

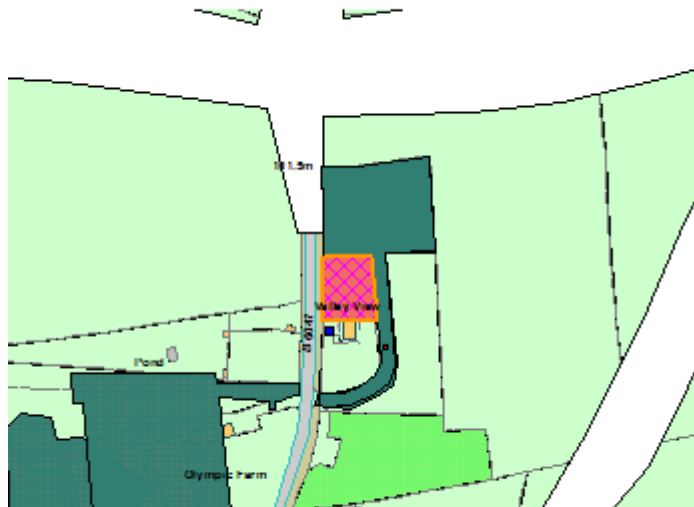
**Reference:** 15/00133/FUL

**Date submitted:** 14 March 2015

**Applicant:** Mr R Button

**Location:** Valley View, Dalby Road, Melton Mowbray

**Proposal:** Extension to the existing travellers caravan site by 5 plots/pitches (3 permanent pitches, 2 transit plots) for gypsy/traveller families.



**Introduction:-**

The application seeks approval for an extension to the existing travellers site to provide an additional 5 plots of which three would be permanent pitches and two transit pitches. The pitches would be to the south of the existing plots and would border Dalby Road which runs along the western side of the site. The existing vehicular access to the south would serve the enlarged site.

The parcel of land is rectangular in shape and is well landscaped with hedges on the boundary with the highway.

**It is considered 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.**

The application is to be heard by the Development Committee as the proposal relates to dwellings in the countryside.

**Relevant History:-**

10/00714/FUL - change of use of land to use as a residential caravan site for 5 gypsy families (2 permanent and 3 transit pitches), provision of a new private access road and alterations to existing building to form an amenity block – approved.

**Development Plan 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 comment to make.</p>	<p>Noted.</p> <p>The site would be served by the existing access which is considered to have satisfactory visibility and geometry to provide a safe access into the site and to protect other road users in terms of highway safety. Furthermore, adequate parking and turning facilities can be provided within the site to serve the additional pitches.</p> <p><b>It is considered the proposal would not have a detrimental impact on highway safety.</b></p>
<p><b>LCC Ecology</b> – comments awaited.</p> <p>An Extended Phase 1 Habitat and Protected Species Survey has been submitted. This found no plant species protected by the Wildlife and Countryside Act and no evidence of any species protected by law. No evidence of bats was found in the remaining building and the report concludes the local bat population would not be affected by the proposal.</p> <p>Mitigation is proposed in the form of a planted eastern boundary, a check for nesting birds before commencing work and any on site lighting to be low level to prevent disturbance to any long eared bats flying in the vicinity.</p>	<p>Although the response from LCC Ecology is awaited based on the report it is not considered any protected species would be adversely affected by the proposal.</p> <p><b>It is not considered the proposal would be detrimental to any protected species.</b></p>

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

**Other material considerations not raised through consultation or representation**

<b>Consideration</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Application of planning policy, including the need for the site and consideration of alternative location.</b></p> <p>Local Planning Authorities are required to consider the following issues when considering planning applications for traveller’s sites:</p> <ul 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</li> </ul>	<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, BE1 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</p>

<p>pitches/plots should be used to assess applications that may come forward on unallocated sites</p> <p>e) that they should determine applications for sites from any travellers and not just those with local connections.</p> <p>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>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. <b>However, Planning for Travellers Sites 2012 is the most up to date policy in assessing the suitability of the site.</b></p> <p>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.</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).</p> <p>Therefore the Council has a requirement for additional pitches and this application seeks to provide five pitches which would contribute significantly towards the Borough’s overall gypsy and traveller site provision.</p> <p>Local Plan Policy H21 supports the provision of travellers sites provided, amongst other things, the site is well related to community facilities. Although the site occupies a countryside location it is in close proximity to the town. Furthermore, the site has historically been considered suitable for gypsy accommodation as permission was granted in 2010 for five pitches.</p> <p>Notwithstanding the proximity of the site to the town there would be a reliance on use of the private vehicle for accessing local facilities. However, this needs to be balanced against the Council’s 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.</p> <p><b>It is considered the site is capable of accommodating a greater number of pitches and an approval would help to meet the current need for sites.</b></p>
<p><b>Visual Amenity</b></p>	<p>The field is bordered by hedges and is well screened from wider views. Although three of the pitches would be located adjacent to the hedged boundary running parallel with the highway the site is not unduly prominent, with longer distance views obstructed by nearby farm buildings, trees and hedges. The site contains an old brick building which generates a ‘brownfield’ appearance, however, the proposal would inevitably lead to a more domestic appearance to the paddock with the static caravan and associated domestic paraphernalia. Additional landscaping could be achieved to reduce the visual impact and to ensure a successful integration into the wider surroundings.</p>

	<p>On balance it is considered although the proposal would introduce five further pitches into a countryside location the proposal would have a limited impact upon the countryside and such impacts could be effectively mitigated by the existing and proposed landscaping.</p> <p><b>It is considered that the proposal will not result in a significant any adverse impact on the landscape.</b></p>
<b>Residential Amenity</b>	<p>The site occupies a relatively isolated location with no nearby neighbouring properties. The intensified use of the site would not have an undue adverse impact on the residential amenities of occupiers of neighbouring dwellings.</p> <p>The site is self contained and occupies a gap between the exiting caravan site and Dalby Rd. It is considered that it would remain compatible with any future land uses proposed in this area.</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 occupies a countryside 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 key judgements for the Committee are therefore to, firstly, conclude on the significance of the adverse effects and sustainability credentials of the site and, secondly, weigh them against the benefits.

The countryside 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 accordingly the recommendation is for approval.

### **RECOMMENDATION:- Approve subject to the following conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. This permission relates to the following plan: 1:1250 Location Plan.
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 extension to the gypsy caravan site hereby approved shall only be used for 3 permanent residential pitches and 2 transit pitches and for no other purpose. Each pitch shall accommodate no more than 2 caravans per pitch.
5. 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.
6. The approved landscaping scheme shall be implemented in the first available planting season following approval of the landscaping scheme. 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.
7. Before the development is first brought into use, parking and turning facilities shall have been provided, hard surfaced and made available for use within the curtilage of the site in accordance with a scheme that shall first have been submitted to and approved by the Local Planning Authority. Once provided these facilities shall thereafter be permanently so maintained and available for use.
8. 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.

Reasons:

1. To prevent the unnecessary accumulation of unimplemented permissions and to encourage early implementation.
2. For the avoidance of doubt.
3. For the avoidance of doubt and in the interests of visual amenity.
4. The creation of residential caravan sites in the countryside is contrary to the Local Planning Authority's general planning policy for the protection of the open appearance and character of the countryside and were it not for the special 'gypsy' justification, the development would not be permitted.
5. To ensure satisfactory landscaping is provided within a reasonable period.
6. To ensure the provision, establishment and maintenance of landscaping to a reasonable standard in accordance with the approved proposals.
7. In the interests of highway safety.
8. For the avoidance of doubt and to ensure the use remains compatible with the site and surroundings.

Informative

This permission shall be carried out in accordance with the mitigation measures contained in the Extended Phase 1 Habitat & Protected Species Survey.

Officer to contact: **Mr Joe Mitson**

**Date: 09.04.2015**