

UTT/12/5809/FUL (GREAT CANFIELD)

REPORT PREPARED BY: Great Canfield Parish Council

DATE: 15 January 2013

PROPOSAL: Use of land by local traveller family for the stationing of two static caravans and two trailer caravans including the construction of hardstanding and provision of associated landscaping.

LOCATION: Land to the North of Bullocks Lane Great Canfield

APPLICANT: Mr Brian Humphreys of Westwoods, London Road, Spellbrook, Bishops Stortford, CM23 4AU

AGENT for APPLICANT: Mr Stephen Hayhurst

CASE OFFICER: Ms Sam Wellard

1. DESCRIPTION OF SITE

- 1.1 The site is 1 mile South of Takeley at Hope End Green. It lies on a small field to the East of the main vehicular access into a former nursery. Immediately upon the boundary of the field is a small bungalow and behind that a large former nursery, now with derelict greenhousing. This land is currently subject to pre-applications for planning for a private house / houses and is also being dealt with by Sam Wellard.
- 1.2 There are bungalows and houses to the west and east of the land. The site boundaries consist of mature native deciduous species hedges and trees to the roadside. These provide some privacy from the road in summer. The field itself is agricultural in nature and always has been and is currently a tidy paddock.

2. PROPOSAL

- 2.1 This application relates to the proposal to create a new access from the existing nursery access road; to create hardstanding for two static caravans and two touring caravans. Further gravelling and hardstanding for four cars would be provided. The area beyond the forecourt would be developed as garden.
- 2.2 Two soakaways would be constructed to drain surface waters. Sewage to be processed via a sewage treatment plant to be installed.
- 2.3 The site is to be occupied by applicant's two daughters and their families who have connections with the area by schooling in Takeley. Both daughters are currently

living in homes on sites in Kent and Herts with their husbands and families. Their father lives in East Herts in a large bricks and mortar home in Spellbrook with a large secure site behind with hardstanding already in place.

3. APPLICANT'S CASE MADE BY MR HAYHURST ON BEHALF OF MR HUMPHREYS

- 3.1 The planning and design and access statement submitted in support of the application provides details of the matter subject of application, the site and its surroundings, relevant planning history, relevant planning policies and design and access principles.
- 3.2 In summary it points to the fact Uttlesford Council's planning policy is outdated and cannot identify a supply of gypsy sites as required by B9 of the National Planning Policy. The summary also states that the density of development would be in keeping with the pattern of development in the locality. (ie bungalows and low rise buildings. There are also established links with the gypsy community – Cranwellian and Canfield Drive).
- 3.3 The applicant's family are stated to be travellers by Mr Hayhurst within the definition and wish to adopt a more settled existence for the education of their children. This fact has not been checked by the Parish Council. It is the view of the Parish Council that this is a matter which should be checked thoroughly against the definitions of Traveller having regard to Mr Humphreys background and settled status.
- 3.4 The applicant himself, Mr Brian Humphreys lives in a detached home at Westwoods Spellbrook. He appears to run at least two businesses; Stort Storage from behind his home and a building company Westwood Developments (Eastern) Ltd which has been trading since 2003. It is understood that Mr Humphreys has had involvement in developing other gypsy sites in the local area into housing by gaining planning in this way.

4. RELEVANT SITE HISTORY

PREVIOUS APPLICATIONS:

4.1 APPLICATION - (UTT/1845/08/FUL)

This site was refused planning permission for further residential development on the following grounds:

- (a) Providing a residential dwelling closer to the road would result in a more visually intrusive development in the Street scene for which there is no reasonable justification
- (b) The visual impact of the replacement dwellings would be exacerbated by the introduction of considerable areas of hard surfacing to provide parking in excess of the council standards, resulting in harsh urban appearance in this otherwise rural area.
- (c) The size and scale of the development was considered excessive given the existing development is subject to an agricultural occupancy condition.

The current application for a traveller site would also cause a more visually intrusive, excessive over development of the street scene with visual impact and considerable hard surfacing on what is agricultural land.

4.2 APPLICATION - (UTT/0029/97/OP)

The site was refused planning permission on the following grounds:

Policy H6 of the adopted District Plan states that:

"Development proposals for individual dwellings in small gaps within small housing groups outside Development Limits will normally be permitted providing there is no adverse effect on the character or appearance of the countryside or any associated settlement, appropriate environmental interests or road safety and convenience."

The proposed development would be unacceptable because it is not considered that the site constitutes a small gap, as it is one of a number of such spaces in the area which contribute to its open appearance. The erection of a dwelling in this gap would be damaging to the character of the area as it would consolidate existing sporadic development, setting a precedent within Hope End Green which would cumulatively affect the open, rural character and appearance of the area.

4.3 Pre- Application Meeting for the Nursery

At the pre-application meeting for the nursery behind this site, it was expressly stated that Uttlesford Planning would reject an application for a new development because it was not in line with the use for the land. It was stated that the only development that would be considered on land such as this would be its previous use or pasture because that would be in line with the Local Plan.

The use for this land was agricultural and previous attempts to change to residential have failed. With the previous application failing and the express wishes of Uttlesford District Council Planning to maintain land in its' current usage, then this application for change of use to a gypsy site should also fail as surely all land owners should be treated equally.

5. POLICIES

- The East of England Plan Policy H3 – this was revoked by SI No. 2012 No. 3046 which came into force on 3 January 2013.
- National Planning Policy Framework
- Draft Uttlesford Local Plan 2012

5.1 Uttlesford Local Plan & National Planning Policy Framework

Policy S7 - The Countryside - The protection and enhancement of natural environment is an important part of the environmental dimension of sustainable development, but the NPPF takes a positive approach, rather than a protective one, to appropriate development in rural areas. The policy strictly controls new building whereas the NPPF supports well designed new buildings to support sustainable growth.

The addition of 4 caravans and 4 cars to this small area is not sustainable development and is not appropriate development of this site which has previously had two applications for development refused.

Policy S8 – The Countryside Protection Zone – This site is outside any development zone and is in countryside in a small hamlet.

Policy GEN1 - Access - The use of sustainable transport modes should be maximised. Safe and suitable access to sites for all people should be achieved. The photograph below under the heading “flooding” shows the access route into the field. It is narrow and prone to flooding.

This is not a safe access route for caravans or for cars. There is no room to swing round into the field from the access lane and if a turning area is added to the field for this purpose, then there is less room for the caravans, cars and the play area which is required.

Access must include provision for safe access for emergency vehicles. The access lane has been measured at 3 metres wide at the point of entrance into the paddock. This is not wide enough for emergency vehicles to access the proposed site. Designing Gypsy Traveller Sites point 4 deals with fire access etc and says the access road must be 3.7m minimum. (3m is for one way traffic only).

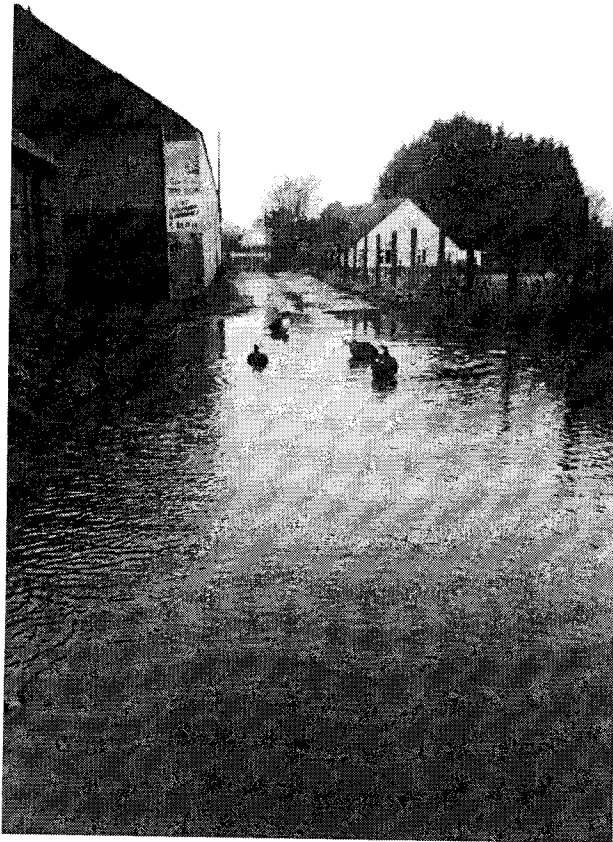
The sight lines onto Bullocks Lane are narrow and would not provide safe access and exits for caravans or cars on a daily basis. The design and access statement states that there are children in each family and these children will require access to school and services. There is no ability here to use any form of sustainable transport and there are no pavements or street lighting.

Policy GEN2 – Design - The NPPF should be used in conjunction with this policy to strengthen it. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Note Paragraph 65 of the NPPF states that permission should not be refused for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape if those concerns have been mitigated by good design.

In this case there is no good design and there is no sustainability to mitigate this factor.

Policy GEN3 – Flood Protection – Although this is not in a flood plain – there is evidence of flooding on Bullocks Lane and the Parish Council have received correspondence about this from concerned residents before this application was received. In addition parish

councillors have been to look at the site and this photo was taken prior to Christmas of the access road:



Policy GEN7 – Nature Conservation - The NPPF offers detailed advice on conserving and enhancing the natural environment and updates, clarifies and strengthens this general policy. It is understood from local residents that there are rare Great Crested Newts in this area and the Parish Council is concerned that not all steps have been taken to ensure that the level of conservation required by the NPPF have been taken.

Policy GEN8 - Vehicle Parking Standards – No effort will be made to reduce emissions should this application be granted with 4 caravans and 4 vehicles.

5.2 Planning Policy for Traveller Sites (PPTS) March 2012 - (to be read in conjunction with NPPF). It replaces ODPM Circular 01/2006; Planning for Gypsy and Traveller Caravan Sites and Circular 04/2007; Planning for Travelling Showpeople.

With regard to Policy A, the local planning department has not engaged effectively or at all with the local community to discuss the needs of travellers or of the local settled community. This is in contravention of policy.

It is acknowledged that the Gypsy and Traveller Land Availability Assessment (GTLA2012) should address some concerns although it will be interesting to see how the local authority engages with the community to discuss the outcomes.

The Planning Authority will have to identify a supply of sites sufficient to provide 5 years' worth of sites against locally set targets and further broad locations for growth for years 6-10 and where possible years 11-15. These targets are not yet set and according to the last Count of gypsy and traveller caravans in July 2012

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/11711/T1.xls there is currently no further need for any pitches in Uttlesford.

Table 1: Count of Gypsy and Traveller Caravans 19th July 2012 : Last five counts

Local authority	Count	Authorised sites (with planning permission)			Unauthorized sites (without planning permission)				Total All Caravans	ONS CODES	
		No of Caravans Socially Rented	Private Caravans		Lod. of Caravans on Sites on Upgrades or in Tents		No. of Caravans on Sites not owned by Gypsies				
			Temporary Planning Permission	Permanent Planning Permission	All Private Caravans	Tolerated	Not tolerated	Tolerated			Not tolerated
Uttlesford	Jul 2012	20	0	39	44	0	3	2	0	71	E07000977
	Jan 2012	14	0	33	38	0	5	2	0	57	E07000977
	Jul 2011	14	0	34	38	0	3	2	0	53	E07000977
	Jan 2011	14	0	33	38	0	3	2	0	57	E07000977
	Jul 2010	14	0	33	38	0	3	2	0	57	E07000977
Hertfordshire	Jul 2012	167	31	167	262	10	41	0	0	514	E10000015
	Jan 2012	126	21	116	155	21	34	0	0	389	E10000015
	Jul 2011	131	11	115	155	39	33	0	0	381	E10000015
	Jan 2011	250	2	144	146	30	30	0	0	744	E10000015
	Jul 2010	320	2	133	149	11	37	0	0	521	E10000015
Bloxdowne	Jul 2012	24	0	12	12	0	24	0	0	70	E07000995
	Jan 2012	27	0	12	12	0	40	0	0	73	E07000995
	Jul 2011	23	0	12	12	0	25	0	0	61	E07000995
	Jan 2011	21	0	12	12	0	21	0	0	71	E07000995
	Jul 2010	20	0	12	12	0	13	0	0	59	E07000995
Diocesan	Jul 2012	50	0	0	0	0	0	0	0	50	E07000996
	Jan 2012	42	0	0	0	0	0	0	0	52	E07000996

Policy C – “Local Planning Authorities should strictly limit new traveller site development in open countryside what is away from existing settlements or outside areas allocated in the development plan.”

It is clear that the proposed site in a field in countryside which is away from existing settlements and which is outside any area allocated in a development plan is contrary to policy. It is clear from all literature and in particular the answers given in questionnaires at the time of the Fordham Research 2009 that sites for gypsies and travellers should be located on the outskirts of settlements with amenities such as schools and doctors and shops with good transport links. This hamlet has none of those amenities.

“When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.”

With regard to the current application, the addition of 4 caravans and 4 cars to house two growing families on a very small field will have a significant impact on a very small rural community. On Bullocks Lane there are approximately 12 homes and so this would show a significant potentially dominating increase on the settled community.

Policy H -*para 22*– Local Planning will consider the following issues:

(a) *The existing level of local provision and need for sites;*

There is already a site in existence at Tandens in Hope End which has just had further 2 caravans granted in addition to the existing pitch. The current applicant's field is less than a mile away from Tandens which is contrary to planning policy.

(b) The availability of alternative accommodation for the applicants

The applicant owns a large home with land in Spellbrook and his daughters are cited as living in caravans with their husbands on sites in Kent and East Herts near to the families of the husbands. There is no issue with alternative accommodation.

(c) Other personal circumstances

There are no other personal circumstances which would have any impact on this application. From reading case law on this matter it appears that personal circumstances have to be severe to be taken account of.

(d) That the locally specific criteria used to guide the allocation of sites in plans or which may 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

There is no identified need for pitches or sites according to the last count of caravans and so full planning guidelines should be used to determine this site in accordance with all other planning applications. No other weight should be used. If this was any other planning application, it would in all likelihood fail bearing in mind the previous applications for this site and also the ongoing discussions for the site behind.

Para 23 Local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of and do not dominate the nearest settled community and avoid placing an undue pressure on the local infrastructure.

Para 24 When considering applications; local authorities should attach weight to the following matters;

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

This is not brownfield land and has not been previously developed. It is not untidy or derelict but a paddock. Previous planning applications have referred to this piece of land as being important to the openness of this settled community which is part of the reason why planning has never been granted in the past.

(b) Sites being well planned or soft landscaped in such a way to enhance the environment

The application does not allow for a well planned site with soft landscaping. There is no enhancing of the environment. This is a small rural site which has never been allowed planning permission previously. To allow planning permission now will be to destroy part of the countryside.

(d) Not enclosing a site with so much hard landscaping....that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

The proposals are for a lot of hard landscaping on a very small plot ruining the environment in this area.

5.3 The Uttlesford Local Plan (draft 2012) states:

"Residential Development in Settlements without Development Limits

Infilling between existing dwellings and the development of other village sites often provides opportunities for the provision of additional homes. However, care should be taken to make sure such development is appropriate, well designed and well related to its surroundings. This will be particularly important beyond development limits where the sensitive nature of these sites requires development only to be allowed where it will not adversely affect the local environment and where it will not lead to over development.

It is also important to safeguard the interests of residents in surrounding houses by making sure that residential amenity such as large gardens, privacy and the character of the area is maintained."

Any traveller site on this piece of land would mean that this policy was ineffective.

The Uttlesford Local Plan (draft) also states:

*"Sites for Gypsies, Travellers and Travelling Show People
Sites for Gypsies, Travellers and Travelling Showpeople should be provided in sustainable locations, which are not at risk of flooding and have access to health, education, utility services and other community facilities. Sites should be connected to the sewer network where reasonably possible. "*

It is obvious here that this is not a sustainable location and there is no access to health, education or other community facilities from this hamlet.

Policy H010 – Uttlesford Local Plan 2012 (draft);

These items have been dealt with above in other headings:

(a) *Sites should be located, designed and landscaped to minimise impact on the natural, built and historic environment.*

See above; development of this site would have a detrimental impact on the natural environment.

(b) *Sites should have safe pedestrian access and safe vehicular access to land to and from the public highway; and allow for parking, turning and servicing of vehicles on site;*

See above; there is no safe pedestrian access or safe vehicular for general access or for emergency access to land. Pedestrians and especially children have no pavements or safe exit onto the lane. There is no street lighting and this site is not sustainable in terms of transport links. There is no parking on the access lane and turning will be very difficult.

(c) *Sites should not be located within areas at risk of flooding;*

See above photo: whilst this is not a designated flood area, due to ditches being filled and hard landscaping, there are more and more floods on the roads in this area. Any further hard landscaping will only contribute to this further.

(d) *Sites should be capable of being provided with drainage, water supply and other necessary utility services*

It is not known how successful drainage on site will be.

(e) *Sites should be of appropriate size to provide the planned number of caravans together with amenity blocks, play areas, access roads and structural landscaping;*

This site is not big enough to accept 4 caravans, 4 cars and all paraphernalia and still allow for soft landscaping for play areas and proper access.

6. NEED

The Gypsy and Traveller Land Availability Assessment (GTLAA) 2012

A call for sites has been made and will be available for consultation at the end of this year. It will identify a 5 year supply of sites for gypsies and travellers. Until that time reliance is made upon the Fordham Research 2009 together with the Gypsy and Traveller Counts which take place bi-annually and give an idea of whether there is outstanding need.

The Fordham Research 2009

The 2009 research suggested that between 2008 and 2021 there would be a requirement of 24 pitches. It was recommended in the report that a minimum of 62 sites should be provided in Uttlesford by 2011. The actual figure according to the Gypsy Count was 68 by July 2012. The suggested increase was a compound 3% after 2011. This would mean 64 sites by 2012 and 66 by 2013. According the actual count Uttlesford is still ahead of projections. Between July 2010 - July 2012 there have been 6 sites allocated in Uttlesford according to the Gypsy Count. Since July 2012 further sites have been granted planning at High Easter and Canfield Drive which takes the permanent pitch count to 10 over 18 months. This is well above the Fordham Research level of need of 2 per year.

Other points of interest in the Fordham Research are found below where residents of different sites were asked a number of questions:

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Facilities and Services.

Para 8.18 "Facilities and services within and beyond the sites had a direct impact on the lives of residents, and therefore on how they perceived their sites. Isolated sites had no local transport routes to local services and participants felt that they could not access these services: "We're too far from the shops and doctors, and there's no bus route". In more than one case access to education had been prohibited by lack of local transport, as one participant explained that her child missed years of school because [there was] no transport provided [to the site] because the site is less than three miles – but the main road is extremely dangerous, especially in the winter".

This applicant site is situated 1km from the nearest settlement with shops and access to a bus service. It is more than a mile from the nearest school and at least six miles from the doctor's surgery with no public transport, pavements or street lighting. This is not what was envisaged by planners when looking at potential traveller sites or by travellers themselves.

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Accommodation Expectations;

Para 10.21 The majority of participants reported that if they were found land that would be granted planning permission they would move, although there was a preference to remain within a 15 mile radius of their current location, and within their current local authority.

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Transport Difficulties.

Many people on all types of sites stated that a car was a necessity; this caused significant problems, especially for the elderly and others unable to drive. The lack of pavements on nearby roads was also mentioned by some respondents as a problem:

“Teenagers like myself feel very isolated. Nothing to do and can’t get out to anywhere, since we can’t afford taxis.” (local authority site); “I am here on my own with a baby and I can’t drive so I have to rely on others for lifts.” (private site); “Kids can’t walk to the school as the road is dangerous.” (private site)

7. Ensuring that all parts of a region contribute to provision of pitches

Following an RSS Single Issue Review on Gypsy and Traveller accommodation, the Government published a response in July 2009 which recommends broadening the choice available to families by “providing some pitches in all parts of the region which will assist delivery by ensuring all areas contribute”.

Currently Hope End supplies 3 pitches (Tandens) out of the 24 by 2021 and Takeley a further 8 (Cranwellian). This means that almost 50% of pitches are provided by the same 2 square miles. So in accordance with the Government response, it would be fair and equitable to ensure that other areas contribute.

8. Village Design Statement

The Village Design Statement is clear and follows ENV1, ENV3, ENV7 & ENV8 – Existing spaces and open land between the Ends and individual properties should be retained as these views of the countryside are important characteristics of the village.

GEN2 – any application to increase housing density should take account the existing context and not materially degrade it.

GEN3 – Any development must have regard to the present drainage issues and not contribute to any risk of further flooding or pollution of the watercourses.

CONCLUSION

Any planning application should be treated equally irrespective of an individual's status or personal situation.

1. Based on previous applications, this application should fail. Uttlesford District Council Planning has always been adamant that this piece of land remain as agricultural land and should not be developed so as to retain the rural nature of this particular area.
2. There is currently no need for any further gypsy or traveller sites in Uttlesford. This is shown in the figures from Gypsy Caravan Count together with the Fordham Research.
3. Although there is a requirement to provide a certain number of sites over the next 5 years (currently the figure is 24 although this may well be revised), this small area of Uttlesford (Takeley and Great Canfield) appears to be supplying the major share of these sites. To continue to develop sites in this area is in

contravention of the 2009 government response, that sites should be distributed evenly through districts.

4. The siting of a further 2 permanent sites on top of the 3 pitches in existence in Hope End is overdevelopment of this type of settlement in a very small rural hamlet.
5. The site would not be suitable for hardstanding of the nature required for static caravans. It is an agricultural plot in a very rural area and this is inappropriate development of this rural setting.
6. The access lane is very narrow and unmade up and prone to flooding. It is unsuitable for the increase in traffic that this application would involve.
7. The links that the applicants have with this area are not current and it is not clear from the application when they last lived in the area. The two families are currently accommodated elsewhere near to their immediate families. This move would locate them away from their immediate families.
8. Until the full process of locating appropriate sites has been concluded by Uttlesford District Council, granting planning permission on an "ad hoc" basis could open floodgates for many more such applications on previously unspoilt rural plots of land in unsuitable locations.
9. This is not a sustainable location; it is not located on the outskirts of a settlement with shops / schooling / health / links with transport as recommended but instead is situated in a rural hamlet with no pavements or street lighting or easy access to a main road.
10. There is no personal need by the applicant or his family for the site
11. The applicant's family is currently housed with other family members.
12. The application is not compatible with either the Local Plan the National Plan or the Village Design Statement.