

UTT/15/2526/FUL – GREAT CANFIELD

(Called in by Cllr Wells for inappropriate development in the countryside, over development of the site)

PROPOSAL: Proposed change of use of land for two additional pitches at existing gypsy caravan site

LOCATION: Tandans Great Canfield Road, Takeley

APPLICANT: Mr and Mrs Boswell

AGENT: Mr R Perrin

EXPIRY DATE: 29 September 2015, Extension of time agreed for 23 October 2015

CASE OFFICER: Sarah Marshall

1.0 NOTATION

1.1 Outside Development Limits

2.0 DESCRIPTION OF SITE

2.1 The site is a rectangular plot of land approximately 0.9ha in area located off a private drive in Great Canfield south of the B1256. The site is currently occupied by one gypsy pitch which is comprised of a mobile home and a touring caravan and there is permission for an additional two pitches on site. The site boundaries are landscaped with mature vegetation which provides screening from the neighbouring properties. The rest of the site is currently being used for grazing.

3.0 PROPOSAL

3.1 The proposal is for an additional two pitches which will bring the number of pitches on site to five. The proposed pitches will be approximately 0.25ha each and be located west of the approved pitches.

4.0 APPLICANTS CASE

4.1 The applicants have submitted a joint planning and design and access statement. This document sets out how the development meets the relevant policies that are set out in the NPPF, the Planning policy for traveller sites (PPTS), and the policies set out in the local plan as well as addressing the design and access principles. It should be noted that the PPTS has been amended since the statement was written. Attached to the statement are the following documents: Approved Plan TD1B which was granted approved in 2012. The policy HO11 from the Development Uttlesford Draft Local Plan, the excerpt from the PBA report site assessment for the site and the Gypsy and Traveller Issues and Options Consultation Assessment for the site.

4.2 It should be noted that the Uttlesford Draft Local Plan has been withdrawn as a result of the Inspectors comments; therefore this is not a relevant policy.

5.0 RELEVANT SITE HISTORY

5.1 UTT/0998/08/FUL

“Long stay caravan pitch for one gypsy family”. This permission was personal to Mr and Mrs Boswell. (Granted 2008)

5.2 UTT/0520/10/OP

Outline planning application for the erection of four dwelling houses with double garages. The dwellings were four bed two storey dwellings with detached garages situated towards the front of the site. This application was refused for a number of reasons including, inappropriate development for the rural location, loss of traveller sites, the proposal did not offer smaller dwellings, the poor access, impact on bio-diversity and over development of the site.

5.3 UTT/0808/11/FUL

“Proposed continued use of long stay caravan pitch for the use of one gypsy family. (Not subject to condition C.13.4- UTT/0998/08/FUL (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).” (Granted conditionally on the 27th July 2011 with a personal condition to Mr and Mrs Boswell being re-instated. Allowed at appeal (reference APP/C1570/A/11/2160858) which removed conditions 2 and 13 from the permission including the personal condition.

5.4 UTT/1617/12/FUL,

A subsequent application for “proposed two additional pitches at existing gypsy caravan site”. This application was conditionally approved and the condition relating the landscaping was discharged under reference UTT/12/6070/DOC. A non-material amendment for the layout of the additional pitches was approved under reference UTT/13/0028/NMA.

5.5 UTT/15/0404/FUL

Application for the ‘Proposed change of use of land for two additional pitches at existing gypsy caravan site’ was submitted, however this application was withdrawn before it was determined by the Planning Committee.

6.0 POLICIES

6.1 National Policies

- National Planning Policy Framework 2012 (NPPF)
- Planning policy for traveller sites August 2015 (PPTS)

6.2 Uttlesford District Local Plan 2005

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

7.0 PARISH COUNCIL COMMENTS

- 7.1 The Parish Council (PC) object to this application on the basis that the proposed development does not follow the aims of the latest government consultation for Planning and Travellers. The aims are that the planning system is fair and equal to both settled and traveller communities, the sensitive areas and the Green Belt are protected and that the negative impact of unauthorised occupation is addressed. The PC stated that the access to the site down Canfield Drive is inappropriate due to its narrow width with lack of pedestrian access and no passing places. That the creation of additional pitches on the site will be overdevelopment and this would not be seen as being a fair and equal system given the Council refused an application for outline permission for the erection of four dwellings on the site.
- 7.2 The PC is aware that that an extension to this site has been proposed in the Uttlesford Gypsy and Traveller Issues and Options consultation to which this Parish Council responded in early February 2015. The PC feel that their comments were not addressed in the summary of responses received to the consultation. Furthermore these documents are the beginning of the process of creating the Uttlesford Gypsy and Traveller Local Plan. As the Council has not decided or considered sites across the district the PC fail to understand how this application can be determined.

8.0 CONSULTATIONS

Highways

- 8.1 No objection as the development is not contrary to policy GEN 1.

Informative

Canfield Drive is private and is accessed off Great Canfield Road which is unclassified. There is adequate width and visibility at the junction and the highway authority is satisfied that the low vehicle movements associated with this proposal will not have a detrimental effect on highway safety or efficiency.

Thames Water Utilities

- 8.2 **Waste Comments**
Surface Water Drainage – it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

Water Comments - With regard to water supply, this comes within the area covered by the Affinity Water Company

BAA Aerodrome Safeguarding

- 8.3 There are no safeguarding concerns for Stansted Airport

Ecology

8.4 No response received

Access and Equalities

8.5 No response received

Affinity Water Ltd

8.6 No response received.

9.0 REPRESENTATIONS

9.1 31 Neighbours were consulted on this application. 13 Representations were received by the Council.

- Canfield Drive is unsuitable for additional traffic due to insufficient passing places which can result in cars having to reverse out onto Great Canfield Road
- The introduction of a further 6 cars or more will increase risk of accidents at the junction with Canfield Road.
- The maintenance of Canfield Drive is poor and will only get worse with increase traffic
- The surrounding area is typically large detached dwellings within large plots- this will be out of keeping
- Why is there a need for additional pitches when the two approved have not been implemented?
- The Planning policy for traveller sites advises that the number of pitches or plots to the circumstances of the specific size and location of the site and surrounding population density
- An application for four dwellings on the site was refused on the basis of being over development and unsatisfactory access to the site and substandard construction with poor visibility at the junction of Canfield Drive and Great Canfield Road.
- The scale and form will be out of keeping with the surrounding location and have a detrimental impact on the character of the rural location
- Canfield Drive is not suitable for larger vehicles or caravans due to the width.
- No ecological report has been submitted with this application.
- Insufficient evidence to demonstrate the need for the additional pitches.
- The road is a track which services 9 properties including Tandans. The track is unmade and has not been maintained to a high standard in recent times.
- The permission for two additional pitches was granted on the personal circumstances of the applicants however the permission has not been implemented.
- The previous applications have already satisfied Mr and Mrs Boswell's needs.
- The road or the junction of Great Canfield Road and Canfield Drive is not suitable for caravans
- The development if allowed will set a precedence for development in the area
- The reasons for refusing the 2010 application for four dwellings remain and are applicable
- An appeal decision for a site within Takeley has similarities to this application. Point 9 of the appeal decision states that as the site falls outside of development limits the impact on the countryside setting should be taken into consideration. Point 10 was that there was no need for a mobile home for residential use in the rural location and does not accord to policy S7.

- There is a boundary dispute and permission should not be granted until this has been determined.
- The mobile homes would be more in keeping on the Takeley Caravan Park which is less than a mile away.
- This picturesque location is hardly the place to accommodate Gypsies and where does this accommodate their nomadic lifestyle
- The road is a private road that will not, regardless of what ECC Highways suggest, support extra volume in traffic.
- The previous application, UTT/12/1617/FUL retained approximately 50% of the site as open paddock which provided a buffer around the development
- The pitches would have the appearance of a suburban estate of five bungalows with detached garages
- The proposal would introduce extension residential encroachment into the rural landscape.
- The site is further than 1 kilometre from educational, health or community facilities.
- Previous applications have restricted the number of pitches on this site to prevent proliferation of caravans and mobile homes on this site to protect the rural character of the location
- A section 106 agreement should be sought to mitigate the impact on the local infrastructure, amenity and services
- The harm created by this proposal could not be mitigated by a temporary permission
- Refusing this application would not impact on the human rights of the applicants as it is for a proposal
- Paragraph 17 of the NPPF outlines one of the core land-use planning principles is to recognise the local countryside. The PPTS states that the local amenity and environment should be protected and that sites should not be located in open countryside away from existing settlements.

The applicant has submitted comments addressing some of the points raised in the objections.

- The mobile homes can be split into two sections which can allow transportation down Canfield Drive.
- Within the last 7 years there have been 2 additional dwellings built on Canfield Drive as well as three large extensions to dwellings which have resulted in a number of workmen's vehicles, concrete lorries and deliveries by large HGV's as well as the residents vehicles and the refuse collection truck. No accidents have occurred within the last 7 years.

10.0 APPRAISAL

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

- A The principle of the two additional pitches
- B Access to the property
- C Residential Amenity

A The principle of the two additional pitches

10.1 The National Planning Policy Framework (NPPF) and the Planning Policy for Traveller sites (PPTS) set out a presumption in favour of sustainable development. The PPTS has been amended in August 2015. The definition of a gypsy or traveller is set out in Annex 1 of the PPTS which states:

“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, but excluding members of an organised group of travelling showpeople or circus people travelling together as such”

The definition then goes on to say:

“In determining whether persons are “gypsies and travellers” for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:

- a) whether they previously led a nomadic habit of life*
- b) the reasons for ceasing their nomadic habit of life*
- c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.”*

10.2 The PPTS states that “Local planning authorities should set pitch targets for Gypsies and Travellers as defined in Annex 1 and plot targets for Travelling Show People, which address the likely permanent and transit site accommodation needs of Travellers in their area...”. The PPTS sets out in Policy B that LPAs should identify and update annually a five year supply of deliverable sites. The Essex- Gypsy and Traveller and Travelling Show People Accommodation Assessment report, which was commissioned on behalf of the Essex Planning Officers Association, established that Uttlesford District Council will need an additional 26 pitches within the district by 2033. This equates to 9 pitches between the period 2013 and 2018. Since 2013 only 1 pitch has been approved by the Local Authority, therefore there is still an additional 8 pitches required. It should be noted that as a result of the change to the definition of a Gypsy and Traveller in the PPTS Uttlesford will be reviewing the Essex- Gypsy and Traveller and Travelling Show People Accommodation Assessment in the future. Notwithstanding the evidence the Council has which shows the Council does not have a five year supply, this application should be looked upon positively in accordance with the NPPF.

10.3 LPAs should consider the following five points which are set out in Policy H of the PPTS when processing planning applications for gypsy and traveller sites.

- a) the existing level of local provision and need for sites
- b) the availability (or lack) of alternative accommodation for the applicants
- c) other personal circumstances of the applicant
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- e) that they should determine applications for sites from any travellers and not just those with local connections

As demonstrated above, there is a clear need for pitches within Uttlesford and this proposal meets criteria a.

10.4 In relation to criteria b) as above, there is a clear need of pitches within the district. The applicants are already occupying the existing pitch on site; therefore they are not in need of a pitch themselves. The application states that the site is considered to be a family site; however these two additional pitches will be general pitches with the potential of being occupied by the applicant’s extended family. It should be noted that the previous application for two additional pitches, has not been restricted for family use by conditions, just that the pitches are occupied by Gypsies and Travellers.

10.5 The PPTS states in Policy C that sites within rural areas and the countryside should not be of a scale which dominates the nearest settled community. Policy H of the PPTS

then goes on to say that weight should be given to the following points when determining a planning application for pitches

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

- 10.6 The site is already established as a Gypsy site with 3 permitted pitches. The site benefits from existing vegetation along the boundaries of the site and it is proposed to plant trees and hedgerows between the pitches and around the paddock. The proposed pitches will utilise the already approved driveway so this proposal will not significantly increase the level of hardstanding already approved by previous applications. It is considered that the proposed development meets the criteria set above.
- 10.7 It has been established that this site is suitable for gypsy pitches and is in a sustainable location. It is considered that the site is sustainable for the proposed additional pitches.
- 10.8 As a result of the Essex Gypsy and Traveller and Travelling Show People Accommodation Assessment report Uttlesford District Council engaged Peter Brett to undertake a Site Assessment Survey to identify a supply of deliverable and developable sites within the district. In the Report of Representations, Officer Comments and Recommendations which followed the consultation period between December last year and February this year, Tandans was considered suitable to be extended by an additional two pitches. It is considered that the site is large enough to accommodate further landscaping within the site as a mitigation measure.

B Access to the property

- 10.9 Highways have not objected to this application and have confirmed that the development meets policies GEN1 and the policies contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.
- 10.10 The proposed development has the potential to increase the level of traffic by an additional six vehicles. Highways have stated that there is adequate width and visibility at the junction of Great Canfield Road and Canfield Drive which is a private road to accommodate the low vehicle movements associated.

C Residential Amenities

- 10.11 Policy GEN2 of the ULP states that development should be designed to ensure that it does not have a material adverse effect on the reasonable occupation and enjoyment of a residential property as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing. Whilst the proposed pitches would be in close proximity to the adjoining property to the west, there is existing vegetation along that boundary. A condition requiring further landscaping along that boundary along with the proposed location and orientation of the mobile homes/touring vans would not cause any overlooking, loss of privacy or have an overbearing impact on the adjoining property.

Therefore it is considered that the proposed development meets Council's policy GEN2 set out in the ULP.

11.0 CONCLUSION

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

- A There is a need for gypsy and traveller pitches within the district and this site meets the criteria set out in the PPTS. Both the PPTS and the NPPF state that there is a presumption in favour of sustainable development and this site is considered to be in a sustainable location. Therefore it is considered that the site is appropriate for additional pitches and due to the size and location, the site can accommodate an additional two pitches creating a total of five pitches on site without causing any detrimental harm to the surrounding location.
- B It is considered that the access to this site is suitable for the proposed development and will not have a detrimental impact
- C The proposed development will not have a detrimental impact on the residential amenities of the neighbouring properties.

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 site shall not be permanently occupied by any persons other than gypsies and travellers as defined in Annex 1, paragraph 1 of the Planning Policy for Travellers Site" produced by the Department for Communities and Local Government (August 2015).

REASON: The development is acceptable in order to meet the District's shortfall in provision for gypsy and traveller sites in accordance with "Planning Policy for Travellers Sites".

3. 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)

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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 prevent the site becoming overdeveloped and in the interests of the visual amenity of the rural location in accordance with Policy S7 of the Uttlesford Local Plan (2005).

5. Prior to the commencement of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the

local planning authority and these works shall be carried out as approved. These details shall include:

- i. means of enclosure;
- ii. car parking layouts;
- iii. other vehicle and pedestrian access and circulation areas;
- iv. hard surfacing materials;
- v. existing trees, hedges and other soft features to be retained and additional planting proposed

Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme].

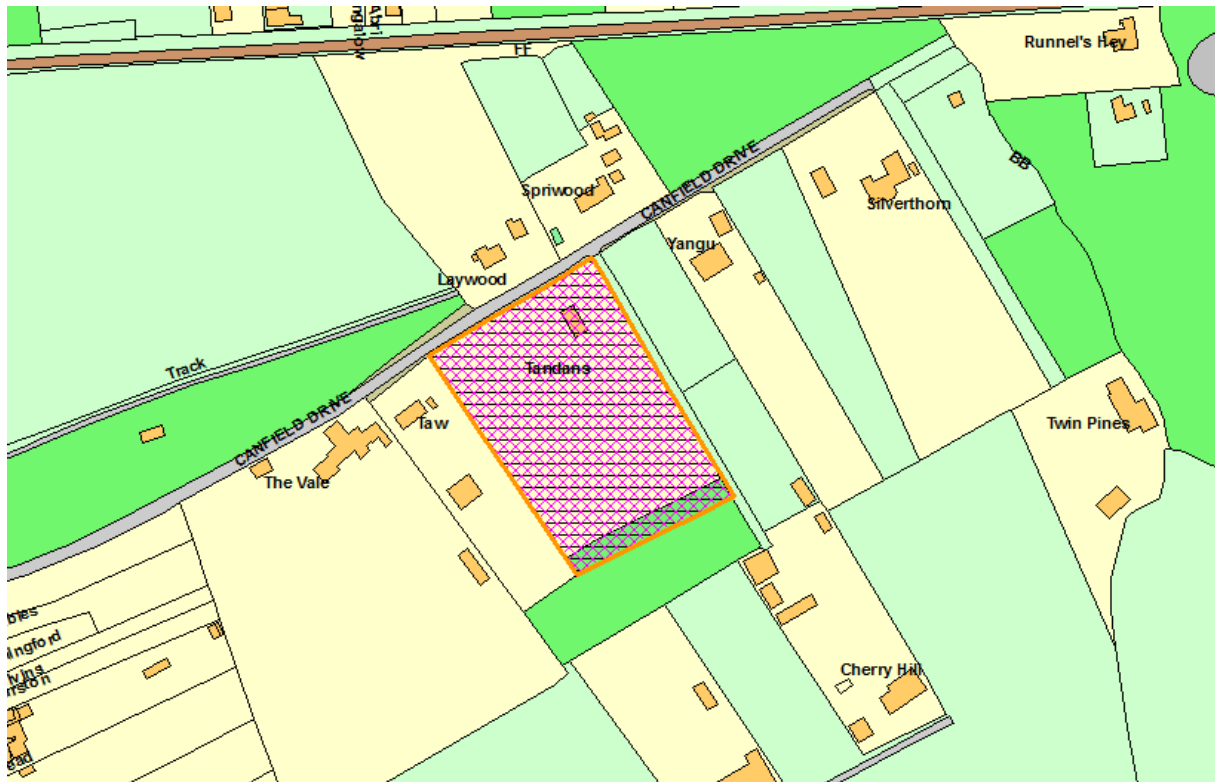
REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2, and S7 of the Uttlesford Local Plan (adopted 2005).

6. All hard and soft landscaping 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 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 landscaping 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 Policies GEN2 and S7 of the Uttlesford Local Plan (adopted 2005).

Application number: UTT/15/2526/FUL

Location: Tandans Great Canfield Road Great Canfield



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