

It is recommended the application is REFUSED

2: Recommendations:

3: Reasons for Recommendation:

3.1 There is insufficient information submitted with the application and therefore the LPA is not convinced that the need for the accommodation sought has been proven and the proposal is considered contrary to Policy C6 of the Melton Local Plan whereby all currently identified need is met and there is currently no further requirement for any pitches from April 2026 to 2036.

3.2 Details of how the site would function and accommodate basic human needs such as sewerage and energy sources have also not been submitted as part of this application, it is noted that conditions could secure this detail, however given that there is no information for consideration the LPA is not convinced that these basic human needs could be provided for on this isolated site.

4: Key factors:

Reason for Committee Determination

The application is presented to the Committee due to the number of representations received.

Relevant Policies

The Melton Local Plan 2011-2036 was adopted on 10th October 2018 and is the Development Plan for the area.

- No inconsistency with the NPPF has been identified that would render Local Plan policies 'out of date'

Policy C6 relates to Gypsy's and Travellers and makes recommendations based on the most recent Gypsy and Traveller Accommodation Assessment to identify pitch and plot requirements and their delivery where a need is found.

Barkestone, Plungar and Redmile have had informal discussions regarding a Neighbourhood Plan however no formal application has been made to MBC.

Please see Appendix D for a list of all applicable policies

Main Issues

The main issues for this application are considered to be:

- Principle of development and compliance with Policy
- Identified need
- Impact upon character of the area
- Highway Safety

5: Report Detail:

5.1 Principle of Development

Policy SS2 sets out the development strategy for the Borough. It identifies a sustainable approach to development, establishes settlements as Service Centres, Rural Hubs or Rural Settlements and sets out the type of development appropriate to each. Plungar is identified as a Rural Settlement, which outside of a sustainable settlement is considered to have limited services and facilities.

Policy C6 relates to Gypsy's and Travellers and makes recommendations based on the most recent Gypsy and Traveller Accommodation Assessment to identify pitch and plot requirements and their delivery where a need is found.

Reasoned justification can be found at 5.10.05 which states that identified pitches meet all currently identified need, and there is currently no further requirement for any pitches from April 2026 to 2036. Further permanent pitches will only be sought if subsequent GTAA reviews established a need.

No further reviews have taken place which identifies such a need and therefore Melton Borough Council does not have an identified need for Gypsy, Traveller and Travelling Showpeople accommodation.

Should there have been an identified need in the Borough the proposal would still not meet the relevant criterion to be supported by Policy C6 of the Melton Local Plan which requires but not is not limited to, a site must be well-related to local infrastructure and services of a nearby town or village, including safe and convenient access to the road network and promotion of peaceful and integrated co-existence between the site and the local community.

The location of the site outside of a small village is not considered to be well-related to local infrastructure and services as neither Plungar or Barkestone are considered as sustainable locations for development, furthermore the physical separation of the site from the community along an unlit 60mph road is considered to create a separate entity and not encouraging integration with residents from either village.

5.2 Identified need

There is not considered to be sufficient evidence submitted in order to assess the

need of the applicant and their compliance to the suitability of their occupancy of a Gypsy/Traveller site. No details have been submitted in this regard and therefore no consultation has taken place with either the Leicestershire Partnership NHS Trust or the Multi Agency Travellers Unit. Likewise details of facilities on site have not been provided so no comments have been requested from MBC Environmental Health, the Environment Agency or the Local Lead Flood Authority.

Furthermore no evidence has been presented to the Local Planning Authority that requires an assessment of the suitability of the application for either agricultural need or evidence presented to support an assessment under Policy SS3 of the Melton Local Plan.

5.3 Impact upon character of the area

The application site is located in the open countryside and is predominantly surrounded by open fields. A development in this location would intrude upon the rural landscape and appear isolated. There is potential for the development to be screened by providing additional landscaping and the retention of existing hedges however as no details have been provided of this a full assessment on this basis cannot be made.

5.4 Highway Safety

The Local Highway Authority (LHA) has been consulted on the application - see Appendix A. In summary, the LHA does not consider that the application as submitted fully assesses the highway impact of the proposed development and further information is required as set out in the comments received. It should be noted that the LHA are not recommending refusal of the application but require further information to fully assess the impact of the proposed development.

Consultation & Feedback

A site notice was posted. As a result, 146 objections have been received and one neutral comment.

Financial Implications:

There are no financial implications identified.

Background Papers:

- No applicable background papers

Appendices:

A: Consultation responses
 B: Representations received
 C: Recommended conditions
 D: Applicable Development Plan Policies

Report Timeline:

Assistant Director Approval

19th August 2019

Report Author: Ms Louise Parker, Development Manager

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Appendix A : Consultation replies

Barkestone, Plungar and Redmile Parish Council

Objection – the proposed development is very clearly in breach of the policies of the Melton Local Plan and in our view permitting would raise serious questions about the validity of that plan and the processes used to determined applications under it.

- Application for residential development in open countryside.
- The site is outside any rural settlement, but even if it were deemed to be inside one, it would be clearly outside Policy SS3.
- The application is for residential gypsy pitch.
- Policy C6 also states that any site should be well related to local infrastructure and services of a nearby town or village, including safe and convenient access to the road network.
- The covering letter to the applicant makes clear that ere will be children living on the site, a recent appeal decision on the same road was dismissed partly due to no paved lit footway and therefore the route is unlikely to be attractive to families with small children as an example given.
- The PC wishes to make it clear that they did not send flyers regarding this application.
- The applicant attended the PC's meeting on 15 April but no further evidence was given.
- Discrepancy in the address used in relation to this application.

Ward Councillor (Cllr Evans)

The proposal is clearly unacceptable due to its siting on a 60mph country road with

no pavement or street lighting. Also public transport is very limited and the development would impinge on the open countryside. The development is therefore not in a sustainable location and a dangerous location for both road users and the new residents. The location of these pitches is along a fast narrow road with no lighting or pavements and is therefore totally unsuitable site and not a sustainable location. I therefore object.

Highway Authority

Substantive Response provided in accordance with article 22(5) of The Town and Country Planning (Development Management Procedure) (England) Order 2015:

The Local Highway Authority do not consider that the application as submitted fully assesses the highway impact of the proposed development and further information is required as set out in this response. Without this information the Local Highway Authority is unable to provide final highway advice on this application.

Advice to Local Planning Authority

Site Access

Plungar Lane is a C classification Road, subject to a 60mph speed limit. The proposal does not state whether a new or amended access will be part of the proposals. Notwithstanding this, the proposed site plan drawn no. 18_953_003 shows an existing access into the site. To accommodate the proposed development the LHA would advise the applicant to upgrade this existing access in accordance with Part 3 of the Leicestershire Highway Design Guide (LHDG). The access width should be a minimum of 6m and visibility splays of 2.4m x 215m either side of the access should be demonstrated on a scaled drawing, this being in accordance with Table DG4, Part 3 of the LHDG.

Internal Layout

The applicant has proposed 4 car parking spaces as part of the proposal. The LHA have no objection to this as there seems to be plenty of space within the site to accommodate this. The LHA would advise the applicant to be mindful if there were visitors to the site to ensure no cars are parked on Plungar Lane in the interest of highway safety.

Highway Safety

There have been no recorded personal injury collisions within 500m of the site within the last five years, the LHA therefore has no pre-existing highway safety concerns at this location.

Appendix B : Summary of representations received

Lack of information

There is no available information provided on-line to support the individual

applicant's personal circumstance or 'need' for such accommodation. Whilst the submitted application form refers to a 'covering letter' (ref 19-953), this is not available to view. Does it provide any supporting evidence relevant for consideration of the proposal?

There is no agricultural justification for the proposed development, or any other appropriate rural activity.

The covering letter with the application states that permission is sought for two residential gypsy pitches. Acceptance of such an application must be predicated on the basis that the occupiers have a need being 'persons of nomadic habit or life whatever their race or original, including such persons who on grounds only of their own or their family's dependants education or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling show people or circus people traveling together as such. The application provides no evidence that the applicant meets the relevant definition. In the absence of any evidence, the application falls to be considered as an application for isolated new residential development in the countryside.

There is another site just 9 miles away and another two 15 miles away demonstrates that there is no need for another one so close.

Planning Policy

The application should be assessed in the context of Section 5.10 of the recently adopted Melton Local Plan. This confirms the findings of the GTAA 2017 that any requirement for gypsy and/or travellers' accommodation in the Borough up to 2026 has been more than met by recent planning consents in 2015 and 2016 (near Melton Mowbray). It states that 'these permanent pitches meet all currently identified need and there is currently no further requirement (in the Borough)'.

The GTAA 2017 also confirms that the County/Leicestershire City wide need should be provided where needs are greatest to the NW of the County and the City. (Para 5.10.6 of MLP).

Policy C6 of the MLP sets out the basis for the determination of application such as this, namely on the basis of future Gypsy and Travellers Accommodation Assessments, with a commitment to participate in conjunction with County-wide authorities.

Fundamentally, the proposal conflicts with Policy SS2 of the MLP, which states that in the Open Countryside (outside identified settlements) new development will be restricted to that which is necessary and appropriate in the open countryside'. Clearly, there is no agricultural justification for the proposed development, or any other 'appropriate' rural activity. The proposal represents unwarranted residential development in a relatively isolated location, away from essential services and

community facilitates.

Section 7.91 of the GTAA May 2017 states clearly that the additional needs for householders in Melton Borough that meet the planning definition for the period 2016-2036 is zero. Not only is there no current need for additional pitches, there is no anticipated future need.

The National Planning Policy for Travellers states that such sites should have access to education, health, welfare and employment. Neither Plungar nor Barkestone offer these facilities.

The application must be refused in the absence of material considerations sufficient to outweigh adopted plan policy. No such material consideration is identified or evidence and as such the application must be refused.

Given that the long term need for 3 pitches is met by the existing supply of 3 pitches, both the short and long term need for gypsy and traveller sites, identified in the GTAA, is fully provided for over the plan period. Therefore, there is now an adequate, specific and identifiable supply of tipsy and traveller site in Melton District. As a consequence, Melton Borough Council can also display a 5-year supply of land for gypsy and travellers and the 'significant material weight' placed on any subsequent, related application is removed. On this basis, there is no policy justification to grant planning permission for these pitches even if evidence of qualification existed and had been provided.

The National Planning Policy for Travellers sites (2015) document states in paragraph 10 that relevant Local Planning Authorities should in common with wider housing policies, plan and identify:

A supply of sufficient sites to provide 5 years worth of sites against their locally set targets and

A supply of specific, developable sites, on broad locations for growth, for years 6 to 10 and, where possible for years 11-15'.

Also, paragraph 24 of Planning Policy for Traveller Sites states that Local Planning Authorities should, when assessing sites for proposed travelling show people, consider

The existing level of local provision and need for 'sites' and

The availability (or lack) of alternative accommodation for the applicants'.

Furthermore, paragraph 26 of the National Planning Policy for Traveller sites document states that weight should be placed on a range of amenity criteria during the decision-making process. The relevant criteria area

Effective use of previously developed (brownfield), untidy or derelict land

Sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness.

On this basis that this is an open, Greenfield site, no positive weight can be assigned in this regard.

MBC has spent a considerable sum of money on producing its Local Plan which adequately covers the need of the Gypsy community. I feel sure that if the committee members made their decision based on the plan alone the application would be rejected outright.

Sustainability

Further, if and when further need for gypsy accommodation is identified within the Borough, this should be directed towards more sustainable locations, where there are services and facilities to support the needs of any residential occupants.

The proposal is an inappropriate use of land in rural areas, which is in an isolated location away from essential services and community facilities.

There are no facilities or amenities for the children which the application makes so much of supporting.

Residents already struggle to obtain some services that are readily available in other areas

This would add extra strain to the local schools to accommodate more children.

On site facilities

There are insufficient measures to deal with sewage and waste collection.

The facilities for adequate treatment and collection of human waste, general waste and recycling are non-existent.

The application says the proposed plots will not be connected to the existing drainage system and also ticks that there is an unknown element to the management of foul sewage on the proposed site, but provides no information.

There are no plans for refuse storage or disposal on the proposed site and no details regarding water or electricity provision.

It is a known fact that the bi-product of bio digesters is Methane gas so there will be further smells and pollution filtering into the nearby areas.

Highways

The proposal has an expectation of 4 cars on the site is excessive and inappropriate

and will create issues on the road. It is claimed this is in a 30mph zone, but it is half a mile along the road from Barkestone as claimed and is subject to national speed limit which is 60mph which will present a danger.

Virtually next door to this field are livery stables and a butchery/food business which means there is constant vehicle traffic which again I feel is not ideal if there are going to be caravans coming and going nearby.

The lane is busy enough at that point and it is a relatively small country lane.

Rural traffic uses this narrow road and the safety of children/cars/horses accessing this site would be of great concern.

There is no mention of any work of businesses being run from the development which may require more vehicles using the site.

There are no pavements so it would be dangerous for the children identified.

The proposed site also includes stable for horses. The application does not detail the vehicles that will be used to transport the horses, where the vehicles will be parked on site, and the impact of the movement of these vehicles on and off a high speed road.

If animal transportation vehicles are going to be used, this should have been included as part of the original application to permit comment.

The road is poorly maintained and barely wide enough for 2 cars to pass, let alone caravans and the like, hence safety is also a big consideration.

The title to the west is unregistered, however president to the east suggest the verge is the responsibility of highways.

Traffic reading should be done to ascertain the speed and frequency of vehicles along what is c. 5.5m wide at the point of the subject site. This is narrow by comparison to requirements by Highways in the delivery of a new road – added to which there would typically be a need for footpaths too.

This development presents a high accident risk with the likelihood of damage to property and injury/death to pedestrians/children/animals.

Character of the area

The proposed development is totally out of character with the surrounding area.

The application is completely out of keeping with the surrounding area.

Plans and buildings of this type would not compliment the lovely outlook of this village.

It was not so long ago that this area was to be deemed an area of outstanding beauty and status to support this to be sought. This application and others sprawling out of the village envelope could hinder any such status and the benefits it would bring to community and surrounding areas.

The Vale of Belvoir is a beautiful area of Leicestershire, dominated by agriculture, forestry and rural industries. Hence this proposed would be a BLOT, not in keeping in this area.

A Travellers site in the open countryside within sight of Belvoir Castle and situated between Plungar and Bakestone contravenes protection of the character of the rural countryside and the natural, built and historic environment.

This would be an unsuitable development on a Greenfield site in open countryside.

Relevant Planning Decisions

A recent application (ref 18/00754/FUL) for a single dwelling on Barkestone Lane was refused on the grounds that “the development is in an unsustainable village location where future residents are likely to depend highly on the use off a private vehicle.

Other matters

I note the applicant lives outside the Borough and also that the applicants agent seems to be a specialist in difficult to obtain permissions.

Granting a highly speculative application of this nature would mean a green light for this sort of development on any land anywhere in the Borough.

This type of use seems to regularly turn into housing. There are several examples within 2 miles of Barkestone. This cannot be allowed to happen again when village envelopes were meant to be kept.

The land in question has always been used for agricultural reasons and not residential.

There is the fear of crime levels and also mess in that area.

It seems apparent that this is a “try on” to get the proverbial foot in the door with a hidden agenda, maybe eventual change of use or even an extended gypsy encampment.

The agent is clearly known for taking on challenging submissions where the majority would recognise the inappropriateness of accepting such a remit.

A development of this size would be better suited to a larger area away from a commercial enterprise.

There remains space in purpose built travellers site, so I do not see the need for more building in unsuitable areas.

This is a quiet safe village and I fear that if this proposal goes through it has the potential to cause distribution and affect property prices in the area.

The covering letter was addressed to Rushcliffe Borough Council. Why and how did Melton Borough Council accept this application?

There was a pile of wooden building materials on the site of the application in March. Before the details had been circulated locally or considered by the planning officer. Perhaps we don't have all the information that we should have about this very worrying project.

A camp of any sort will most certainly be detrimental to the attractiveness of the area and damage this parish and a business.

It would be good to protect these areas that are already suffering a large scale development changing the character of nearby villages (Hose, Harby, and Stathern).

Why would a nomadic population require some static caravans/buildings?

The planning notification procedures seems to have been faulty in this instance giving the Parish Council less time than usual to consult and residents less time to research and act.

Has the proximity of the ponds and danger of contamination been considered?

The proposed site plan indicates a large area of hard standing for each plot, equating to approximately 5 times the footprint of each proposed mobile home. It is unclear what this extensive area of hard standing on each plot will be used for, as it seems far larger than is required for parking 4 cars (as stated in the application). Why does the applicant need this extent of hard standing? It is the intention, at a future date, to add more mobile homes and caravans?

The development of additional Gypsy caravan facilities are better served by using sites that already exist as this makes the best use of all the resources available and enable the Council to have a much more joined up approach to delivering and managing such services.

Fragmentation of such services reduces control and management of sites and furthermore it is likely to entice other travellers into the area that do not meet the criteria of people intended for this planning application.

People using these facilities will be much safer if they and their families are in a bespoke larger protective infrastructure as is currently available.

The development does not fit in an retain the quality of housing currently in the area,

also the strategic plan states that property developments must be sustainable, this is not the case for limited life caravans which can quickly go into disrepair.

The covering letter is incorrectly aimed at Rushcliffe Planning Department and not Melton. It also falsely states the site is near Nottingham. This makes the application ineffectual as unlike Rushcliffe Melton has met its target for Gypsy and Travelers accommodation up until 2036.

Gypsy sites allegedly cause more crime in the area and more rubbish.

Having spent £360,000 for my plot, I do not think that this thinly veiled attempt to achieve the same here is fair or reasonable. Nor will it be treated with the same respect or value.

It will not add to the community in any meaningful way.

It will not provide a service to the present village folk and I can not see how it is going to be anything but a burden to the wider community going forwards.

I would like to query the need for 2 'dayrooms' which from the layout appear to replicate the layout of a static home.

By allowing this permanent development at a lower threshold than required for a convenient dwelling to facilitate "gypsy lifestyles" you would be discriminating against local residents who would have to satisfy much tougher criteria if they wished to develop such a site.

There doesn't appear to be any positive aspect to this application for the people of the local area.

There is a strong concern about the impact to local businesses, to the close-knit community that we are working so hard to build and to the beautiful countryside that makes living here so special.

Neutral comments

No personal objection for genuine Romany/Travellers requiring a permanent base, provided all MBC rules and laws are aided by e.g. waste disposal 'green' issues, horse manure, fly tipping.

A touring caravan is included in the application, which raises the question about site security in the absence of the applicant, e.g. the site left unattended, and potential vandalism, (not necessarily local people).

Participation and interaction with the local community, schools, pubs, Churches, all ages a welcome from both villages.

Everybody requires shelter, health and education facilities.

Essential affordable housing.

The applicant and family need to be aware of rural living, as opposed to city/town living, limited resources, public transport.

The application could work well, provided there is mutual respect, courtesy and understanding.

Appendix C: Recommended Conditions

Not applicable for this application.

Should permission be granted conditions would need to be sought to address the following issues

- Occupancy
- Restriction of units
- Landscaping
- Visibility Splays and provision for visitor parking
- Surface and Foul Water Treatment

Appendix D : Applicable Development Plan Policies

Local Plan

- Policy SS1 Presumption in Favour of Sustainable Development.
- Policy SS2 Development Strategy
- Policy SS3 Sustainable Communities (unallocated sites)
- Policy C6 – Gypsies and Travellers
- Policy IN2: Transport, Accessibility and Parking