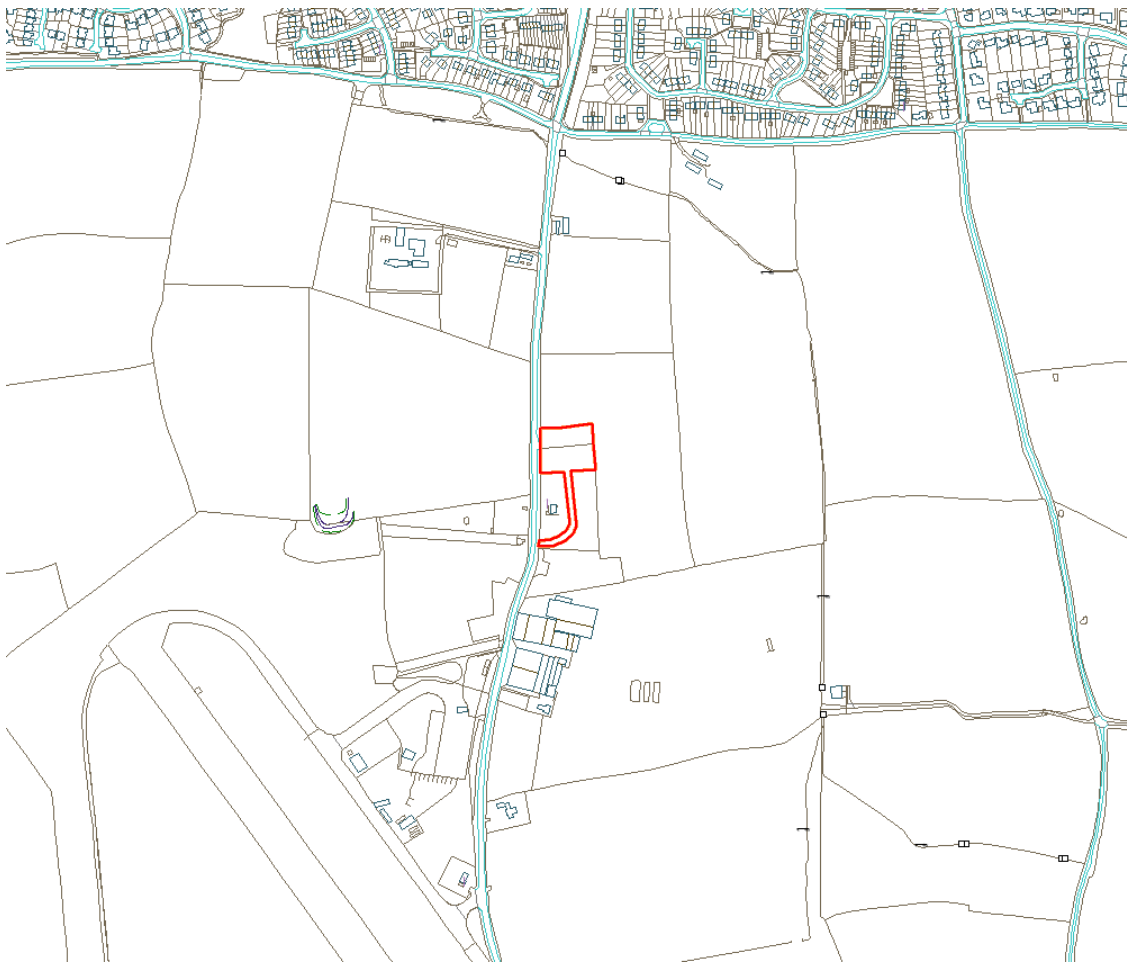


Reference: 10/00714/FUL
Date Submitted: 16.09.2010
Applicant: Mr R Button
Location: Field Numbers 8787 and 0006, Dalby Road, Melton Mowbray
Proposal: Change of use of land to use as a residential caravan site for 5 gypsy families (2 permanent and 3 transit pitches.) Provision of a new private access road, and alterations to existing building to form an amenity block.



Introduction:-

This application seeks planning approval for the formation of a gypsy caravan site, a new access and an amenity block.

The site is part of a larger parcel of land owned by the applicant which includes a tree belt, pastures containing a stable block and the application site which consists of an area of over-grown scrub and a concrete hard-standing believed to be part of the war-time M.O.D defences in the

locality.

The site is on the eastern side of the Dalby Road, where it leaves the settlement of Melton and is some 350m beyond the development limits of the Town 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 2 permanent pitches and 3 transit pitches (each one to contain no more than 2 caravans) and the northern access from the site on to Dalby Road is to be closed.

Access is to be provided via a new 'farm track' across the paddock to the southerly access, where better visibility can be achieved.

The plans also show an outdoor play area, a landscaped buffer to the eastern boundary and the existing brick ex-M.O.D building converted to create an amenity block.

The application is presented to the Committee because of local objections received and that the proposal has more than local significance.

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

- **Whether the proposal is in line with Development Plan Policy**
- **Highway Safety**
- **Whether the detailed design is acceptable and the impact on the Countryside**

Relevant History:-

None

Planning Policies:-

PPS1 - Delivering Sustainable Development - planning authorities should promote more efficient use of land and seek to reduce car-usage

PPS3 - Housing - planning system should deliver a flexible, responsive supply of land - which makes efficient and effective use of land, including re-use of previously-developed land.

The provision of new housing should cater for the identified local needs and the diverse range of requirements across the area, including the need to accommodate Gypsies and Travellers.

Circular 1/2006 – Seeks inclusive communities and to give gypsies/travellers access to services; addresses the under-supply of suitable sites and encourages the establishment of privately-owned sites to address issues of unauthorised sites. Identifies need to provide gypsy sites without detriment to the settled community.

PPS7 - Sustainable Development in Rural Areas - Key principle in land use planning is giving priority to re-use of previously-developed ('brownfield') sites and to the protection of the countryside for the sake of its beauty. Encourages the re-use of rural buildings.

East Midlands Regional Plan

Policies 1 and 3 seeks sustainable locations/brownfield sites that will discourage car-usage

Policy 16 - sets targets for the provision of additional gypsy pitches/sites – Based on 3% growth Target for Melton District 2007-2012 is for 6 additional permanent pitches (and 5 transit pitches)

Melton Local Plan (saved policies):

Policy OS2:- Allows for appropriate uses in the 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

Melton LDF Core Strategy: In relation to the provision of Gypsy pitches, the ‘Preferred Option’ 11C is for the provision of 2 small residential sites and 1 transit site to meet the target of the Regional Plan. No sites were identified.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority – The proposal, if permitted could result in an unacceptable increase in traffic turning onto or off a Class II road in an area remote from main development and where traffic speeds are generally high. Such an increase would not be in the best interests of highway safety. The proposal is contrary to the County Councils 'Highway Development Control Policy' IN4 and its 'Access to the Road Network Policy' IN5.</p> <p>The location of the proposed development is contrary to normal County Council Policy as it is unsustainable and on to a section of Class II road that is subject only to the National Speed Restriction, has not street lighting and no separate footway facilities. As such the Highway Authority would wish to seek to resist the development. However given the nature of the application, should you wish to look favourably upon the proposal, then I would recommend the imposition of 6 conditions:-</p>	<p>The site has a reasonable access and the appropriate visibility splays of 2.4m x 160m can be achieved.</p> <p>Adequate parking/turning is provided at the site and vehicles can leave the site in a forward gear.</p> <p>The traffic to and from the proposed use would not be significant as the use is a modest proposal.</p> <p>Whilst it is noted that there are no footways between the site and the outskirts of Melton, it is considered that the requirement to provide sites to meet the needs of gypsies and travellers, outweighs the highway concerns.</p> <p>Such sites are very difficult to locate, and there are few sites that are as close to the principal settlement of Melton, and in this respect, the site is a sustainable one that is relatively close to facilities/services</p>
<p>L.C.C Ecology Section - Further to the updated site layout (sent to us on 4/11/10) we are pleased to see that a buffer zone has been incorporated into the development and a new hedgerow is proposed to be planted. We therefore have no objections to this development, provided that the development proceeds in accordance with this latest plan.</p>	<p>The proposal retains all the boundary trees/hedges and the revised plan provides a buffer strip between the transit pitches and the eastern boundary.</p> <p>There will be significant impact on the ecology of the area.</p> <p>The applicant has submitted a protected species survey which concludes that there are no species present and also a plant survey which concludes that there are no protected plants present, and that suitable replanting will off-set any losses.</p>
<p>Ward Member – No reply to date</p>	<p>Noted – Verbal update will be provided at Committee</p>

Representations: 2 site notices were posted (Consultation period ended on 09.11.2010). 6 letters of representation have been received, which make the following points:-

<p>Highway Safety Access will not be safe</p> <p>Bend in the road to the north – made worse if the hedge is not trimmed and applicant does not own this hedge</p> <p>Access is close to bend in road to south</p> <p>Unsafe turning from 60mph road</p>	<p>The access location can provide suitable visibility and there is on-site parking/turning and can be made safe.</p> <p>The northern access cannot provide suitable visibility and will be closed – hence the use of the southern access-point.</p> <p>The southern access point can provide suitable visibility.</p> <p>With suitable visibility the modest traffic flow is considered to be acceptable.</p>
<p>Policy Matters Site is not within any Local Plan Area</p> <p>Core Strategy (Preferred Options) states at para. 6.28, that provision will be made for 2 small residential and one transit site for gypsy and traveller's accommodation and that 'The transit site and one residential site should be provided as part of any housing extension to Melton Mowbray' and 'The remaining, small residential site should be provided in the north or east of the Borough'. Decisions ought to be made in accordance with the final Development Framework. This site in open countryside to the south of Melton Mowbray, is therefore premature.</p>	<p>There is no specific 'allocated site' within the Local Plan – Policy H21 provides for a criteria-based approach</p> <p>The Core Strategy is at an early stage and therefore only limited weight can be attached to it and greater weight is attributable to the adopted policies in the current local plan and Regional plan. Awaiting the urban extension to Melton to provide a site, does not meet the current an immediate need for gypsy/traveller pitches. The Core Strategy acknowledges the difficulty in locating suitable sites and no other sites have come forward. It would be inappropriate to expect all applications to await the formal adoption of the Core Strategy – the proposal is not therefore premature.</p>
<p>Countryside/Appearance Site is within the countryside</p> <p>Will be an eyesore</p> <p>Unhappy at the state that it might be maintained</p>	<p>Melton is a rural Borough and therefore it is expected that sites within the countryside might be needed. Circular 1/2006 also acknowledges that countryside locations can be appropriate – special designations and greenbelt are to be avoided.</p> <p>The site is very well screened and additional landscaping can be required. It cannot be assumed that the site will become untidy – that is down to the standard of the future management by the applicant.</p> <p>See above points.</p>
<p>Other Concerns Site unsuitable for the purpose</p>	<p>The comment is not explained. The applicant considers that the site suits their needs. It is a well screened site close to a main settlement that makes use of a brownfield site and appears to be suitable for the purpose.</p>

<p>Fear for safety</p> <p>With the introduction of gypsies, there will be increased incidents of robberies/thefts from garden sheds, stealing of scrap/manhole drain covers and road-signs – which can cause accidents</p> <p>With Government ‘cuts’ there will be less police and they cannot keep up with them</p> <p>House prices in the area will fall</p> <p>This will upset hundreds of residents</p>	<p>The writer does not indicate whether the fears for safety, means the safety of the residents of the site, or the safety of existing residents. There is no evidence to suggest that the current development would impact on safety.</p> <p>This comment is not related to planning considerations.</p> <p>As above.</p> <p>Devaluation of property is not a material planning concern.</p> <p>Circular 1/2006, Policy H21 and the Core Strategy all accept that there is a need to provide gypsy sites. There is a difficulty in locating such sites in suitable areas that meet the needs of gypsies and the concerns of local residents.</p> <p>The current site is well located to local facilities, is close to the town but without having any direct impact on local residents.</p>
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Other material considerations (not raised through consultation of representation)

Considerations	Assessment of Head of Regulatory Services
<p>Policy Background/Need for Gypsy Sites</p> <p>Circular 1/2006 states:-</p> <p>A new Circular is necessary because evidence shows that the advice set out in Circular 1/94 has failed to deliver adequate sites for gypsies and travellers in many areas of England over the last 10 years. Since the issue of Circular 1/94, and the repeal of local authorities’ duty to provide gypsy and traveller sites there have been more applications for private gypsy and traveller sites, but this has not resulted in the necessary increase in provision.</p> <p>Gypsies and travellers in rural areas often face difficulties in securing an adequate supply of affordable land for their needs.</p> <p>Sites on the outskirts of built-up areas may be appropriate. Sites may also be found in rural or semi-rural settings. Rural settings, where not subject to special planning</p>	<p>The National guidance shown opposite, makes it very clear that all Local Planning Authorities need to make provision for the needs of Gypsies.</p> <p>The ‘need’ has been assessed through the background work to the Regional Spatial Strategy and the East Midlands Regional Plan 2009, which sets a target for Melton District of 6 permanent and 5 transit pitches.</p> <p>No such sites have been provided to date and it is acknowledged that there are difficulties in identifying suitable sites.</p> <p>For this reason, Policy H21 of the Adopted Melton Local Plan does not specifically ‘allocate’ any sites, but gives criteria for assessing such developments.</p> <p>For similar reasons, the Core Strategy (Preferred Options) does not provide any site specific locations and merely suggesting very general locations for the provision.</p>

<p>constraints, are acceptable in principle. In assessing the suitability of such sites, local authorities should be realistic about the availability, or likely availability, of alternatives to the car in accessing local services. Sites should respect the scale of, and not dominate the nearest settled community. They should also avoid placing an undue pressure on the local infrastructure.</p> <p>In some cases, perhaps involving previously developed (brownfield), untidy or derelict land, the establishment of a well-planned or soft-landscaped gypsy and traveller site can be seen as positively enhancing the environment and increasing openness.</p>	<p>The indication that can be observed from recent appeals that have been determined in relation to gypsy sites, suggests that where there is an under-supply of sites, the Planning Inspectorate tend to look favourably on such proposals unless there is a very significant objection to the scheme – a green belt location or impact on an S.S.S.I for example or if the site is within a flood-risk zone</p> <p>Very few applications for private gypsy sites have come forward to date, and the current site is considered to be appropriate for a number of reasons:-</p> <ul style="list-style-type: none"> • It is a reasonably ‘sustainable’ location, relatively close to Melton and the facilities likely to be accessed by the residents • The site is not directly adjacent to local residents • It is a brownfield site that makes use of existing hard-standing and building • It is well screened and a modest proposal • It is not in a flood-risk area • It is not a sensitive location in terms of landscape protection • It will not impact on important nature/wildlife sites <p>Whilst the County Highway Authority would prefer a location that is served by footways and with access on to a lower-speed highway, there are few sites available that would meet all ‘ideal’ criteria and the modest nature of this site and the under-supply off such sites has to be weighed against any highway concerns.</p>
<p>Impact on the Countryside</p>	<p>Whilst the site falls within the countryside, this is not a highly prominent site and it benefits from natural screening.</p> <p>The site has been over-grown for a considerable period, with a concrete hard-standing and former war-time building that have become semi-derelict over-time.</p> <p>The site is one which clearly meets the criteria set out in Circular 1/2006 above and is an ideal location for a modest site as proposed.</p> <p>One concern that has been expressed, is what the site could become and the applicant has stated:-</p> <p>“The application is for a residential site only and a condition could be imposed to prevent any</p>

	<p>commercial activity on the site.</p> <p>Such a condition would ensure that the site remains a low-key and modest proposal.</p>
<p>Impact on Local Residents</p>	<p>Whilst the site is relatively close to the facilities and services within Melton Town and several in ‘South Melton’ in particular, the site is never-the-less, an appreciable distance from any local residents and as a result, there would be little impact on residential amenity.</p> <p>Although it would be preferable for any site to be closer to a settlement, - such that the residents of the site could be better integrated in to the local community as required by the circular – the circular also states that the Local Planning Authority should be “realistic” in assessing the suitability of sites, particularly in relation to accessing services by the car.</p>
<p>‘Gypsy’ status of the Applicant Circ 1/2006 defines gypsy as:-</p> <p><i>“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such”.</i></p>	<p>Clearly, as there are few sites likely to become available, it is essential that any sites that are approved, do actually meet the needs of gypsies (rather than being a general residential site) and therefore the Gypsy status of the occupants of the site is important.</p> <p>This issue has been discussed with the applicant who has indicated that:-</p> <p>“I am a 56 year old Romany Gypsy i am married to Mrs Jean Stewart Button (nee Lowther) a Scottish Traveller and have 4 children (3 sons 1 daughter) and 13 grandchildren that all reside in caravans. I was born in a horse drawn gypsy wagon at Romford in the county of Essex.</p> <p>My parents Mr V A Button (Deceased) and Mrs A M Button (nee Burton) lived and travelled around many parts of England in horse drawn wagons and later in motors and caravans working at various trades from horse dealing to collecting scrap iron, tarmac work, knife grinding and fruit picking. I have lived in caravans all my life and travel most parts of the UK working at various trades like waste oil collection, scrap metal dealer, re-surfacing driveways, landscape gardening, and general building work including supplying and fitting PVCu fascias soffits & guttering plus seasonal fieldwork and fruit picking. I have always kept and dealt in horses and travel to most of the Gypsy fairs like Appleby, Stow in the Wold, Horsmonden, Watton, and Lee Gap just to mention a few.</p> <p>While moving to and from these fairs we usually</p>

	<p>stop off at various towns to look for work stopping on friends or relatives caravan plots/sites”.</p> <p>On the basis of the above, it is considered that the applicant readily falls within the statutory definition of ‘gypsy’.</p> <p>The applicant states that the site would be used to accommodate himself and his wife on one permanent pitch and Miss Shelley Button and 3 children on the second permanent pitch, and that the 3 transit pitches would accommodate visiting members of the family/visitors.</p> <p>The applicant states that the site will accommodate 5 members of his own family who are currently ‘doubling up’ and living on authorised sites in Leicestershire or living on the roadside.</p> <p>He indicates that in relation to the transit pitches that:-</p> <p>“If permission is granted for this application i would be living on site and i would monitor/supervise who was allowed to pull on to the 3 transit plots. As stated in my design and access statement these plots/pitches are only intended for family and close friends when they visit me. Being a Gypsy myself i know the difference between Gypsy and non-Gypsies and would only allow true Gypsy/Traveller families to reside”.</p> <p>On the basis of the above it is apparent that the site will cater for genuine ‘gypsy’ families and will contribute towards meeting the identified ‘need’.</p>
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Conclusion

It is considered that the main issue for the Committee is to balance the apparent highway concerns, with the benefits arising from the development – in that it partly meets the identified need for Gypsy accommodation within the District.

Whilst the County Highway Officer would wish to see a more ‘sustainable’ location, with good footways that would discourage car usage, Circular 1/2006 indicates that assessment of such matters must be realistic.

There are few (if any) sites available that can offer the close proximity to a major settlement – where the needs of the gypsy residents can be met, particularly the availability of services – as this site offers, but with little impact on existing established communities.

The site has many factors in its favour; not least it’s well screened nature and ‘brownfield’ status.

The site assists in meeting the ‘target’ set by the East Midlands Regional Plan for the provision of gypsy accommodation and it meets the spirit of the Core Strategy as well as complying with the criteria in Policy H21 of the Local Plan.

The site is considered to be an appropriate site for the development proposed and hence the recommendation is for approval.

RECOMMENDATION:- Grant Permission subject to the following conditions/reasons:-

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 4 November 2010
3. The gypsy caravan site hereby approved shall only be used for 2 permanent residential pitches and 3 transit pitches and for no other purpose. Each pitch shall accommodate no more than 2 caravans per pitch.
4. The occupation of the caravans hereby approved shall be limited to a person or persons, who fall within the statutory definition of 'gypsy' as defined in paragraph 15 of Circular 1/2006 - Planning for Gypsy and Traveller Caravan Sites, or a widow or widower of such a person and to any other resident dependants.
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.
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.
6. 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 development commences, minimum visibility splays of 2.4 metres by 160 metres shall be provided out of the proposed new access road in each direction on to Dalby Road. These splays shall be cleared of any obstruction that exceeds a height of 0.6 metres and below a height of 2.00 metres above the level of the adjacent carriageway. Once provided these splays shall thereafter be permanently so maintained.
8. The proposed new access road shall be the only vehicular and pedestrian access serving the site, and all other existing vehicular and pedestrian access points shall be permanently closed and the redundant crossings reinstated as verge within one month of the new access road being brought into use. The new access road shall have minimum radii of 6 metres at its junction with Dalby Road, a minimum width of 5 metres with 0.5 metre wide clear margins on each side for a minimum distance of 15 metres behind the highway boundary and shall have be provided, hard surfaced and made available for use before the proposed use first commences, and shall thereafter be permanently so maintained.

9. The proposed new access road shall be surfaced in tarmacadam, concrete or other similar hard bound material for a minimum distance of 15 metres behind the highway boundary before the proposed use first commences and shall thereafter be permanently so maintained.
10. Before first use of the development hereby permitted, the existing gates to the vehicular access shall be removed. Any new vehicular access gates, barriers, bollards, chains or other such obstructions erected shall be set back a minimum distance of 15 metres behind the highway boundary and shall be hung so as to open inwards only.
11. 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.
12. Notwithstanding the details submitted, 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 lpa in consultation with the h.a. Once provided these facilities shall thereafter be permanently so maintained and available for use.
13. No development shall start on site until all external materials to be used in the development hereby permitted have been agreed in writing by the Local Planning Authority.
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.

The reasons for the conditions are:-

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to define the application
3. In order to avoid the over-development of the site in the interest of visual amenity and highway safety
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. To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety
8. In the general interests of highway safety.

9. To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)
10. To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.
11. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users.
12. In the interests of highway safety.
13. To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted
14. In order to avoid the over-development of the site in the interest of visual amenity and highway safety

Contact: Mr Rob Forrester

12 November 2010