

UTT/17/2903/FUL – (TAKELEY)

(Referred to Committee by Cllr Artus. Reason: Overdevelopment of use of the site and in excess of the pitches identified in the Gypsy and Travellers Issues and Options Consultation.

Applicant's reasons given for the proposal does not stand up to scrutiny)

PROPOSAL: **Use of land for one additional pitch at existing gypsy and travellers' site**

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

APPLICANT: **Mr & Mrs T & A Boswell**

AGENT: **Mr R Perrin**

EXPIRY DATE: **15 December 2017 (extended until 21 February 2018)**

CASE OFFICER: **Mr C Theobald**

1. NOTATION

1.1 Outside Development Limits.

2. DESCRIPTION OF SITE

2.1 The site comprises an authorised gypsy caravan pitch which forms part of a wider authorised gypsy and travellers' site of approximately 0.86ha known collectively as Tandans consisting of a total of 5 no. gypsy/traveller pitches with newly constructed internal service road situated on the south side of Canfield Drive off Great Canfield Road just to the south of The Flitch Way. The site as a whole is currently being completed for this purpose. New chalet type mobile homes have now been sited on at least two of the four additional pitches below the application pitch the subject of the current application. An area of land at the front north-west corner of the site is grassed to be used as an enclosed paddock/play area in association with the authorised site.

2.2 The application pitch contains a chalet style mobile home used by the applicants (Boswell) comprising some 55m x 37m. A turfed and landscaped area has been laid out between the mobile home and Plot 2 beyond to the immediate south. The site is level across its width, although has a slight fall to the southern boundary. Residential properties front onto Canfield Drive either side of the site, whilst a further property lies opposite the site entrance. Canfield Drive is an unmade private road.

3. PROPOSAL

3.1 This full application relates to the sub-division of an existing gypsy/travellers' pitch at Tandans towards the front of the site to be used to accommodate an additional gypsy/traveller pitch. It is stated in the application that the additional pitch would be used to accommodate the needs of one of the applicants' grand-daughters.

3.2 The site layout plan accompanying the application shows that a mobile home likely to be of the chalet type which already exists at Tandans across the site would be used for the application pitch, although this cannot be confirmed.

4. ENVIRONMENTAL IMPACT ASSESSMENT

4.1 The proposed development does not fall within the descriptions of development and applicable thresholds and criteria for the purposes of the definition of "Schedule 2 Development" of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Whilst the development would result in some environmental impacts, these impacts would be localised to Canfield Drive and would not be significant on the wider area.

5. APPLICANT'S CASE

5.1 The application is accompanied by a Design and Access Statement (Ron Perrin, October 2017 - planning agent) which sets out the planning case for an additional gypsy/traveller pitch at Tandans as follows:

- There is ample room to provide a second pitch which will accommodate a mobile home, touring caravan and parking spaces. All utilities are already available and sewerage will be connected to the existing Klargest Biodisc positioned to the rear of the existing mobile home. All existing boundary screening to the site will be retained.
- It is stated in the draft Local Plan that the Council will identify sites for gypsies in the Site Allocations Development Plan document or through the planning application process. The proposal would accord with these criteria.
- The background study prepared in October 2014 by Peter Brett Associates (PBA) remarked that Tandans was a site that should be safeguarded and would be suitable for further pitches. In December 2014, "Place Services2 undertook a "Sustainability Appraisal and Strategic Environmental Assessment" of the sites with potential for location in the Gypsy and Traveller Local Plan. This report confirmed that Tandans fared well. At about the same time, UDC published a "Gypsy and Traveller Issues and Options Consultation document" and included Tandans within those "*Sites with Potential*". The grant of permission [at the site] in October 2015, and even more recently for the dayrooms, confirms the suitability of Tandans as a gypsy caravan site.
- It follows that there is no issue of principle involved in this proposal as the use of Tandans as a gypsy caravan site has been established. As such, the guidance contained in the NPPF and the PPTS is of little additional relevance. The only issue is one of detail, i.e., is the site large enough to be sub-divided, would it add unacceptably to traffic conditions along Canfield Drive, would an additional pitch cause harm to the residential properties of nearby properties?
- The proposed pitch would measure 27m (w) x 37m (d), demonstrably large enough for a gypsy caravan pitch and similar in size to other pitches on the site. The Good Practice Guide for Designing Gypsy and Traveller Sites does not give a recommended size, noting that pitches vary from family to family depending upon their needs. However, it does advise that pitches should be large enough to accommodate a static caravan, a touring caravan, parking spaces and an amenity building (day room). The proposed pitch can achieve this requirement comfortably.
- The proposal will only add the traffic generated by one additional gypsy pitch over and above that already approved and will not make a material difference to highway safety. The proposed additional pitch will be no closer to any existing dwelling than existing and approved pitches. As such, residential amenity will not be harmed.
- In summary, there is no evidence arising from the detailed considerations of the proposal that demonstrates harm and the past planning history has

acknowledged that Tandans is a suitable gypsy caravan site. It follows that the proposal accords with current planning guidance and permission should be granted.

- 5.2 In addition to the above supporting statement, the Council has received a letter dated 19 December 2017 from Ron Perrin, planning agent in response to the Parish Council's detailed representation to this application proposal and also to Officers' request for further information relating to gypsy plot amenity requirements. The letter encloses an additional site plan (Appendix 1) to show how a day room could be successfully accommodated at the site if required following the 2017 grant of permission by the Council for the siting of day rooms for Plots 1-4 Tandans. The salient text of the response is extracted as follows:

"May I first draw your attention to paragraph 5.7 of my Planning Statement, which considered the issue of plot size and space standards. From this, and the guideline referred to, you will see that there is no express size for a gypsy pitch. I would also ask you to re-read paragraphs 5.6-5.10 which I believe should be the critical considerations in this proposal.

May I next draw your attention to the plan attached at Appendix 1 of my Statement, which is a copy of the approved layout for the four pitches now in different ownership to that of Mr Boswell...From this, it can readily be seen that the existing plot at Tandans is a little under twice the size of the four other plots, and has a frontage to the internal road of a little under twice the size of each of those plots.

The position of the existing mobile home known as Tandans is also set to one side of its plot leaving a clear area upon which to create a separate caravan plot. As can be seen from the approved layout at Appendix 1, the four other plots all show mobile homes to be centrally positioned within their frontages and with dayrooms located to the rear and to one side. In short, the approved layout of these plots does not readily allow for further sub-division.

It follows in my opinion that the current plot of Tandans is materially different to the other four plots in its overall size, its internal road frontage and in its current positioning of the main mobile homes. As such, the grant of permission for the present proposal would not act as a justifiable precedent to be followed on the other four plots. As such, your consideration of the issues currently before you in terms of traffic generation, impact on residential amenities and the generalisation that which constitutes "overdevelopment" should be confined solely to the proposal before you".

6. RELEVANT SITE HISTORY

- 6.1 UTT/0998/08/FUL: Long stay caravan pitch for one Gypsy family (Boswell/Fuller) at site known as Tandans approved in 2008.

UTT/0520/10/OP: Outline application for erection of 4 no. dwellings with double garages refused in 2010 (sustainability/rural harm).

UTT/0808/11/FUL: Continued use of long stay caravan pitch at Tandans for the use of one Gypsy family (Boswell/Fuller) without requirement for mobile home and touring caravan permitted to be removed from the site and land restored to its former condition when the occupants cease permanent occupation – Refused. Allowed on appeal.

UTT/1617/12/FUL: Two additional pitches at existing Gypsy site on land adjacent to Tandans (Plots 1 and 2) – Approved.

UTT/15/2526/FUL: Proposed change of use of land at existing travellers' site on land adjacent to Tandans for two additional pitches (Plots 3 and 4) – Approved.

UTT/17/0722/FUL: Use of land for one additional pitch at existing gypsy caravan site (Tandans) – Withdrawn (Mr & Mrs T & A Boswell).

UTT/17/0462/FUL: Construction of 4 Dayrooms for existing approved Travellers Site at Land adj Tandans (Plots 1, 2, 3 and 4 – Applicant: Cambrils Ltd) – Approved.

7. POLICIES

Uttlesford Local Plan (2005)

ULP Policy S7 – The Countryside

ULP Policy GEN1 - Access

ULP Policy GEN2 – Design

ULP Policy GEN4 – Good Neighbourliness

Supplementary Planning Documents/Guidance

None.

National Policies

NPPF

Other Material Considerations

Circular 01/2006: Gypsy and Traveller Sites.

Designing Gypsy and Traveller Sites – Good Practice Guide (DCLG, 2008).

Gypsy, Traveller and Travelling Show people Sites – Site Assessment Study (on behalf of Uttlesford District Council) (Peter Brett Associates, 2014).

Essex Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (EPOA, 2014)

Gypsy and Traveller Issues and Options Consultation (Uttlesford District Council / Developing Uttlesford) (2014).

Uttlesford District Council Housing Strategy 2016-2021

8. PARISH COUNCIL COMMENTS

- 8.1 1. The Gypsy and Traveller Issues and Options Consultation identifies this site as suitable for a total of 5 pitches and through three separate planning applications, UTT/0808/11/FUL, UTT/1617/12/FUL and UTT/15/2526/FUL permissions have now been given for all 5 pitches (a further application UTT/17/0462/FUL approved an additional 4 day rooms for the latter two applications). The Parish Council considers that a 6th pitch on this site is overdevelopment and contrary to the decisions made in the Gypsy and

Traveller Issues and Options Consultation

2. The Parish Council continues to be of the view that applications for gypsy pitches should be considered in the same way as applications from the settled community. Uttlesford Local Plan Policy S7 states that "planning permission will only be given for development that needs to take place there, or is appropriate to a rural area". The Design and Access Statement submitted by the applicant suggests the additional pitch is required for a family member. This same reason was given in previous applications for which planning permission was granted. However, the applicant subsequently sold four of the pitches to a third party. The Parish Council is unclear why the applicant chose to sell the sites if he had a personal need for pitches and is of the view that this application is contrary to ULP Policy S7.
3. The Parish Council continues to be concerned with access to the site. This is via a single track private lane and the Parish Council is of the view it is not suitable for any further additional traffic; there are no passing places and access is for several properties in addition to the site in this application.

9. CONSULTATIONS

ECC Highways

- 9.1 From a highway and transportation perspective the Highway Authority has no comments to make on this proposal as it is not contrary to the relevant transportation policies contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

Informatives:

Canfield Drive is a private road.

The low vehicle movements associated with this proposal is unlikely to have a detrimental effect on highway safety or efficiency.

London Stansted Airport

- 9.2 The proposed development has been examined for aerodrome safeguarding and does not conflict with any safeguarding criteria. Accordingly, Stansted Airport has no safeguarding objections to the proposal.

10. REPRESENTATIONS

- 10.1 Two representations received. Neighbour representation period expires 15 November 2017

Summary of representations:

- Understand that the applicant's previous applications were to house his family. This is clearly not the case as the land has since been sold off/rented as individual pitches on the Tandans wider site. The applicant could have used one of the four additional plots for family members, but chose not to do this. What assurances can be given to residents that the Tandans plot as sub-divided will also not be sold off for commercial gain?

- This gypsy proposal should be treated on the same basis as a planning application for a dwelling. As such, this is about good planning which is being flouted by the continuous expansion of this site.
- The application for another gypsy pitch by the current owner for a family member will crowd the site further. If granted, the proposal would contradict everything that was stated in the refusal of UTT/0520/10/OP relating to your own planning rules regarding rural housing development (outline application for erection of 4 no. dwellings – countryside protection / rural harm).
- It was an understanding that the construction agent for Tandans was supposed to repair the lane from Gt Canfield Road as far as Tandans to support the increase in traffic. To date this has not happened and is beginning to fall into disrepair again.

11. APPRAISAL

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

- A Principle of development / design / impact on countryside (NPPF, NPPG, ULP Policies GEN2, S7);
 - B Impact on residential amenity (ULP Policies GEN2 and GEN4);
 - C Impact on highway safety (ULP Policy GEN1).
- A Principle of development / Design / impact on countryside (NPPF, NPPG, ULP Policies GEN2, S7)**

- 11.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Government's planning policy document "Planning Policy for Traveller Sites" (Aug 2015) is the most recent government document relating to gypsy and traveller sites and is a material consideration in development management decisions in respect of planning applications relating to gypsies and traveller site provision.
- 11.2 Councils taking decisions on traveller sites should also have regard to the policies set out in the National Planning Policy Framework so far as is relevant. In this respect, the Government's overarching aim is to ensure fair and equal treatment for travellers in a way that facilitates the traditional and nomadic way of life of gypsies and travellers, whilst also respecting the interests of the settled community. In this regard, the government's document "Planning Policy for Traveller Sites", whilst principally dealing with the assessment of new sites, states that "LPA's should make their own assessment of travellers' needs for the purposes of planning to reduce tensions between settled and traveller communities in plan-making and planning decisions, to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure, and for local planning authorities to have due regard to the protection of local amenity and local environment".
- 11.3 The current application proposal involves the sub-division of the original gypsy/traveller plot laid out at Tandans (Mr & Mrs T & A Boswell - applicant) for an additional gypsy/traveller pitch for one of Mr & Mrs Boswell's grand-daughters (stated). There is no indication from the application submission as to whether this grand-daughter would constitute a dependent relative, although this is not in itself a material planning consideration to the current application. It is the case, however, that the applicant had originally submitted a planning application to the Council last year for the proposed sub-division of the plot at Tandans as now proposed, although

chose to withdraw the application pending a determination on the planning application which had been submitted at the same time by Cambrils for day rooms to serve the four additional gypsy/traveller pitches at the wider site (Plots 1-4).

- 11.4 Tandans as a privately run gypsy and traveller caravan site was recognised in the Gypsy and Traveller Issues and Options Consultation document as having plot potential for additional pitches at the site subsequent to the pitch originally approved for Mr & Mrs Boswell (applicant) at the front of the site and the two additional pitches approved below it (Plots 1 and 2 – see UTT/1617/12/FUL). In terms of availability, the report stated that "*The site is an existing Gypsy and Traveller site and is being promoted for further pitches*" and gave a potential yield in terms of delivery of an additional two pitches for the period 2013-2018. Since that report, a further two pitches were approved under application UTT/15/2526/FUL and are now being provided at the site (Plots 3 and 4).
- 11.5 The 2015 approval for Plots 3 and 4 means that there is now a total of five authorised gypsy/traveller pitches at Tandans which would fulfil the potential yield identified by the Gypsy and Traveller Issues and Options Consultation document. Great Canfield Parish Council and a local resident of Canfield Drive have objected in principle to the proposed creation of a sixth pitch at the site through the subdivision of Mr & Mrs Boswell's original frontage site pitch on the basis that the provision of the additional pitch proposed would exceed the number of pitches identified in the consultation document. As such, the argument is made that the additional plot would result in overdevelopment.
- 11.6 The applicant's agent has responded to the third party comments relating to the principle of a sixth gypsy/traveller plot at Tandans in an email received by the Council dated 29 January 2018 where it is stated that:

"I note that the Parish Council has objected to this application, setting out three grounds for objection.

As to the first, the Issues and Options Consultation, I am not aware that the various documents of this December 2014 consultation expressly states that this site should be limited to 5 pitches. It does confirm that this site is included in the list of 'Sites with Potential'. In the matter of 'Achievability' it states ... 'There appear to be no reasons why the site could not be intensified by the existing occupants. The land is available, policy and physical constraints are capable of being overcome and mitigation measures are feasible subject to the ability of the owner to finance the development. The development appears to be viable.' In any event, to some extent, any comments made in 2014 have been overtaken by the subsequent grants of permission.

In my opinion, the submissions I have already made in support of the current application amply demonstrate that a sixth pitch can be created at this site in a manner that would be consistent with the character of the five existing pitches and without causing any harm whatsoever to the usual planning considerations that apply. The claim of 'overdevelopment' is not substantiated by any evidence whatsoever.

Turning to the second objection, the matter as to whom the additional pitch is required is not an issue, so long as the future occupier satisfies the definition of a gypsy. This site is not tied to any particular occupant. It is a general gypsy site, expressly confirmed as such on appeal.

As to the third objection, access, the Highway Authority has stated that it has no comments to make as the proposal is not contrary to the relevant transportation policies”.

- 11.7 It should be emphasised that the Gypsy and Traveller Issues and Options Consultation document was not prescriptive in identifying a maximum number of pitches which could be accommodated at Tandans, but served instead as a research and consultation document by which to explore the potential of various sites within the district to accommodate gypsies and travellers, of which Tandans was identified as being one preferred site due to its favourable location and site characteristics. As such, it falls to be considered as the planning assessment for the current application as to whether in practical terms it would be reasonable in all of the circumstances to grant planning permission for an additional pitch at the site.
- 11.8 The original pitch at Tandans (Boswell) has a site frontage along the newly constructed spine road of approximately 57m, which is generous for a gypsy pitch, even for a rural area, and the proposed new pitch through sub-division (identified as Plot 1A) would take advantage of this existing large plot curtilage arrangement. The sub-division would result in the original pitch having a retained frontage of approximately 30m, whilst the new pitch would have a frontage of 27m. The new pitch would be large enough to accommodate a mobile home, parking spaces, a touring caravan and also a day room were this to be provided in the future in general accordance with layout and space standards set out for private gypsy and traveller sites (i.e., washing, amenity buildings, separate tourers etc). whereby these details have been shown on an additional information plan as supplied by the applicant's agent as requested by Council Officers to demonstrate this ability.
- 11.9 The original pitch as reduced in size and the new pitch adjacent as proposed would read as a pair of plots at the top end of the site and would not physically or visually interrupt upon the four evenly spaced larger plots at the rear of the site positioned behind the frontage paddock (Plots 2-5). It is considered from this siting relationship that the proposal would not result in over-development or over-intensification of use of the site in terms of design and layout and would not be contrary to ULP Policy GEN2. Furthermore, and from this, it is considered that the introduction of the additional pitch at the site would not result in significant rural harm given the site's localised and enclosed nature along Canfield Drive from the wider rural landscape beyond and would not be contrary to the countryside protection aims of ULP Policy S7 or the environmental provisions of the NPPF given the site's overall gypsy and traveller status as a preferred private site for Uttlesford district.
- 11.10 It should be emphasised in light of the proposal that it is the opinion of the author of this report that the sub-division of the original pitch at Tandans as proposed should and ought to represent the final gypsy/traveller pitch to be provided at the wider Tandans site on the basis that any further sub-dividing of the plots would lead to overdevelopment and an over-intensification of the authorised use of the site which would result in material harm to the countryside, a position recognised by the applicant's planning agent in the supporting planning statement accompanying the current application (see above).

B Impact on residential amenity (ULP Policies GEN2 and GEN4)

- 11.11 The provision of an additional gypsy and traveller pitch at Tandans in the site location area as shown is unlikely to lead to any significant loss of residential amenity to the existing occupants of residential properties which front Canfield Drive either side of the site. It is accepted that the introduction of the additional pitch at the

site could give rise to some additional noise and disturbance, although it is considered that any background noise levels experienced as a result are likely to be low and damped for this rural site location, whilst the site at present is well managed and thus far well maintained, albeit that the site is only now coming out of extended construction phase. No residential amenity objections are therefore raised under ULP Policies GEN2 and GEN4.

C Impact on highway safety (ULP Policy GEN1).

- 11.12 The impact of the proposal on highway safety has been assessed by ECC Highways who have commented that there is adequate existing width and visibility at the junction of Great Canfield Road and Canfield Drive and that it is satisfied that the low vehicle movements associated with this proposal would not have a detrimental effect on highway safety or the efficiency of the local highway network. Given ECC Highways' findings, it is considered that the proposal would not be contrary to ULP Policy GEN1.
- 11.13 The comments expressed by a local resident to the proposal with reference to the previous "assurances" given by the developer of Tandans that the poor standard of the private drive would be improved should the previous day rooms application be granted planning permission by the Council are noted and in this regard some initial attempts by the developer to improve the unmade road surface appear to have dwindled/failed. However, this is a civil matter and is not a material planning consideration.

12. CONCLUSION

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

- A** The principle of an additional gypsy/traveller pitch at this authorised private gypsy/traveller site within the countryside is considered acceptable whereby the proposed development would not lead to overdevelopment of the site and would not as a consequence result in significant rural harm (ULP Policies GEN2 and S7);
B The development would not have a significant detrimental impact on residential amenity (ULP Policies GEN2 and GEN4);
C The development would not have a detrimental impact on highway safety (ULP Policy GEN1).

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

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 additional gypsy/traveller pitch hereby approved for the site as shown numbered "Plot 1A" on Site Layout Plan TD3D shall only be used by persons who are gypsies and travellers as defined in Annex 1, paragraph 1 of "Planning Policy for Travellers Sites" dated August 2015.

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

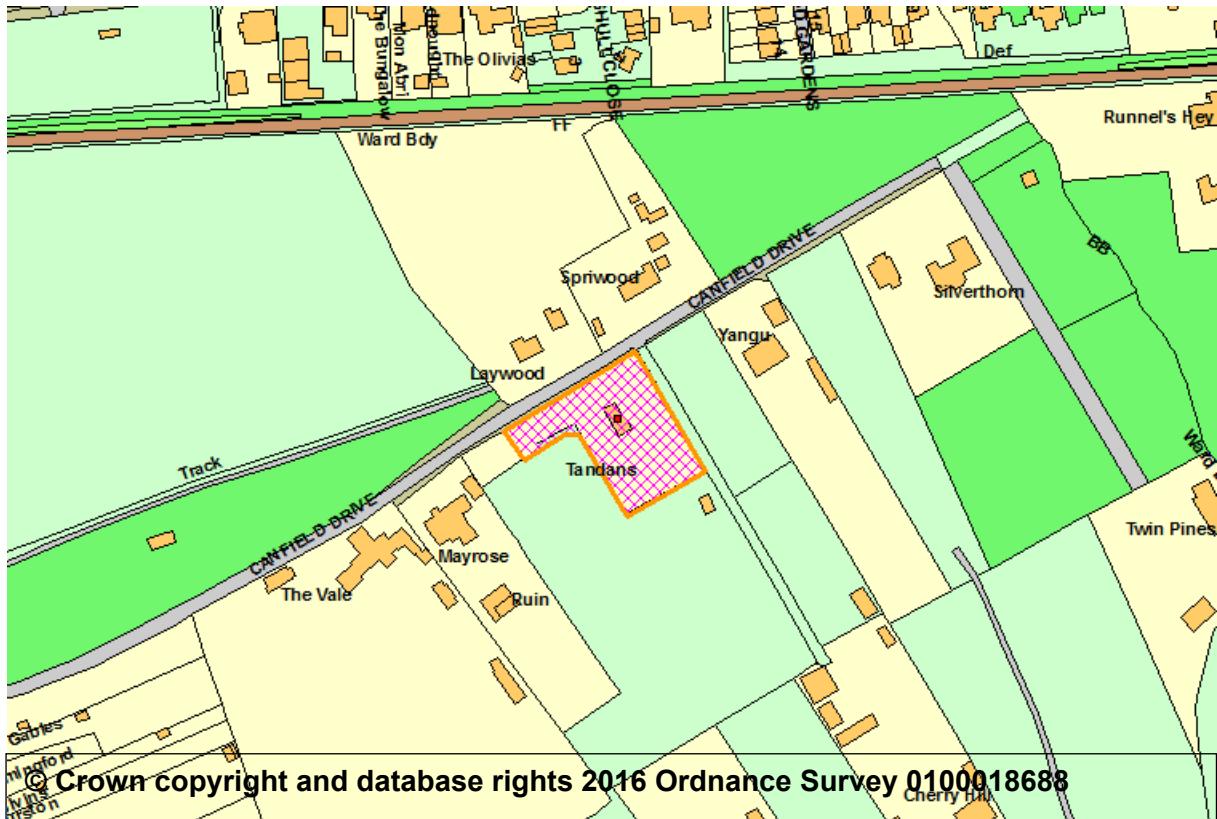
3. Foul and surface water drainage for the additional gypsy/traveller pitch hereby approved shall be fed into the existing drainage systems now approved and operating for the site for Plots 1-4 Tandans.

REASON: To ensure that adequate drainage is provided for the development in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).



Application: UTT/17/2903/FUL

Address: Tandans, Great Canfield Road, Takeley



Organisation: Uttlesford District Council

Department: Planning

Date: 1 February 2018