

**UTT/1617/12/FUL (GREAT CANFIELD)**

*(Referred to Committee by Cllr Cheetham. Reason: Impact on the Countryside)*

**PROPOSAL:** Proposed two additional pitches at existing gypsy caravan site

**LOCATION:** Tandans, Canfield Drive, Canfield Road, Great Canfield

**APPLICANT:** Mr and Mrs Boswell

**AGENT:** Mr R Perrin

**GRID REFERENCE:** TL557-220

**EXPIRY DATE:** 04 October 2012

**CASE OFFICER:** Miss K. Benjafield

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**1. NOTATION**

1.1 Outside Development Limits

**2. DESCRIPTION OF SITE**

2.1 The site is broadly rectangular, covers an area of 0.85has and is located off a private drive to the south of the B1256 in Great Canfield. The site currently has planning permission for one gypsy pitch which comprises a mobile home and a touring caravan and this comprises approximately 0.2ha out of a total 0.9ha site area. The remainder of the site is used as grazing land. The site boundaries consist of mature native species hedges with a gate across the existing access to Canfield Drive.

**3. PROPOSAL**

3.1 This application relates to the proposal to create two additional pitches on the site to the south of the existing pitch. A single pitch equates to the stationing of one mobile home and one touring caravan. The area covered by this proposal would amount to approximately 0.25ha.

**4. APPLICANT'S CASE**

4.1 A substantial joint planning and design and access statement has been submitted in support of the application. This provides details of the matter subject of application, the site and its surroundings, relevant planning history, relevant planning policies and design and access principles.

4.2 The statement can be viewed in full at the Council Offices or on the Council's website ([www.uttlesford.gov.uk](http://www.uttlesford.gov.uk)) however paragraph 5.37 provides a brief summary:  
"In summary of the planning position, it is my conclusion that this proposal makes more effective use of an existing site, and in a manner which meets the criteria and guidance of local and national planning policy towards future gypsy site provision."

**5. RELEVANT SITE HISTORY**

5.1 UTT/0998/08/FUL

Planning permission granted with conditions in October 2008 for long stay caravan pitch for one gypsy family. A personal condition (C.13.4.) was imposed which stated: *“The mobile home and touring caravan hereby permitted shall be occupied only by Mr T Boswell and Ms A Fuller and when they cease permanent occupation they shall be removed from the site within 2 weeks of this event and the land shall be restored to its former condition within 1 month in accordance with a scheme of work submitted to and approved by the local planning authority in writing”*

## 5.2 UTT/0808/11/FUL

Application for proposed continued use of long stay caravan pitch for the use of one gypsy family (not subject to condition C13.4. attached to UTT/0998/08/FUL). The application was conditionally approved however the specified condition was not removed. An appeal was subsequently submitted against the condition and was allowed in January 2012. The outcome of the appeal was that condition C.13.4. was removed, as was condition 2 which stated:

*“This permission shall only be exercised for the purposes of providing accommodation for one gypsy family”.*

## 6. POLICIES

### 6.1 National Policies

National Planning Policy Framework  
Planning policy for traveller sites

### 6.2 East of England Plan 2006

Policy H3 - Provision for Gypsies and Travellers

### 6.3 Essex Replacement Structure Plan 2001

N/A

### 6.4 Uttlesford District Local Plan 2005

Policy S7 - The Countryside  
Policy GEN1 - Access  
Policy GEN2 - Design  
Policy GEN8 - Vehicle Parking Standards

## 7. PARISH COUNCIL COMMENTS

- 7.1 The Parish Council (PC) are unanimous in their decision to object to this planning application, this is consistent with their views on previous applications for this site. The PC continues to insist that any planning application should be treated equally irrespective of an individual's status or personal situation. This site would not have been allowed for residential development (it was previously agricultural land) and this application to add two additional dwellings to the site is clearly against UDC policy. Uttlesford local plans have not identified any additional dwellings for Great Canfield. We are aware of a pre-application meeting at a different site in the Parish where the Uttlesford Planning Officer advises that they would reject an application for a new dwelling as it was not in line with local plan policies. Whilst differences exist between these two sites the same policy must be applied for new dwellings and landowners treated consistently by their District Council.

This Council would add the following reasons for objection specific to this application:

**Overdevelopment of the site in this setting** - Properties along this private drive are single detached dwellings. Putting three homes on this site would be out of character with the surrounding properties. The Planning Inspectorate report February 2012 relating to the appeal ref UTT/0808/11/FUL, conditions 19 and 23, supports the view that the site is suitable for one static unit and one mobile home, i.e. one household only. Permitting development on this site would set precedence for allowing development of other sites along this road; this is contrary to the Village Design Statement and ULP Policy S7.

**Unsatisfactory access** - The site is situated part way down a long narrow private cul-de-sac which has no passing places. Additional homes would increase the traffic on what is already a difficult track. A previous application UTT/0520/10/OP for this site was refused and included in its reasons the 'site does not have a satisfactory means of access and the junction with Canfield Drive is of substandard construction with poor visibility'. There have been no changes to the state of the track since this application and therefore the same statement from Uttlesford must apply.

## 8. CONSULTATIONS

None.

## 9. REPRESENTATIONS

9.1 17 Representations have been received – 1 comment and 16 objections.

Main points objecting to the proposal:

Canfield Drive has no safe passing places result in vehicles having to reverse if coming across a vehicle coming in the opposite direction.

The lane is unsuitable for extra traffic.

The utilities in the area are inadequate with regards to water supply and sewerage.

No other properties in the area comprise more than one home.

It would be out of keeping with surrounding land uses.

There is no need for the proposal – the family is settled in bricks and mortar.

The original conditions on the site have been overturned at appeal and this represents creeping urbanisation under the cover of gypsy privileges.

The local population is concerned by the development and the Council's inability to withstand challenges.

If the previous Planning Inspector were to consider this application, she would refuse it.

No site notice has been posted and neighbour notification letters were not sent.

Planning permission has previously been refused for four dwellings as being unsustainable with poor access.

Health grounds and care requirements cannot be used as justification for this application.

The land is Green Belt and agricultural land.

The proposal would be overdevelopment.

Further development should not be allowed as planning permission was originally granted for personal circumstances.

The Planning Inspector felt that the site could only be used by one household.

There is an existing caravan site locally that is being redeveloped which is more suitable.

The application should be determined against the same criteria as other applications.

Inappropriate development in a rural setting.

If granted this would set a precedent.

Comment:

I can see no reason why a request for two more pitches would be a problem. The only problem might be if we had a "Dale Farm" situation where the site became too big for the area.

- 9.2 This application must be determined on its merits. It is not possible to foresee what decision a Planning Inspector who determined a previous scheme may arrive at as this is a new proposal.

Notification letters have been sent out in accordance with the Council's guidance to notify any property with an adjoining boundary or a property which may be directly affected by a proposal. It is not a type of application which would require a site notice to be posted.

The land is not within the Green Belt although it is located within the countryside.

The application will be determined in accordance with all relevant national and local policies within the Development Plan.

## 10. APPRAISAL

The issues to consider in the determination of the application are:

- A The principle of increasing the existing provision on this site by an additional two pitches
- B Whether the access to the site is appropriate
- C Residential amenity

- A The principle of increasing the existing provision on this site by an additional two pitches

- 10.1 Policy H3 of the East of England Plan (EEP) specifies that local authorities have a requirement to make provision for sites/pitches to meet the identified needs of Gypsies and Travellers living within or resorting to their area. In addition "Planning policy for travellers sites" (PPTS) came into force on 27 March 2012 as a supplementary document to the National Planning Policy Framework (NPPF).

- 10.2 Policy H of the PPTS sets out five issues that local planning authorities should consider when considering planning applications for traveller sites. These are:
- 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; and
  - e) that they should determine applications for sites from any travellers and not just those with local connections.

Of the above criteria, a), b) and c) are relevant to this application.

The definition of "gypsies and travellers" as specified in the PPTS is:

*"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 showpeople or circus people travelling together as such".*

- 10.3 With regard to criteria a) above, the current situation within the District is that there is 1 socially rented gypsy and traveller site owned by Essex County Council providing 17 pitches (which can accommodate 35 caravans); 16 private permanent sites with planning permission providing accommodation for 42 caravans, and 2 sites with temporary permission which can accommodate 13 caravans. There is 1 unauthorised tolerated site for 2 caravans and 1 un-tolerated site where 2 caravans occasionally park up for periods of time.
- 10.4 It is the Council's responsibility to set a target for the provision of sites for gypsies; travellers and travelling show people based on a robust evidence of local need. The Essex Gypsy and Traveller Accommodation Assessment (GTTA) (Fordham Research 2009) suggests that in Uttlesford 24 permanent pitches and 7 short stay pitches and 2 additional plots for travelling show people will be required between 2008 and 2021.
- 10.5 Since April 2008 planning permission has been granted for temporary consent for 5 pitches on a site in Little Hallingbury; permanent consent for 5 caravans (3 pitches) at High Easter, 1 caravan in Great Dunmow and 1 pitch at this site.
- 10.6 The Council does not have an adopted Core Strategy Policy or site allocations for Gypsy and traveller sites. It cannot therefore be demonstrated that the district has sufficient gypsy and traveller sites to meet the need in the assessment. The Council proposes to prepare a Gypsy and Traveller Site Allocations Plan. The Fordham Research is becoming out of date and therefore the Council is working with other Essex authorities to commission a new countywide assessment. A call for sites is being undertaken between 1 October and 12 November and consultation on the draft plan will be undertaken in October/November 2013.
- 10.7 This plan will need to identify a 5 year supply of specific deliverable sites. Using the requirement of the current assessment this requires 24 pitches to be delivered over the 13 year period 2008-2021 which equates to 2 pitches per year (figure has been rounded). A five year supply would therefore be 10 pitches. The approval of application reference UTT/1360/12/FUL relating to 8 caravans (which equates to 5 pitches) at Land adj. to Cranwellian at the Planning Committee meeting held on 22 August 2012 has reduced the current need to 5 pitches. This means that there remains an outstanding need for 5 additional pitches within the District in order to meet the required 5 year land supply.
- 10.8 In relation to criteria b), as detailed above, there is a need for an additional 5 pitches within the District and as such there is an established lack of alternative accommodation for the applicants' daughter and grandchildren. Although they are currently living in a house, the grandchildren wish to pursue a traditional gypsy way of life and this proposal would provide them with a settled base from which to do so. There is a lack of alternative accommodation within the District which would allow them to pursue a traditional way of life.
- 10.9 The supporting information to this application details that the applicants both suffer from heart conditions and that their daughter will become their carer as they require additional help in the future. This provision of care is an issue that is relevant under criteria c) of Policy H of the PPTS document.
- 10.10 The PPTS also indicates in paragraph 24 that weight should be attached to b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness; c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children; and d) not enclosing a site with so much hard landscaping, high walls or fences, that the

impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

10.11 The site has existing mature vegetation on its boundaries and a significant proportion of the land is used as paddock. The layout plan submitted with the application indicates that the additional two mobile homes would be sufficiently located on the site to retain a sense of openness between them and the existing mobile home. The retention of the paddock area would also help to maintain the openness of the site. There would also be adequate amenity space for the occupants and there are conditions attached to the original planning permission which restricts the ability to erect fences and walls which could isolate the occupiers from the rest of the community.

10.12 Although development within the countryside is strictly controlled by ULP Policy S7, the need for additional pitches within the District is a material consideration when determining this application. In addition, the site is well screened by existing vegetation and the mobile homes would not have such a detrimental impact on the character of the surrounding countryside that it would outweigh the requirement for additional gypsy and traveller pitches.

**B** Whether the access to the site is appropriate

10.13 The proposal would result in the movement of two mobile homes onto the site however these would not be regularly moved and would be stationed on the site. Such movements would not be dissimilar to, albeit less prolonged and less frequent than, vehicle movements during the construction phase of any form of development which is not normally a consideration when determining planning applications.

10.14 The use of the site for additional family members to live as a group is also not dissimilar to an extended family living within one dwelling. Although the family members would reside in three mobile homes, the traffic movements would be on a par with an extended family with a touring caravan. The dwellings along Canfield Drive do not have any restrictions as to whether they can store a caravan for use for family holidays and the level of vehicle activity arising from this proposal would not be significantly greater than this. As such the proposal is unlikely to generate sufficient levels of vehicle movements to warrant the refusal of this application and complies with the requirements of ULP Policy GEN1 - Access.

**C** Residential amenity

10.15 The proposed mobile homes would be located sufficiently far away from existing dwellings to prevent any materially detrimental loss of amenity, such as loss of light, loss of privacy or overbearing impact from occurring and complies with ULP Policy GEN2 - Design.

## **11. CONCLUSION**

The following is a summary of the main reasons for the recommendation:

- A There is an established need for additional gypsy and traveller pitches and the extension of this site would comply with the requirements of Policy H3 of the East of England Plan and "Planning policy for travellers sites" and would not have an unacceptably detrimental impact on the character of the surrounding countryside.
- B The proposal would not generate a level of traffic that would be unacceptable in relation to the private drive, Canfield Drive and access to the site is acceptable.
- C The proposal would not have a detrimental impact on the amenity of any neighbouring property.

## **RECOMMENDATION – CONDITIONAL APPROVAL**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.  
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.  
REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking or re-enacting that Order with or without modification) no development within Classes A to F of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of the Order shall take place without the prior written permission of the local planning authority.  
REASON: To avoid the proliferation of buildings, fencing and other means of enclosure at the site in the interests of protecting the visual amenities of this rural site in accordance with Policy S7 of the Uttlesford Local Plan (adopted 2005).
4. No business operation involving outside storage or storage of vehicles or machinery shall take place on any part of the application site.  
REASON: In the interest of the appearance of the site and the amenity of surrounding residents in accordance with Policies S7 and GEN2 of the Uttlesford Local Plan (adopted 2005).
5. There shall be no floodlighting or other form of external lighting constructed within the application site without the prior written consent of the local planning authority.  
REASON: To ensure the development does not adversely affect the rural character of the area in accordance with Policy S7 of the Uttlesford Local Plan (adopted 2005).
6. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. Subsequently these works shall be carried out as approved. The landscaping details to be submitted shall include:-
  - a) details of the construction and surfacing of vehicular access driveway parking and turning areas
  - b) the extent of vehicle and pedestrian access and circulation areas
  - c) hard surfacing other hard landscape features and materials
  - d) existing trees hedges or other soft features to be retained and additional planting proposedREASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policy S7 of the Uttlesford Local Plan (adopted 2005).
7. All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the provision of a mobile home or in agreed phases whichever is the sooner

and any plants which within a period of five years from the completion of the development die are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards unless otherwise agreed in writing by the local planning authority.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policy S7 of the Uttlesford Local Plan (adopted 2005).

8. The mobile homes shall not be placed on site until details of the curtilage to be provided for the mobile homes and means of delineating that land from the remainder of the site which shall not be residential curtilage have been submitted to and agreed in writing by the local planning authority. The division between the curtilage and the remainder of the site shall be instated prior to the first occupation of the approved mobile homes and retained thereafter.

REASON: To protect the rural character and appearance of the site and that of the locality in accordance with Policy S7 of the Uttlesford Local Plan (adopted 2005).