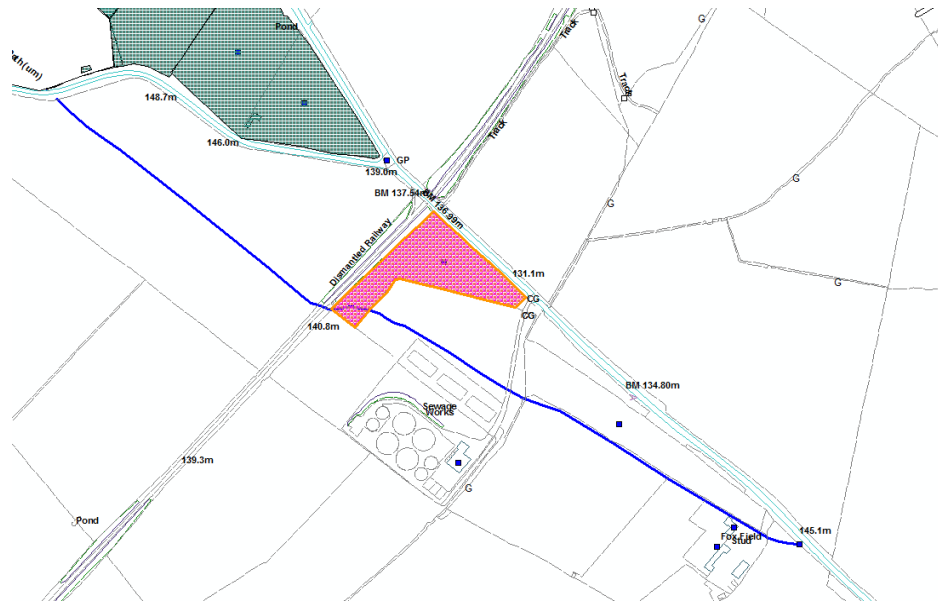


**Reference:** 14/00065/COU  
**Date Submitted:** 27.01.2014  
**Applicant:** Mr R Truswell  
**Location:** Field OS 3076, Goadby Road, Waltham On The Wolds  
**Proposal:** Change of Use of land to use as a residential Gypsy Caravan Site for 4no. pitches (Maximum 10no. Caravans) with grazing for horses.



**Introduction:-**

**This application seeks planning approval for the change of use of pasture land to be occupied as a private gypsy caravan site for one extended family consisting of 4 pitches and the creation of a new access.**

The parcel of land is irregular in shape and consists of 2 acres of pasture land. It is bound by the disused railway to the northwest and strong boundary hedging to the southwest, southeast and northeast. The site rises from the southeast to northwest and the caravans are to be located on the higher topography along the northern boundary with the disused railway as the back drop and the hedging around the site aiding to screen the development.

Public footpath E89 crosses the site at the western boundary and is to be delineated by a post and rail fence. The site is on the western side of the Goadby Road, where it leaves the settlement of Waltham on the Wolds, 820m beyond the development limits of the village and therefore within the countryside. There is a strong boundary hedge/trees surrounding the site. The proposal is to utilise the site for a Gypsy site for 4 permanent pitches (each one to contain 2 caravans)

The application is presented to the Committee because of the number of objections received. The application has been submitted following intervention by the Council's Enforcement Team.

**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**

**Relevant History:-**

None

**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> – No objection to the access.</p> <p>The proposed location of the site is not considered sustainable in transport terms, as it is outside the limits of the built up area, with no footways and no street lighting. As a result the occupants are likely to be heavily reliant on the use of the private motor car which is contrary to current policies.</p> <p>Should planning permission be granted request conditions be imposed to ensure access is provided in accordance with the plans, hard surfaced, gates be set back 10 metres, drainage, gradient be no more than 1.12 for the first 10 metres, closing of existing access, car parking and turning be provided within the site.</p>	<p>The Highways Authority considered that due to the lack of footpath and street lighting that walking would not be encouraged and that the site does not therefore perform well in sustainable transport terms. It is noted that there is a public footpath E89 that runs through the site and falls short of the village by approximately 260 metres which does offer an alternative safer route to access the village services. The site is considered to not be so remote that walking into the village to access the facilities and the bus service is unfeasible. The sustainability of the site’s location is addressed in greater detail below.</p> <p>There is no objection to the new access which is to be positioned along the eastern boundary, to the west of Goadby Road, with a field track running around the field to give access to the north west where the caravans are proposed to be sited.</p>

	<p><b>The Highways Authority have no objection to the proposed access.</b></p>
<p><b>Multi Agency Travellers Unit –</b></p> <p><b>General back ground</b></p> <p>The family that will occupy this site fall under the definition of a Gypsy as per the definition used in the DCLG Planning Policy for Traveller Sites, March 2012</p> <p>The family consists of Mr and Mrs Truswell, their son and his family, their daughter and her husband, their grandchildren and great grandchildren. The Truswell family are prepared to accept a personal permission for the site: It is suggested that this be restricted to the first and second generation (Mr and Mrs Truswell, Mr A Truswell and Miss C Truswell)</p> <p>The family currently have no legal place to live and have travelled and stayed on the green lanes and fields of Melton Borough for the last ten years.</p> <p>This site application is for ten caravans although, currently, there is only a need for seven caravans. This will accommodate family growth and is to be regarded as sensible planning for the future. Two of the three families require two caravans each, one for living/sleeping and one for amenity as an amenity caravan for cooking/washing in. The third family require three caravans, two for living/sleeping as they have children who require separate sleeping accommodation and one for cooking/washing in. Hence the current seven caravans in use.</p> <p><b>Need</b></p> <p>The first generation of this family are elderly and in relative poor health. Both have specialist health concerns and need the care of their children and grandchildren. A brief report outlining the benefits of permanent accommodation for the family has been submitted from the leader/specialist nurse and health visitor for Travelling Families who visits the family on a regular basis.</p> <p>There is no availability at the County run site and there is an extensive waiting list.</p> <p><b>National Policy and Guidance</b></p> <p>The NPPF states that local planning authorities preparing plans for and taking decisions on Travellers sites should have regard to the policies in this framework so far as relevant.</p> <p>It also states that to boost significantly the supply of</p>	<p>Noted.</p> <p><b>The most relevant planning policy for this proposal is ‘Planning for Travellers Site’ 2012</b> and it is therefore a significant material consideration in determining this proposal, along with the relevant parts of the NPPF. The Government’s overarching aim is stated as 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. 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.</p> <p>The Borough has an undersupply of Gypsy and Traveller sites and has identified a requirement to provide 8 more pitches by 2017 (GTAA 2013). This application seeks to provide 4 pitches, which would contribute towards the Borough’s gypsy and traveller site provision.</p> <p>The application seeks a personal consent to allow three generations of a family to live permanently on the site. The applicants have advised that should planning permission be granted that it will only be required for the first and second generation. The elderly parents are in poor health and are registered at the Waltham Medical Practice and have regular visits from the Gypsy and Travellers nurse. Their poor health is preventing them from carrying out a nomadic lifestyle. Having a permanent place to stay will assist with their recovery and give them some security in the knowledge they would not be ‘moved on’ making it easier to get the medical care required.</p>

housing, Local Planning Authorities should:

- identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;

Planning Policy for Traveller Sites – provides planning advice. Key points from the document are:

- That local planning authorities should make their own assessment of need for the purpose 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
- To promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites
- 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

Paragraph 11 looks at the issues of sustainability and identifies a number of considerations, including those detailed below which are of relevance:

- To promote peaceful and integrated co-existence between the site and the local community
- To promote, in collaboration with

<p>commissioners of health services, access to appropriate health services</p> <ul style="list-style-type: none"><li>• To ensure that children can attend school on a regular basis</li><li>• To provide a settled base that reduces the need for long-distance travelling and possible environmental damage caused by unauthorised encampment</li><li>• To not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans</li><li>• To reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability</li></ul> <p>Paragraph 22 states that:</p> <p>Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for travellers sites:</p> <ol style="list-style-type: none"><li>a) the existing level of local provision and need for sites</li><li>b) the availability (or lack) of alternative accommodation for the applicants</li><li>c) other personal circumstances of the applicant</li><li>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>e) that they should determine applications for sites from any travellers and not just those with local connections</li></ol> <p>Existing research commissioned by the Equality and Human Rights Commission (published Winter 2009) “Assessing local housing authorities’ progress in meeting the accommodation needs of Gypsy and Traveller communities in England” suggests that the legislation implemented since the 1960’s has negatively impacted on Gypsy and Traveller communities, with the Housing Act 2004 and subsequent guidance designed to address this imbalance. The Race Relation Amendment Act 2000 has afforded Gypsies and Irish Travellers legal protection against discrimination, including from housing authorities.</p> <p>However it is apparent from the research that the most pressing issue remains the inadequate permanent and transit site provision with around on</p>	
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<p>quarter of Gypsies and Travellers residing in unauthorised developments or encampments. Despite increase powers for local authorities to deal with anti-social behaviour and to evict where necessary, the Government has acknowledged that increased site provision is the most effective means of dealing with unauthorised developments and encampments.</p> <p><b>Leicester &amp; Leicestershire Gypsy and Traveller Accommodation Needs Assessment (GTAA 2007)</b>  – Suggests that there was a need to deliver 8 additional pitches in Melton Borough over ten years. On 2 were provided leaving a balance of 6 compared to the GTAA.</p> <p><b>Leicester &amp; Leicestershire Gypsy and Traveller Accommodation Needs Assessment (GTAA 2013)</b>  – The report highlights that Melton needs to provide 8 additional pitches in the Borough by 2017, with a further 7 to be provided by 2031. To date, only 1 new site with two pitches giving permanent accommodation for Gypsies and Travellers has been passed in Melton Borough since 1<sup>st</sup> January 2007.</p> <p><b>Comment</b></p> <p>On the 17<sup>th</sup> July 2013, MBC considered a program and timetable for the development of the new Melton Local Plan. It is anticipated that the process of developing a new style Local Plan in the Borough will take a minimum of 2 years from inception through to adoption. The recent GTAA (2013) highlights a need for provision of 8 pitches for Gypsies and Travellers with the Borough by 2017.</p> <p><b>Given the immediate and identified need of this Family, and because the revised timescale of the Local Plan means it could be several years before an Gypsy and Traveller sites are identified, this proposal would infill this gap and, therefore, should be looked on favourably.</b></p>	
<p><b>NHS Travelling Families Service –</b></p> <p>As a health care professional working with the Gypsy and Traveller Community, part of the role is to improve health outcomes.</p> <p>Gypsies and Travellers have the same rights as other members of society and are entitled to have their needs for basic accommodation, security and belonging to be met.</p> <p>Having a home which is safe is generally considered</p>	<p>Noted. The letter from the specialist evidences and explains the health benefits the family will gain by remaining on the site.</p> <p>There are no Council run sites in the local area and there are no places available elsewhere locally to meet the family’s needs.</p>



<p>to be a basic need. Stable surroundings help to maintain health and wellbeing.</p> <p>Having a permanent place to live has implications for many areas of a person's life. It is known from research that individuals, who have permanent stable accommodation, are generally more likely to feel well and deal with health issues in a more positive way.</p> <p>Travellers suffer stresses and uncertainties associated with travelling and living on the roadside and being moved on. Research shows that forced movement inevitably exacerbate existing health conditions as well as leading to new problems, (Patrice Van Cleemput 2008a)</p> <p>This leads to difficulties making and keeping medical appointments and results in lack of continuity of care.</p> <p>For the Traveller community where life expectancy is shorter, compared with the settled community, permanent accommodation has an even greater positive impact on their health and wellbeing. Travellers with disabilities and health issues benefit from having a permanent place to stay because access to primary health care and social care services is much improved. It is easier to obtain adaptations to caravans if on a permanent site, which also improves health and wellbeing.</p> <p>It is imperative that Gypsies and Travellers with chronic health problems and disabilities have a permanent place to live appropriate to their needs, (including cultural needs.) This will ensure the individuals can continue to live and be cared for by their families, in line with the cultural beliefs and traditions of the Gypsy and Traveller community. The philosophy is also very much central to the Governments "Care in the Community Agenda" – maintaining/caring for people in their own homes.</p>	
<p><b>Environment Agency</b> – No objection, subject to a condition regarding disposal of foul sewage</p> <p>Insufficient information has been submitted to enable the EA to consider the effect on the water environment. In order to discharge this condition, the applicant will need to supply further information namely:- type, operation and maintenance of the composting toilet. It is preferable to have a contained system with no liquid discharge.</p>	<p>It is proposed to install a composting toilet which the Environment Agency has no objection to subject to further details being submitted.</p>

<p><b>MBC Environment Health</b></p> <p>There is a need for a caravan site licence to site caravans on land. (Caravan Sites and Control of Development Act 1960). A licence can only be issued where planning permission has been granted</p> <p>The licence will be based on the guidance in the good practice guide and any other relevant guidance. As detailed in the good practice guide this includes discussion regarding the wishes of the occupiers.</p>	<p>Noted. A Caravan license can only be granted if planning permission has been secured. This is covered under separate legislation and is not therefore a planning consideration (planning controls are specifically prevented from duplicating other forms of regulatory control).</p>
<p><b>Waltham on the Wolds PC – Object</b>  <b>The Parish Council has submitted objections accompanied by 160 signatories who support the grounds of objection it conveys.</b></p> <p>The proposal is contrary to policy and guides:-</p> <ul style="list-style-type: none"> <li>• Localism Act 2011</li> <li>• Planning Policy for traveller sites March 2012</li> <li>• Melton Housing Policy H21</li> <li>• Melton Core Strategy Publication 2012</li> <li>• GTAA Refresh Report 2012</li> <li>• Traveller needs Assessment Refresh – De Monfort University May 2013</li> <li>• Leicestershire Gypsies &amp; Travellers accommodation needs assessment 2006-2016</li> <li>• Communities &amp; Local Government best practice guide for gypsy sites design 2008</li> <li>• DETR Circular 03/99 (WO circular 10/99) ‘Planning Requirements in Respect of the Use of Non Mains Sewerage Incorporating Septic Tanks in New Development</li> <li>• Environment Agency PPG4 2006</li> <li>• Foul drainage assessment for (FDA1)</li> <li>• Building Regulations Part H</li> <li>• Waltham conservation area appraisal November 1973</li> </ul> <p><b>Specific Planning Policy</b></p> <ul style="list-style-type: none"> <li>• There is no provision for this site in the current Local Plan/Development Framework</li> <li>• Targets for sites was abolished in the Localism Act</li> </ul>	<p>Several of the documents listed have been superseded or rescinded. Some of the documents relate to different legislation and therefore not planning considerations (see details below).</p> <p>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 and H21, National Planning Policy Framework and Planning Policy for Gypsy and Travellers.</p> <p>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 limited weight as it is considered to be partly consistent with the NPPF strategy and objectives. Therefore ‘Planning for Travellers Sites 2012’ is the most up to date policy in assessing the suitability of the site.</p> <p>The current local plan is out of date and no longer responds adequately to current demands/needs of the Borough and a new Local Plan is currently being prepared which will include provision for Gypsy and Traveller sites as well as housing in general. In the meantime the Government’s policy on ‘<b>Planning for Travellers Site’ 2012 is the prevailing policy and must be given substantial weight.</b></p> <p>Targets are to be set at the local level and no longer at regional level with the abolishment of the RSS. There is still a requirement for Local Authorities have a duty under the NPPF to meet the housing</p>

<ul style="list-style-type: none"> <li>• Planning Policy for Travellers Sites March 2012:- <ul style="list-style-type: none"> <li>○ <i>LPA's should strictly limit new traveller sites development in open countryside that is away from existing settlements or outside areas allocated in the development plan.</i> – the site is nearly 1km away from village.</li> <li>○ <i>When considering applications, LPAs should attach weight to effective use of previously developed (brownfield), untidy or derelict land”</i> – the site is not either and will have adverse impacts on the landscape and character of the area</li> </ul> </li>   <li>• A rural exception policy can not be applied to this site – it does not adjoin a settlement</li>   <li>• Contrary to LP policy H21 – there would be a loss of visual amenity in the area, the proposed access is unsafe, the proposed permanent site is not well connected to the village and there are no footpaths</li> </ul>	<p>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.</p> <p>Local Planning Authorities are required to consider the following issues amongst other relevant matters when considering planning applications for traveller’s sites:</p> <ol style="list-style-type: none"> <li>a) the existing level of local provision and need for sites</li> <li>b) the availability (or lack) of alternative accommodation for the applicants</li> <li>c) other personal circumstances of the applicant</li> <li>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>e) that they should determine applications for sites from any travellers and not just those with local connections</li> </ol> <p>The application is only the second in the entire Borough and as such it is considered that they have been strictly limited. The site is not considered to be remote from the village of Waltham being approximately 820 metres from the edge of the village. Planning for traveller sites paragraph 12 advises that <i>When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.</i> The site proposes 4 pitches which is not considered to be excessive in this location nor dominant in terms of its scale in relation to Waltham.</p> <p>It is not proposed to be considered as a rural exception site which relates to plan making and allocation of land for affordable traveller sites. The proposal is a private site.</p> <p>The caravans would be sited at the top of corner of the site and there is an intention to plant trees and supplement the existing hedgerows around the location of the vans. This aids to improve visually the area but also would benefit biodiversity of the area. The site is not so far removed from the village of Waltham, which is considered to be a sustainable village, served by public services. The Highways Authority has no objection to the access but has expressed concerns in regards to the location being outside of the village and having no footpaths.</p>
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<p><b>Sustainability, safety &amp; practicality:-</b></p> <p>The proposed site is not suitable for the proposed development. Does not comply with DCLG best practice guide for gypsy sites design 2008 and other key documents</p> <ul style="list-style-type: none"> <li>• There is no easy access to public transport with no bus route/stop nearby. The only possible mode of transport is by car</li> <li>• The site is next to a hazardous place (sewage treatment works)</li> <li>• Significant distance from services</li> <li>• Limited availability on transport modes</li> <li>• Far removed from equivalence of social housing living</li> <li>• Poor ground conditions: the soil in this area is slowly permeable seasonally wet clay, with impeded drainage – meaning the area is often waterlogged</li> <li>• Development characteristics are not sympathetic to the local environment</li> <li>• The site is in a location that is inappropriate for ordinary residential dwellings</li> <li>• The site is nowhere near to housing for the settled community &amp; is not part of any mainstream residential development</li> <li>• There is no link with any other broader strategies in place for improving community cohesion</li> <li>• The site is unsustainable, with no footpaths or bus routes to existing settlements, thus creating zero scope to manage an integrated coexistence with the local community</li> <li>• Unsafe to walk from existing settlements &amp; their facilities at night. The road has no paths &amp; no street lighting</li> <li>• The document states that “it is essential that sites are provided with access to mains water, electricity supply, drainage and sanitation”. None of these are provided for.</li> <li>• No provisions of an access road with turning facilities for emergency vehicles, main water and electricity supply for each pitch, surface/storm/foul water drainage provision in accordance with current legislation, regulations and standards, drainage falls, sufficient lighting on site to enable safe access and movement, safe access and space for refuse collection, amenity building</li> </ul>	<p>The health issues prevent some family members from walking to the village however the public right of way E89 runs through the site giving an alternative route which is within 260 metres of the edge of the village.</p> <p>The good practice guide was produced to assist with planning for larger gypsy and traveller sites, whether it be for permanent or transit pitches, usually in the control of an Authority or RSL. Contained at paragraph 1.13 of the guide advises that it should be recognised that private sites are designed to meet <b>the individual and personal preferences</b> (officers emphasis). It goes on to advise that “<i>it would not therefore be appropriate to use this good practice guidance in isolation to decide whether a private application for site development should or should not be given planning permission.</i>” It is noted that the guidance refers to rescinded planning policies and therefore the weight to be attached can only be regarded as limited and Planning Policy for Travellers 2012 is the most relevant policy.</p>
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<p><b>Access</b></p> <ul style="list-style-type: none"> <li>• Access position is unsafe. An independent highway survey has been undertaken by national highway consultants White Young Green. They have advised that on the basis of speeds between 54 &amp; 62 mph (the road is 60 mph speed limit) visibility of 215m is required in both directions. This is not achieved on the left of the proposed access, where this is only 175 m visibility.</li> </ul> <p><b>Local connections &amp; personal circumstances</b></p> <ul style="list-style-type: none"> <li>• The family have no local connections with service provisions. Despite being here for a number of years the children do not go to school here. The remoteness of the site and lack of access to local services makes this the wrong choice to meet the stated ‘personal’ circumstances of the applicant.</li> <li>• Any planning decision in favour will outlast the personal circumstances and health issues of the family – it does not justify the notion that the land should be turned into a permanent gypsy site</li> </ul> <p><b>Visual amenity and impact on the area character</b></p> <ul style="list-style-type: none"> <li>• There would be a loss of visual amenity from the higher conservation area settlement of WOTW. The caravans are/will be clearly visible from this area. MBC’s Conservation Area Appraisal specifically identifies the views to the west of the A607.</li> <li>• There would be an adverse impact on the character of the area – classified as character area 7 “village pastures” – The site is not compatible aesthetically with the local environment.</li> </ul> <p><b>The Environment</b></p> <ul style="list-style-type: none"> <li>• Contrary to DETR Circular 03/99 (WO Circular 10/99) &amp; Environment Agency PPG4</li> </ul>	<p>The Highways Authority has no objection to the access and accepts the reduced visibility splays given that the caravans will be stationary most of the time. The independent report has not been submitted in support of the objection.</p> <p>Planning policy advises that planning decisions should not be based or granted just to those with local connections however the family have been travelling and staying in the Borough for a number of years and do use the local services in the Borough, such as the health facilities. There is no longer a ‘catchment area’ leaving parents free to choose which school their children attend. Waltham only has a primary school and travel to higher education is accepted by every young resident. The family’s children are not of primary school age.</p> <p>It is not considered that the site is so remote, that walking or cycling is impossible due to distances. A 1 kilometre distance is usually regarded as an acceptable distance to encourage walking/cycling to access services but is down to personal choice.</p> <p>It is not considered that the impact would be adverse on the Conservation Area or its setting, or on any of the listed buildings within the village due to the separation distances, topography and mature hedgerows and trees that would partially assist in screening.</p> <p>The character area is considered to be village pastures which is a common feature of much of the landscape in the Borough. It has no special designation ie it is not Greenbelt, AONB, National Park or Historic gardens. Clearly the development has an appearance different from and less pleasant than that of pastureland and the Committee will need to consider the significance of the harm arising.</p> <p>The circular is no longer in existence and PPG4 is Environment Agency guidance. The EA have advised that the document focuses on the use of a</p>
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<p>– no foul drainage assessment form has been completed. Evidence must be provided that a connection to the public sewer is not feasible. The site is next to the sewage treatment works so must in theory be feasible.</p> <ul style="list-style-type: none"> <li>• The site is adjacent Thorpe Brook which is a tributary of the River Eye. The Environment Agency has classified this brook as “protected” &amp; “at risk” and the land drains to a “priority water” – the site is predominantly clay and soakaways not suitable which could lead to contamination of the brook. – There has been no ground percolation testing, composting toilet design/type/location/housing/number, soakaway design/location.</li> <li>• The site is a Nitrate Vulnerable Zone as set up under Council Directive 91/676/EEC – established areas where agricultural land is causing, or could cause, pollution of the water environment. In Action Zones compulsory measures apply. Which include a requirement of limiting applications of livestock manure and observe closed periods for the application of organic manure.</li> </ul> <p><b>Existing public rights of way</b></p> <ul style="list-style-type: none"> <li>• The PROW runs straight through the middle of the proposed caravan area. Leicestershire Association has advised that this would need to be diverted . this is not dealt with in the proposal.</li> </ul> <p><b>Ecology</b></p> <ul style="list-style-type: none"> <li>• The site is bordered by ancient hedgerows and a disused railway line – prime wildlife areas. There is no assessment of the impact within the application.</li> </ul> <p><b>Landowner consent</b></p> <ul style="list-style-type: none"> <li>• There is no formal consent of the landowner. It would be inappropriate for a Public Authority to grant planning permission on land without the formal consent of the landowner.</li> </ul>	<p>septic tank and soakaway and its control by Regulations. The guidance is not relevant to this application as foul soakaways are not proposed. Had they been proposed, the requirement would be that soakaways should be in excess of 10 metres away from the watercourse – here we have 150 metres distance. The EA have no concern for surface water soakaway from the caravan roofs as this will be “clean” water. Circular 03/99 has now been replaced by National Planning Guidance and a rigorous assessment it would appear is no longer required.</p> <p>The EA have no objection to use of a composting toilet subject to a condition requiring further information on type, operation and maintenance of the system. The EA have also been in contact with Severn Trent Ltd, who has advised the EA that the inlet for the Waste Water Treatment Works is on the opposite side to the caravan site area, so connection is not economically possible.</p> <p>The EA have advised that Nitrate Vulnerable Zone rules are designed to reduce nitrate from fertiliser and animal wastes entering groundwater and do not apply to foul sewage. Therefore these controls do not apply to a composting toilet.</p> <p>There is no need to apply for a order as the footpath is to remain in situ without diversion. No objection has been received from the LCC subject to a fence being erected along the north to separate the two users in the interest of amenity.</p> <p>No comments have been received from the Ecological advisor and the application has not triggered the requirement for a protected species survey. There will be no change to the disused railway and any works to the hedge will be required to be undertaken outside of nesting season.</p> <p>There is no requirement for applicants to own the land prior to submission of a planning application providing notice is served on the land owner which has been done.</p>
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<p><b>Community tensions &amp; local objections</b></p> <ul style="list-style-type: none"> <li>• This would be a retrospective planning permission contrary to the objectives of the Localism Act 2011, which seeks to prevent planning applications where planning breaches have already taken place</li> <li>• There have been threats made by the group to adjacent landowners with deliberate blocking of access to adjacent property.</li> <li>• By ignoring the above and allowing permission, the Council will create bitterness, tensions and animosity between two communities based on the overriding feeling of “one rule for one.....” This would be contrary to the key policy documents and guidelines.</li> <li>• The application is strongly opposed by all the existing settlements</li> </ul> <p>By allowing this site, a precedent will be set and there will be an increased risk of further illegal encampments with retrospective permissions then being sought throughout the borough in open countryside; Contrary to the clear objectives of the Localism Act and National Planning policy on traveller sites.</p> <p>Following the request of residents from the community the Parish Council facilitated a comprehensive information session at the Village Hall on the 17<sup>th</sup> March 2014. Residents, after having viewed the information in regards to the</p>	<p>The Localism Act 2011 does not prohibit retrospective applications in the manner stated. Where there is an Enforcement Notice it gives Local Authorities the option decline to determine them. Retrospective planning applications remain fully legitimate under s73A.</p> <p>This is not a planning consideration and remains a matter for the Police.</p> <p>Planning permission can only fail or succeed in accordance with planning considerations. Retrospective applications are a feature of the system and there are other examples of their use by residents of Waltham in the same manner as this application.</p> <p>The legislation on this aspects states: "<b>The extent of local opposition is not, in itself, a reasonable ground for resisting development.</b> To carry significant weight, opposition should be founded on valid planning reasons which are supported by substantial evidence. <b>Planning Authorities should therefore make their own objective appraisal and ensure that valid planning reasons are stated and substantial evidence provided.</b> Planning authorities will be at risk of an award of costs for unsubstantiated objections where they include valid reasons for refusal but rely on local opposition from third parties, through representations, to support the decision". Accordingly, it is clear that whilst opportunities must be provided for residents views to be heard, the approach of <b>refusing an application because of the strength of opposition is not permissible : the ‘planning grounds’ for refusal remain the deciding factor(s).</b></p> <p>Each application is to be adjudged on its own merits. What may be concluded as acceptable or unacceptable in one location has no bearing on the separate assessment undertaken at others.</p> <p>The Parish Council have requested this be recorded as a supplement to their objection and not as a petition.</p>
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<p>proposal had the opportunity to sign a supplication either agreeing with the planning application or opposing it.</p> <p>160 signatures were collected opposing the proposal and 2 signatures were in support.</p> <p>The objections to the proposal in summary are:</p> <ul style="list-style-type: none"> <li>• It is in open countryside, outside the development plan and away from existing settlements</li> <li>• It would have an adverse impact on the character of the area</li> <li>• There would be a loss of visual amenity to adjacent conservation area settlements</li> <li>• It is not brownfield, untidy or derelict land</li> <li>• There is no provision for or existing infrastructure that would provide for social cohesion with existing settlements</li> <li>• The site is unsustainable; unserviced with no safe access, adjacent to a hazardous area and is not practical for residential living</li> <li>• The family has no local connections with the adjacent existing settlements</li> <li>• There have been threats, disruption and violence towards adjacent land owners and people in existing settlements from the group.</li> </ul>	<p>These matters have been addressed above.</p>
<p><b>Scalford PC – Object</b></p> <p>Consider that 10 caravans present a considerable development in the open countryside: if permission were to be given, they would like to suggest that the site be very closely monitored in future.</p> <p>With regard to the altered access it would appear that this would improve safety.</p> <p>With regards to the Public Footpath it does not seem ideal that the footpath crosses the proposed area for caravans, and would not appear ideal for users of the path or inhabitants of the caravans.</p> <p>The Parish Council feel that either the path should be re-routed or the caravans re-sited, as it is a public footpath presumably the County Council would have a view on this.</p> <p>The Parish Council also feel that should this application be granted that it should be for a specific period of time say 3 years, which would allow for a review of the situation after this time.</p>	<p>Should planning permission be granted any breach in planning condition can be enforced.</p> <p>Noted. See highway comments above.</p> <p>It is considered that the separation of the footpath allows privacy to the occupiers of the caravans and keeps the footpath in situ without the need for diversion orders. LCC have been consulted and have no objection to the arrangement.</p> <p>The applicants seek a personal consent for the 1<sup>st</sup> and 2<sup>nd</sup> generation only. The use should be considered for its acceptability or otherwise in planning terms and the application is not seeking a temporary consent.</p>



<p><b>Eaton Parish Council:-</b></p> <p>Although not in the Parish of Eaton it is very adjacent to one of our villages Goadby Marwood. This application was discussed at a recent Parish Council meeting and whilst the Parish Council do not wish to object, they are concerned that a precedent could be set if permission is granted. The Parish Council was under the impression the Borough was required to provide permanent sites for travellers, and if this application was permitted it could lead to similar applications all over the Borough.</p> <p>Whilst appreciating that travellers need to look after their elderly relations the same as everyone else, is it necessary to have this site in the open rural countryside and where would we be if everyone wanted to do the same thing.</p>	<p>Noted. Whilst there is a requirement for the Council to plan for permanent and transit sites this would be as an allocation through the Local Plan process however when applications come in for private sites they have to be considered based on current planning policy.</p> <p>Each application would have to be considered on its own merits and in terms of the location of this proposal is not considered that the impacts would be so adverse that a refusal could be upheld.</p>
<p><b>LCC Access Officer:-</b> No objection to the amended plan showing the footpath fenced off from the caravans.</p> <p>There would be no need for a diversion order.</p>	<p>Public Footpath E89 currently runs along the western boundary but not on its definitive line due to way leaver posts having been moved in the past further to the west. The posts are to be repositioned to their correct position and there is <b>no requirement to apply for a diversion order</b> as a fence will be erected to the north of the public right of way, separating from the siting of the caravans.</p> <p><b>No objection has been received from the LCC Access Team and the amended plans overcomes previous concerns.</b></p>
<p><b>Severn Trent Water Authority</b></p>	<p>No response to the consultation has been received at the time of writing.</p>
<p><b>Ramblers</b> – no objection to the amended plans fencing the Public Right of Way from the proposed development</p>	<p>Noted.</p>
<p><b>Alan Duncan MP</b></p> <p>The objections of local residents are considered to be detailed, based on material planning considerations and, frankly, thoroughly compelling. It is understood that this is a site in open countryside, outside the development plan of the village and away from all other residential dwellings. It seems clear that it would cause significant harm to the visual amenity of the area by dint of its elevated position, and there appear to be real issues about granting permission to a site that is both by a main road with no obvious access and adjacent to a sewage treatment work.</p> <p>This application appears to have come about after the travellers living there illegally moved onto the land without prior permission from the landowner,</p>	<p>Noted.</p> <p>As identified above, amongst the key issues for consideration is the impact on the countryside arising from the development which is clearly adverse, and a judgment to be made on sustainability, in terms of access to services, arising from its location. The Committee will also need to consider the significance of the harm caused and also balance this against the identified benefits.</p> <p>It is understood that the site was occupied illegally in terms of not having the landowners consent, but he has not pursued measures to vacate the site.</p>

<p>having been evicted from adjacent land owned by Severn Trent Water. It is understood, that the landowner subsequently relented and there was no enforcement action taken by the Council.</p> <p>Whatever the background, can see no justification for approving this site as a permanent residential caravan site. The villagers have come together to compile a comprehensive list of objections, all of which seem valid. The guidance they cite, both national and local, appears to make it clear that this site is the very definition of an inappropriate location for an application such as this, and urge the Council to refuse permission.</p>	<p>It is not illegal to develop without planning permission. The intervention of the Enforcement Team has given rise to this application and its outcome will determine future steps.</p> <p>The legislation requires that objections, once established as valid, need also to be balanced against any benefits identified.</p>
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**Representations:** A site notice was posted at the entrance to the site. In addition to the 160 signatures collected by the Parish Council opposing the development and 2 in support, there has been **27 letters of objection received, including 7 anonymous whilst 8 have been submitted with personal data redacted.** Following amended plans one further comment has been received informing that the objection still stands. The representations are summarised below:

<b>Representation</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Highway Safety</b></p> <p>The access is off a 60 MPH road and there are no footpaths to access local amenities and therefore would not encourage sustainability</p> <p>They currently park under the bridge in a gated access and they often reverse out causing dangers</p> <p>The access will be dangerous in the dip in the road</p> <p>The access off a blind bend would not be suitable for moving caravans in and out.</p> <p>The plan provided does not show visibility splays for cars emerging from the site</p> <p>No hardstanding or access material has been proposed</p> <p>There was a serious accident 17 years ago where a boy suffered head injuries there are no footpaths and speeding cars will be a danger for them walking into the village.</p>	<p>There has been no objection by the Highways Authority in regards to the proposed access which will improve the current arrangement of them parking in the gateways.</p> <p>The caravans will be mostly stationary however the amended track arrangement within the site ensures that they can safely manoeuvre in and out of the site.</p> <p>No objections have been received from the Highways Authority in relation to the proposed access subject to conditions.</p> <p>Noted. No objection has been received in regards to impact upon highway safety.</p>
<p><b>Health and Safety</b></p> <p>The site is close to the sewage treatment plant and the process could be dangerous to anyone living close by.</p>	<p>Seven Trent Water Authorities treatment plant is sited within the adjacent field approximately 120 metres away. No evidence has been submitted which supports the claims that the site would have</p>

<p>The STW treatment plant could be a hazard to the health of the travellers who are already poorly.</p> <p>The treatment works deal with large amounts of waste water each day and naturally may cause unpleasant odours which could adversely affect anyone living on surrounding sites. The site should be considered unsuitable for residential occupancy.</p> <p>The site whilst fenced off is not that secure and children could wander into it.</p> <p>Would the planning process honour any claims for compensation that may subsequently result from the health and safety issues.</p> <p>The site is totally unsuitable for human habitation, it would be inhumane to expect people to live on a muddy slope</p> <p>The site is inappropriate and has no services.</p> <p>The site has no services for water or disposal of foul</p> <p>Concerns that the stream at the bottom of the site will get contaminated</p> <p>What provisions are in place for disposal of horse manure.</p> <p>No details of disposal of the waste from the composting toilet has been submitted</p> <p>It is suggested that the waste from the composting toilet be spread under the fruit trees which doesn't seem appropriate.</p> <p>The hardstanding areas will increase surface water (and waste water) running to the stream below which is an important tributary of the River Eye.</p> <p>The Environment Agency classify this brook as "protected" &amp; "at risk". The area itself "drains to priority water". The applicant is planning to use soakaways although no details are provided. Surely, the EA need to be consulted &amp; the applicant provide an impact assessment?</p>	<p>an impact upon the health of residents nearby.</p> <p>The site is secured by high fencing.</p> <p>This matter is not a planning consideration.</p> <p>During the winter the field did become very muddy making it difficult getting about. The applicants have been in discussion with the Lead Local Flood Authority to establish possible drainage system to allow better drainage of the field. The caravans will be located on the higher land which fared a lot better than the lower parts of the field. A field track will be created allowing the residents to get on and off the site. The conditions will be much improved should planning permission be granted.</p> <p>The site is not connected to main services. The family have solar panels and a generator and proposes a composting toilet which no objections has been raised subject to further details being submitted – secured by condition.</p> <p>The EA have no objection given the separation distance and topography.</p> <p>This can be secured by condition.</p> <p>There is an intention to plant fruit trees on the site and the waste is to be used as a fertiliser.</p> <p>This matter is not a planning consideration but the literature provided does suggest that it is appropriate as a manure for spreading under fruit trees.</p> <p>No hardstanding is proposed for siting of the caravans but some surfacing around the entrance points may be desired. The access track would be of crushed stone except the first 10 metres which is required to be of tarmac or similar material with appropriate drainage channels to prevent surface run off into the highway. It would be feasible to design this to ensure it remains permeable to prevent other forms of run off.</p>
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<p>Soakaways would be useless on the clay soil thus pollution of the brook.</p> <p>How will the refuse waste be collected.</p>	<p>No objection has been received from the Environment Agency. No soakaways are proposed.</p> <p>The refuse is currently being collected through normal refuse collection services and this will continue.</p>
<p><b>Countryside/Appearance</b></p> <p>The site is unsuitable being in the greenbelt</p> <p>The caravans will be unsightly in the greenbelt</p> <p>The proposal is not in keeping with the character of the surrounding area contrary to SP3</p> <p>The site is becoming unsightly and unfit for purpose</p> <p>The site has been occupied since 2010 and is a blight on the landscape.</p> <p>They are ruining a countryside location which is all muddy</p> <p>It has a visual impact upon the surrounding villages</p> <p>The footpath through the site would not be used</p> <p>What protection of the public right of way will be secured</p> <p>The parcel of land is too small for 10 caravans, cars, trucks and ponies.</p> <p>It would impact upon the views to the west of the Conservation Area</p> <p>There is insufficient land to graze the horses which is why they fly-graze on adjacent fields.</p>	<p>There is no designated Greenbelt in the Borough and the site is therefore considered to be open countryside, consisting of pasture land with no special protection. Policy SP3 is no longer relevant policy having been superseded.</p> <p>At present the site is being occupied without planning permission and free from control. Should planning permission be granted the applicants are willing to adhere to any reasonable requirements the Council may have which includes additional tree planting, the use of Netpave® or something similar on the track to ensure compatibility with the surrounding and drainage methods which will improve the site during the wet winter months.</p> <p>The field is bound by mature hedges and trees and is screened from the wider views being located in the top corner where the field boundaries narrow, presenting an enclosure. It is considered that the proposal would have a limited impact upon the countryside and that such impacts can be mitigated.</p> <p>There has been no objection from LCC Rights of Way Officer and providing the footpath is fenced off and left open to the south the usability of the footpath is not considered to be compromised.</p> <p>There is currently only a requirement for 7 caravans with a further 1 being transported on for the grandson to sleep in later this year. The reference to 10 is to allow flexibility into how many can be permitted on the site to provide the family's accommodation needs over time and, to allow a change over of caravans when new ones are purchased.</p> <p>It is not considered that there would be a detrimental impact upon the Conservation Area due to the separation distances, screening and topography.</p> <p>This matter is not a planning consideration.</p>
<p><b>Impact upon residents</b></p>	<p>The nearest residents are to the southeast approximately 445 metres away. The caravans will</p>

<p>The generators used on site are noise and cause disturbance.</p> <p>The caravans would be sited from my home reducing the visual amenity.</p>	<p>be on higher land between the dismantled railway and boundary hedging. It is considered that the separation distance ensures that residential amenity would not be adversely impacted from noise.</p> <p>No one has a 'right to a view' and this would not be a planning consideration however should the enjoyment of the dwelling be severely affected rendering it an unattractive place to live then it can be a consideration. In the case of this proposal it is considered that the residential amenity would not be adversely affected due to separation distance and screening.</p>
<p><b>Contrary to Planning Policy</b></p> <p>The proposal is not in keeping with the character of the surrounding area contrary to SP3</p> <p>Contrary to local plan policies C8 and C10 for residential caravans</p> <p>Loss of agricultural land (policy C1)</p> <p>The caravans have been there for some time and contravene the Caravan Act of 1960</p> <p>The proposed site fails to comply with the key policy criteria and guidelines in the following: Localism Act 2011, Planning Policy for Traveller Sites (March 2012), Melton Core Strategy Publication 2012, Leicestershire Gypsies &amp; Travellers Accommodation Needs Assessment 2006-2016, Communities &amp; Local Government Best Practice Guide for Gypsy Site Design 2008.</p> <p>This would be retrospective planning permission contrary to the objectives of the Localism Act 2011</p> <p>The Council needs to provide facilities for Gypsy Caravans. Before this application is approved I would ask that the planning officer considers the following points:</p> <ol style="list-style-type: none"> <li>1. The purpose of a provision of such facilities should be for the whole of the Gypsy community, not just a single, albeit extended, family.</li> <li>2. Where is the security of tenure for this site? It appears to be owned by a Mr C Duffin and it is essential that the applicant has proper legal right to permanent occupation of the site.</li> <li>3. Why is it necessary for the sewerage</li> </ol>	<p>Policy SP3 relates to superseded policy and is no longer relevant.</p> <p>Policy C8 relates to rural worker dwellings and has not been saved. Policy C10 relates to temporary dwellings which is not relevant to this proposal.</p> <p>The site is not of a grade that the policy seeks to protect.</p> <p>A Caravan License will be required however an application is not possible until planning permission has been obtained.</p> <p>Much of the content of this objection has duplicated that presented in Waltham's Parish Councils submission. Please see response above.</p> <p>Retrospective applications are a legitimate aspect of the planning system, facilitated by s73A of the Act</p>

<p>facilities to be of a composting nature when the sewerage works is so close to the site? Surely it would be better for any water and sewerage systems to be linked direct to the mains?</p> <p>4. There is a footpath through the site. The application makes no mention of the maintenance of this right of way. Indeed, the siting of the caravans appears to block this path.</p> <p>The applicant is proposing a non mains system for dealing with foul drainage but has carried out no foul drainage assessment. This is required by reference to Environment Agency PPG4 July 2006 &amp; DETR Circular 03/99 (WO Circular 10/99) The use of private sewage treatment systems are only acceptable where connection to the public sewer is not possible. The site is next to a sewage treatment works so a connection would be definitely possible; but the applicant has provided no assessment – only a website abstract of a toilet product</p>	
<p><b>Impact upon Ecology and Wildlife</b></p> <p>The proposal will have a massive impact upon local wildlife being so close to the disused railway bank and ancient hedgerows.</p> <p>No surveys have been carried out.</p>	<p>No ecology survey was necessary for this proposal as. The Ecological advisor has made no comment on the application, or therefore objected.</p>
<p><b>Sustainable Communities</b></p> <p>The site is remote and will not encourage integration with the local community</p> <p>A better site should be found as this will only resort in bad feeling between the gypsy family and settled community creating a barrier.</p> <p>The family do not use the facilities in the village so do not integrate with the community.</p>	<p>As discussed elsewhere in the report the site is not considered to be so remote to render it an unsustainable location. There are no available sites within the village boundary and this site is close enough to access the services on offer at the village. The residents are registered with the medical practice to attend to their health needs.</p>
<p><b>Other Matters Raised.</b></p> <p>The family are trespassing on land they do not own.</p> <p>Enforcement should be taken as they have been illegally camped for three years</p> <p>The site can not accommodate 10 caravans and 9 ponies so they will again break entry into someone else's land.</p> <p>There is some ambiguity between the description for 4 pitches and the requirement for 10 caravans</p>	<p>Noted. The landowner who has chosen not to continue with the eviction order pending the determination of the planning application. Should the application be refused the land owner could carry on with the eviction order.</p> <p>There is a requirement for 4 pitches each pitch to contain 2 caravans, the extra 2 caravans allows for</p>

<p>when they say there is only a need for 7 caravans.</p> <p>How can you put in for planning permission when they do not own the land?</p> <p>Crime has risen in the village since the family have moved in and it no longer feels a safe place to live.</p> <p>Local farmers when challenging the family have been threatened and abused.</p> <p>The young people in the village can not afford to stay in the village and have to live with parents or move. We feel cheated that they can get permanent residency when so many are struggling – surly the local community should take priority</p> <p>Planning permission would not be allowed for a caravan to live in out side of the village envelope and a plot has been refused outside of the village of Goadby Marwood so why should those not part of the local community be allowed to develop a Greenfield outside of the village</p> <p>Residents are scared to objected fearing reprisals.</p> <p>If they continually break law by breaking and entering on to land what chance would there be to enforce the number of caravans on the site.</p> <p>What monitoring/enforcement of the site would be in place.</p> <p>How would the relationship of the people on site be monitored if ‘extended’ family allowed to stay.</p> <p>What stops another family moving to another field and apply for planning permission.</p> <p>If granted my house value will go down and may a premium on council tax because of the location and I would expect my bill to be halved.</p> <p>They have already been there for 3 years so what prevents more families from moving in</p> <p>How long would it be before they apply for housing on this Greenfield site.</p>	<p>changing over when new vans are purchased.</p> <p>The planning process allows for this providing that the land owner has been informed.</p> <p>These matters are not a planning consideration and is speculative in nature.</p> <p>The Council has no control over who applies for planning permission and can only determine what is submitted. There are different planning policies for dwellings in the open countryside from the policy criteria to be met for Gypsy and Travellers sites.</p> <p>Mechanisms have been put in place to allow residents to have a say whilst remaining anonymous.</p> <p>If planning permission is granted conditions can be enforced and monitored. At present there is no breach of planning permission.</p> <p>The Parish Council is involved in Planning Enforcement matters and this will allow local knowledge to be understood and acted upon.</p> <p>‘Extended family’ was a phrase used to explain the three generations currently on site.</p> <p>There is no prohibition on the submission of future applications, any more so than for any other resident, but each application would be adjudged on its own merits upon submission.</p> <p>This matter is not a planning consideration. House prices relate to an individuals interest and planning exists in the interest of the public. Residents are entitled to seek re-evaluation of their Council Tax banding if they consider that their house value has been diminished.</p> <p>The applicants are asking for a personal consent.</p> <p>The applicants are Gypsy’s and do not want to live in houses. Housing applications have to be</p>
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<p>There is a more suitable site at Harby which has hard standing and connected to the mains. Why not use this as the Councils requirement to provide Gypsy and Traveller sites.</p>	<p>considered against a different set of planning policies.</p> <p>The site is in private ownership and it has not been put forward for development. The Council is involved in this site due to its condition and from this involvement is aware that the owner is not prepared to release it for this purpose.</p>
<p>Thought ‘Travellers’ travelled and not stayed on one site for long periods.</p>	<p>The families personal circumstances prevent them from travelling but still wish to follow the cultural lifestyle, which include residing in caravans.</p>
<p>Why has no environment assessment been submitted?</p>	<p>The application is not one that falls within EIA development and no Environmental statement is required.</p>

**Conclusion**

The application has attracted substantial objection as set out above. However, within this are a series of matters that are considered to be irrelevant and/or superseded and where this is the case, they are identified above.

**The Committee is advised that 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 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.

**Following the provisions of the NPPF para. 14, the Committee should balance the benefits of the proposal against any adverse effects (‘harm’).**

It is considered that the main harmful effects are the apparent highway concerns arising from the location, the visual impact of occupation of a previously greenfield site, the sustainability of the site in terms of access to services, and the amenity of users of the footpath, especially if these are judged to be contrary to the 2012 guidance and NPPF, and/or the Local Plan (OS2 and H21).

The benefits arising from the development are that it would contribute to the identified need for Gypsy accommodation within the District. There are few (if any) sites available that can offer the close proximity to a sustainable village, where the needs of the gypsy residents can be met, particularly the availability of health care services and with little impact on the existing established communities. The site would also meet the specific personal circumstances of the applicant and their family and would avert the impact of eviction and an unsettled future.

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

It is considered that the site performs reasonably well in terms of sustainability arising of its location and proximity to Waltham and is assisted by the existence of the footpath. Whilst visible, the caravans are screened by hedgerows etc and as such have a limited impact on the countryside. The access, whilst the subject of concern, has not attracted objection form the Highway Authority. Users of the footpath crossing the site will clearly see the development and in this respect their experience will be affected, but it is considered that because this would be limited to a short stretch of the footpath it would not be unacceptable.



The benefits are considered to be significant in terms of meeting overall need that is currently unmet and the family's particular requirements, bearing in mind health considerations and accordingly the recommendation is for approval.

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

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The proposed development shall be carried out strictly in accordance with the amended plans deposited with the Local Planning Authority on 19th and 24th March 2014 unless otherwise agreed in writing by the Local Planning Authority.
3. The gypsy caravan site hereby approved shall only be used for 4 permanent residential pitches for the use of the Mr and Mrs Raab Trusswell and their dependants and for no other purpose. Each pitch shall accommodate no more than 2 caravans per pitch.
4. No development shall start on site until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall indicate full details of the treatment proposed for all hard and soft ground surfaces and boundaries together with the species and materials proposed, their disposition and existing and finished levels or contours. The scheme shall also indicate and specify all existing trees and hedgerows on the land which shall be retained in their entirety, unless otherwise agreed in writing by the Local Planning Authority, together with measures for their protection in the course of development.  
Hard and soft landscaping works shall be fully carried out in accordance with the approved details, including the approved timetable, and to a reasonable standard in accordance with the relevant provisions of appropriate British Standards or other recognised codes of good practice.
5. Any trees or plants which, within a period of five years after planting are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of similar species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.
6. Before first use of the approved access drive it shall have been surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 10 metres behind the highway boundary (back of verge) and shall be so maintained at all times.
7. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 10 metres behind the highway boundary (back of verge) and shall be hung so as to open inwards only.
8. The gradient of the access drive shall not exceed 1:12 for the first 10 metres behind the highway boundary (back of verge).
9. Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained.
10. The existing field access that currently serves the site from Goadby Road, shall be closed permanently and the existing vehicular crossings reinstated as highway verge in accordance with Highway Authority standards within one month of the new access being brought into use.

11. The car parking and turning facilities shall be provided, hard surfaced and made available for use within two months of the dated of this permission in accordance with a scheme that shall first have been submitted to and approved by the lpa. Once provided these facilities shall thereafter be permanently so maintained.
12. 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.
13. Before development takes place, a fence is to be installed to delineate the northern extent of public footpath E89. To separate the public footpath from the development in order to protect its use and enjoyment.
14. 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.

**Contact: Mrs D Knipe**

**Date: 11<sup>th</sup> April 2014**