

5 DCCW2006/3153/F - CHANGE OF USE FROM AGRICULTURAL TO A 2 FAMILY GYPSY SITE AT THE BIRCHES STABLES, BURGHILL, HEREFORD, HR4 7RU**For: Mr. & Mrs. R. Jones, The Birches Stables, Burghill, Hereford, HR4 7RU****Date Received: 2nd October, 2006****Ward: Burghill,
Holmer & Lyde****Grid Ref: 47047, 44285****Expiry Date: 27th November, 2006**

Local Member: Councillor Mrs. S.J. Robertson

Introduction

The consideration of this application was deferred at the Central Area Planning Sub-Committee on 15th November in order for a site visit to be carried out. The site visit took place on 5th December. The report has been updated to reflect further comments received and any issues arising from the site visit will be reported verbally.

1. Site Description and Proposal

- 1.1 The Birches Stables is a 0.26 hectare site located to the south of the Burghill Scout Hut and Manor Fields Housing Estate on the edge of Burghill.
- 1.2 The proposal is to use the land as a gypsy site accommodating two families. The proposal seeks to use the existing access adjacent to the access for the Scout Hut.
- 1.3 One static and one touring caravan are presently on the site together with a stable block and store.
- 1.4 The application is retrospective and is submitted with an accompanying statement, which sets out the applicants status as gypsies and their reason for resorting to the application site. A petition in support of the proposal has also been submitted by the applicants.

2. Policies

- 2.1 Herefordshire Unitary Development Plan (Revised Deposit Draft);

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy H4	-	Main Villages: Settlement Boundaries
Policy H7	-	Housing in the Countryside Outside Settlements
Policy H12	-	Gypsies and Other Travellers

2.2 South Herefordshire District Local Plan:

Policy GD1	-	General Development Criteria
Policy SH1	-	Housing Land Supply
Policy SH11	-	Housing in the Countryside
Policy SH14	-	Siting and Design of Buildings
Policy SH25	-	Gypsy Caravan Sites

3. Planning History

- 3.1 SH911548PF Use of land as a caravan site for sole occupation of applicant. Approved 22nd January, 1992.
- 3.2 DCCW2006/1598PF Variation of condition 1 of planning application SH911548PF sole occupation. Refused 6th July, 2006.

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Traffic Manager: Raises concerns regarding the visibility afforded by the existing access.
- 4.3 Head of Environmental Health & Trading Standards: 'I can confirm that in my opinion the applicant is of gypsy status.
1. There have not been any quantitative needs assessments for gypsy sites. Presently work is being done on the housing needs assessment for gypsies and travellers within Herefordshire. This work is expected to be complete by early 2007.
 2. Presently works are ongoing to renovate 2 sites. The 2 sites are Romany Close, Grafton, which has been disused because of vandalism since 2002. The site has been redeveloped to provide 9 pitches. The Turnpike at Pembridge has been vacant since June 2005 awaiting redevelopment (6 plots). It is expected that Grafton will be available for use later this month and Pembridge in the New Year.
 3. At present there are 3 vacant plots available for letting. These are at our site at Bosbury.

The waiting list contains 35 families requiring pitches across the County'.

5. Representations

- 5.1 Burghill Parish Council: "**Lanes Coppice, Burghill – Application No. DCCW2006/1598/F. Variation of Condition 1 of Planning Application SH911548PF – Sole Occuaction.**

The above application was refused planning approval in July 2006 on the following Policies: South Herefordshire District Local Plan - C1, C2, C3, SH11, SH26. Herefordshire Unitary Development Plan (Revised Deposit Draft) - S1, H4, H7, H11.

None of the reasons for refusal in July 2006 on this site have changed just because a new (retrospective) application has been made.

Present application-

**The Birches Stables, Burghill - Application no. DCCW2006/3153/F
Change of use from agricultural to a 2 family gypsy site**

Burghill Parish Council strongly objects to these retrospective proposals for the following reasons:-

The proposal is outside the approved settlement boundary - see Policy C1 - South Herefordshire District Local Plan: Policy H4 - Herefordshire UDP (Revised Deposit Draft) and the approved Burghill Parish Plan.

The proposal does not meet the requirements of Policy C3 of the South Herefordshire District Local Plan in respect of exceptional cases - in that it would

- (ii) - create more serious amenity problems for adjoining or nearby landusers, i.e. Burghill Scout and Guide HQ and The Woodland Trust
- (iii) - be visually intrusive or detract from the character and appearance of surrounding landscape, i.e. already trees, shrubs etc. have been cut down and burned. Prior to this action it had been impossible to see the caravan or buildings on the site
- (iv) - have an adverse impact on sites and features of nature conservation, i.e. The Woodland Trust
- (v) - create unacceptable levels of traffic generation or give rise to highway safety, i.e. vehicles have been parked in the road and adjacent gateway. The entrance to the site is not visible from either direction. The Parish Council have been concerned about the area for several years and have requested speed restrictions along this narrow stretch of road

This retrospective application meets none of the criteria for Policy SH11 of the South Herefordshire District Local Plan in respect of "Housing in countryside".

This retrospective application meets none of the criteria for Policy SH1 of the Herefordshire Unitary Development Plan in respect of "Sustainable development".

The Parish Council finds that Herefordshire Council has previously accommodated the applicants and their extended family by using discretionary Policy H12 of the Unitary Development Plan (Revised Deposit Draft) on a previous site at Marden (application no. DCCW2005/2579/F - approved in October 2005, and a further application approved 16/11/05).

The Parish Council believes that if this retrospective application in respect of The Birches Stables is approved it will contradict the decision against application no. DCCW2006/1568/F under Policy H7 of the Unitary Development Plan (Revised Deposit Draft) which refers to housing in the countryside outside settlements - clauses 1, 2 and 6.

The Parish Council has concerns over the sewage disposal - what was suitable for a single person may be inadequate for a family.

The Parish Council notes that one of the applicants (Mr. H. Smith) has already received permission for a variation of conditions in respect of application no. DCCW2006/0573/F - Ashgrove Croft, Marden - approval date 26.4.06.

The Parish Council feels that if this application at The Birches Stables is approved it will set a precedent and could be misconstrued as property development which would lead to other areas outside settlement boundaries being exploited."

- 5.2 1st Burghill Scout and Guide Group: "This application is worrying our Group as the entrance to the site is immediately adjacent to the entrance to the Group H.Q. at Manorfields, Burghill.

Our site is used frequently throughout the week by upwards of 120 children, many parents and other silblings, plus St. Cuthberts Church congregation on three Sundays per month. Other events such as "sleep overs" by visiting Guide/Brownie groups (not allowed to camp under canvas these days!), the usual range of children's birthday parties and sundry other activities occur during the year. The increased traffic already with cars, HGV's and caravans is a hazard which we have not previously had to contend with and were not expecting to have to cope with. We knew Mr. Lane, the previous occupant on the site,had permission for temporary residence during his lifetime and traffic onto his land has been rare for at least a decade. We had an excellent relationship for the whole of the time that our HQ has been on the land next to him.

When Mr. Jones was moving in next door, unknown to me, I went to our HQ to check the effectiveness of our PIR lighting at about 9 pm. ready for the new term. There was a car on our park and a Transit flatbed truck in our entrance splay. I spoke with Mr. Jones and explained that we were completing the car park surface and entrance shortly and that the site would be busy. I pointed out the dangers of the truck in our entrance but, faced with a "fait accompli" agreed that the car could stay until the morning. We have had vehicles parked since then.

At the moment we are running Rainbows, Brownies and Guides on the female side and Beavers and Cub Scouts on the male side. We have no Scouts or Ventures due to the difficulty of getting leaders.

Under the Children's Acts we have a Duty of Care to our youngsters which is, as it should be, always a main priority for my Committee and Leaders. If the activities and traffic next door became too much of a danger the demise of Scouting and Guiding, at least in this geographical area of Burghill, would become a virtual certainty."

- 5.3 Three letters of objection have been received from B.C. Green, The Rustlings, Burghill; Mr. & Mrs. E.C. Webb, 19 Manor Fields, Burghill and Mrs. Jones, Fairway View, Burghill. The main points raised are:

1. The site was previously occupied by one elderly resident.
2. The land is totally unsuitable for habitation due to its location. Access is difficult and there is no infrastructure to support two families.
3. Vehicles have trespassed onto the Scout Hut land.

4. The site is adjacent to Lanes Coppice which is managed by The Woodlands Trust and which could be impacted upon by this development.
5. This could set a precedent for more families to move onto the site.
6. All previous planning applications to develop the site have been rejected.

The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 This site is located in open countryside but immediately adjacent to the settlement of Burghill identified as a main village in the Herefordshire Unitary Development Plan (Revised Deposit Draft) under Housing Policy H4.
- 6.2 There is clear policy presumption against residential development in the open countryside. However Policy H7 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) established a number of circumstances where such development may be exceptionally permitted. It refers specifically to the provision of sites meeting the needs of gypsies or other travellers.
- 6.3 Policy H12 deals directly with sites intended for the accommodation needs of gypsies and other travellers and requires the following criteria to be met:-
 1. The site is within reasonable distance of local services and facilities;
 2. Sites for settled occupation should be small;
 3. Adequate screening and landscaping is included within the proposal in order to ensure that the proposal does not result in an adverse impact upon the character of the area and amenity of the landscape; and
 4. They contain appropriate levels of residential amenity, including safe play areas for children and provide satisfactory work and storage areas.”
- 6.4 The applicants (Mr. and Mrs. Jones and their extended family) have provided sufficient evidence to substantiate their gypsy status and as such it is reasonable to consider this proposal against Policy H12 as an exception to the normal presumption against residential development in the open countryside. Accordingly taking the four criteria stated:
 - (1) The site lies adjacent to an identified main village, Burghill and therefore as an identified ‘main village’ it contains the local services and facilities and is ultimately considered to be a sustainable location.
 - (2) The proposal for two families is considered small in scale.
 - (3) Despite the removal of overgrown areas the site is still well screened within the landscape. However alterations to the access, which are discussed in more detail below, will require the removal of hedging which will make the site more visible until new landscaping grows. However roadside frontage faces Burghill Valley Golf Course where the boundary is well landscaped.

- (4) There are adequate levels of amenity and play space for children within the site.
- 6.5 In addition, the Council's Environmental Health Officer and Trading Standards Officer has confirmed that despite the restoration taking place of two sites at Romany Close, Grafton (9 pitches) and The Turnpike, Pembridge (6 pitches) there is still a waiting list of 22. In considering this application the lack of availability of authorised pitches is a significant material consideration and your officers are satisfied that based on current information, this site can be treated as a genuine exception.
- 6.6 In view of the above it is considered that the proposal accords with Policy H12. Therefore it is contended that the only issue of concern is the access. In this respect the forward visibility as proposed is sub-standard and to achieve the required visibility would require land outside the applicant ownership and the removal of approximately 30 metres of hedging on the application site. A more appropriate solution would be to close the existing access and provide a new access away from the Scout Hut. This still requires the removal of hedging but has the benefit of being within the application site and would remove the potential conflict of vehicles at the entrance of the Scout Hut. The principle of this revision are being discussed with the applicant and a condition could secure this revised arrangement.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. Within one month of the date of this permission a new vehicle access shall be constructed providing visibility splays of 2 metres x 60 metres in each direction and any entrance gates set back 5 metres, details of which shall be submitted for approval in writing of the local planning authority and the access shall be constructed in accordance with the approved details and retained in perpetuity.**

Reason: In the interests of highway safety.

- 2. This permission relates to the siting of two mobile homes and one touring caravan only. No other units of accommodation shall be brought onto or occupied on the site.**

Reason: In the interests of highway safety.

- 3. Within one month of the date of this permission, details of a scheme of landscaping which shall include replacement hedgerow planting shall be submitted to and approved by the local planning authority, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and any necessary tree surgery. All proposed planting shall be clearly described with species, sizes and planting numbers.**

Reason: In order to protect the visual amenities of the area.

- 4. G05 (Implementation of landscaping scheme (general)).**

Reason: In order to protect the visual amenities of the area.

- 5. H08 (Access closure).**

Reason: To ensure the safe and free flow of traffic using the adjoining County highway.

6. H06 (Vehicular access construction).

Reason: In the interests of highway safety.

Informatives:

- 1. N19 - Avoidance of doubt.**
- 2. N15 - Reason(s) for the Grant of PP/LBC/CAC.**

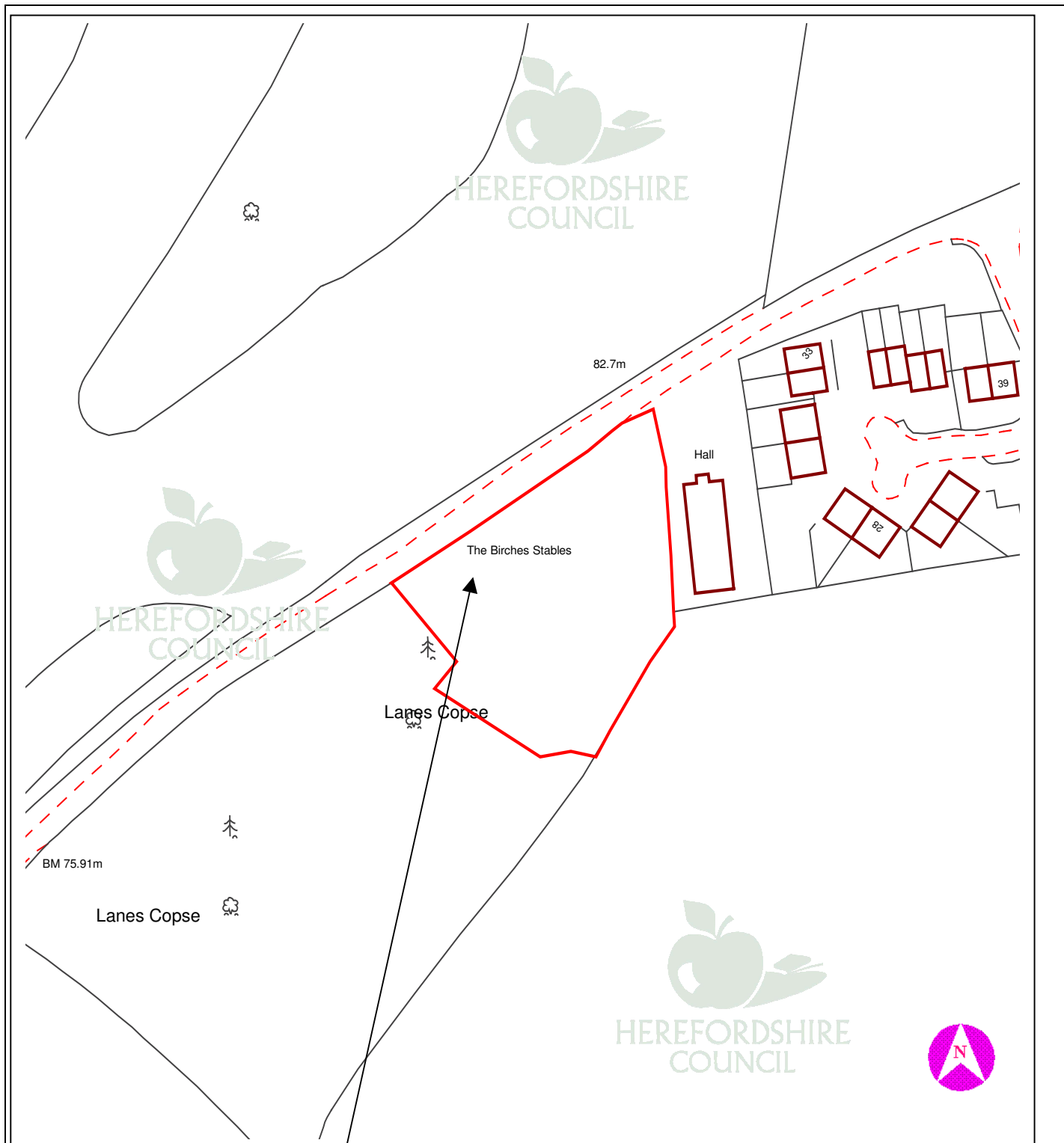
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2006/31/53/F

SCALE : 1 : 1250

SITE ADDRESS : The Birches Stables, Burghill, Hereford, HR4 7RU

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