

8 DCNW2008/1807/F - RETROSPECTIVE APPLICATION FOR CHANGE OF USE (TEMPORARY) OF LAND FROM AGRICULTURAL TO A ONE FAMILY TRAVELLERS SITE INCLUDING THE STATIONING OF ONE CARAVAN AND ANCILLARY STRUCTURE AT LOWER FIELD, ASH FARM, BARNET LANE, WIGMORE, HEREFORDSHIRE, HR6 9UJ.

For: Ms A Cleverly per Hereford Travellers Support, Trefoil, Brinsop, Herefordshire, HR4 7AS.

Date Received: 9 July 2008

Ward: Mortimer

Grid Ref: 40936, 68861

Expiry Date: 3 September 2008

Local Member: Councillor LO Barnett

1. Site Description and Proposal

- 1.1 The application site is situated to the north of the unclassified road that runs west from the village of Wigmore towards Birtley and Lingen. The site is in an elevated position on the North East facing slope and is prominently located in open countryside.
- 1.2 The application site itself forms a parcel of land to the east of a larger land holding (5.2 acres), at its lowest point. The site has a mature boundary hedge to the North, East and South boundaries, with access being gained via an existing field gate in the south east corner of the site. To the west of this site in a much more elevated position is an associated existing traveller site that benefits from a temporary permission and houses the former partner of the applicant.
- 1.3 The proposal is a retrospective application for the change of use of the agricultural land for use by a one family traveller site, including the siting of the one touring caravan and associated temporary structure.
- 1.4 The applicant and occupant of the site currently shares the personal and temporary permission granted on appeal (see appendix) for the temporary site to the West part of the field.
- 1.5 Due to personal reasons the applicant, Mrs Alison Cleverly, and child, who she jointly cares for with her former partner Mr Richard Wells, moved the caravan off the western part of what is referred to as Ash Farm onto this application site.
- 1.6 The application requests a temporary permission to run conterminous with the permission for the site in the western part. This permission is due to expire on the 7th March 2010.

2. Policies

National Planning Policy

- 2.1 PPS1 – Delivering sustainable development
- PPS3 – Housing
- PPS7 – Sustainable development in Rural Areas
- PPG15 – Planning and the Historic Environment
- PPG16 – Archaeology and Planning

ODPM Circular – 01/2006 – Planning for Gypsy and Traveller Caravan Sites.

Herefordshire Unitary Development Plan (2007)

- 2.2 S1 - Sustainable development
- S2 - Development requirements
- S3 - Housing
- S7 - Natural and historic heritage
- DR1 - Design
- DR2 - Land use and activity
- DR3 - Movement
- DR4 - Environment
- H11 - Residential caravans
- H12 - Gypsies and other travellers
- LA2 - Landscape character and areas least resilient to change
- LA6 - Landscaping schemes
- HBA4 - Setting of listed buildings
- ARCH3 - Schedule ancient monuments
- NC4 - Sites of local importance

3. Planning History

- 3.1 NW2006/0205/F - Change of Use from agricultural to one family travellers site including the stationing of 2 dwelling vehicles and storage space (Retrospective application) - Refused 17th March 2006.
- 3.2 This application and the subsequent Enforcement Notice were then the subject of an appeal. The appeal was allowed on the 7th March 2007 subject to an amended Enforcement Notice and temporary and personal permission. A copy of this decision has been appended to this report for information purposes.
- 3.3 NW2005/0851/F - Retention of caravan for residential use - Refused 5th May 2005.

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Transportation: Has no objection to the grant for permission.
- 4.3 Environmental Health: No objection. The sub-regional housing assessment has identified a need for a further 100 plots for travellers will be generated in Herefordshire in the period 2007 - 2012.

5. Representations

5.1 Wigmore Group Parish Council make the following comments:

"It was unanimously agreed at a recent meeting of Wigmore Group Parish Council that this application should not be allowed for the reasons previously stated following previous applications. Although, upon appeal Mr Cleverly's and Mr Well's application was granted, it was only a temporary permission for two caravans and storage boxes which, we were assured, was adequate accommodation for one family.

It is not desirable to encourage such use of land by travellers and it is suspected that whilst this current application is for one family use of the land, others will be attracted to the site and before we know where we are we will have a settlement on our hands. Given that permission was originally granted for two caravans and storage, the fact that Ms Cleverly and Mr Wells no longer live together and have therefore separated the two-caravan set-up in favour of two separate caravans at either end of the field, we may assume that when both parties find alternative partners, each caravan will then require another caravan to accommodate a 'growing family', not to mention additional storage facilities. Four caravans in situ surely are then tantamount to a small travellers' site.

It is considered to be the responsibility of Herefordshire Council to provide appropriate accommodation land for travellers and that doing so 'by the back door', as approval by HDC will be seen, is not acceptable. Considering the rising numbers of travellers leading to the 'need for 100 additional pitches by 2010' (Assessment Against UDP Policy Criteria) Herefordshire Council should be more diligent in their responsibilities towards them.

Local residents are subjected to stringent rules about what they can or cannot build on their own land and flouting the legal process as Ms Cleverly has done should not be allowed, regardless of the 'environmentally sustainable life' Ms Cleverly leads. Oh that we could all lead such a life free from everyday responsibilities, yet taking advantage of all local amenities. Perhaps Herefordshire Council is advocating we all pursue an environmentally-friendly, self-sufficient life in a caravan in a field chosen because it is in an attractive area of countryside and well-screened!"

5.2 One letter of objection has been received from R R Bailey, Callis Close, School Lane, Wigmore. This letter can be summarised as follows:

- Reiterate original objection received on application NW2006/0205/F on the 15th Feb 2006 that stated the following:
 - It is already an eyesore and it will become a scrap yard
 - Will they invite further travelling families onto the site
 - The site does not provide satisfactory access
 - The area is recognised as an area of outstanding natural beauty
- The site may continue to develop. How many more 'family units'; will appear?
- What are the sanitary arrangements?

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

6. Officer's Appraisal

- 6.1 The key considerations in the determination of this application are:
- Principle of development and site history
 - Landscape impact
 - Setting of the Listed Building and Archaeological impact
- 6.2 The site lies in open Countryside and as such policy H7 of the Herefordshire Unitary Development Plan (2007) that relates to housing in the open countryside outside of settlements applies. This policy states that proposals would not be permitted unless, it is a site providing for the needs of gypsies or other travellers in accordance with policy H12 . This policy relates directly to gypsies and other travellers. It states that these sites should be with a reasonable distance of local services and facilities and that sites should generally be small. Adequate screening and landscaping would be included so that the proposal does not result in adverse impact upon the character and amenity of the landscape. Finally there should be appropriate levels of residential amenity including safe play areas for children and that they should provide satisfactory work and storage area.
- 6.3 The site should be considered contrary to policy unless it can be established that it relates specifically to travellers and otherwise conforms to policy. Having regard to the history of the site and in particular the appeal decisions. The inspector has accepted that the applicant falls within the definition detailed in circular 01/2006 of a gypsy and traveller and as such it is considered acceptable to consider this proposal in relation to Policy H12.
- 6.4 Members will note from the appeal decision that the inspector accepted that the proposed development does not comply with policy H12 on a number of matters but draws the conclusion that the substantial shortfall in site provision in the County coupled with the circumstance of the case that a temporary, 3 year, consent be granted for this family.
- 6.5 The Council continues to seek to provide the shortfall of 100 sites identified in the Traveller Accommodation Assessment but it is also noted the personal circumstances relating to the joint care of the applicants young dependent. This is a matter that is also a material consideration of this case.
- 6.6 The application site is located in open countryside, but is less obtrusive in position that that of the more prominent site that is situated in elevated position to the west. It is considerably less harmful to the long distance views and setting of Wigmore Castle than that of the associated site to the West. There is far less domestic paraphernalia and it is much better screened and landscaped from the public vantage points. It does not read explicitly as an extension to the original site but does lead to a spread of development. There are no more persons living on the site or vans sited on the site that previously approved.
- 6.7 Having regard to the planning history and the conclusions drawn by the inspector, and having regard to the new circumstances of the family, the principle has already been established in this instance. Allowing a personal and time limited consent would meet the needs of the applicant whilst allowing an element of control over the site with a planning permission restricting its occupation and any further development or siting or vehicles. It is considered that this is a reasonable course of action to take given the circumstances of the case.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. **B01 (Development in accordance with the approved plans)**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

- 2. **The use hereby permitted shall be carried on only by Alison Cleverly and shall be for a limited period being the period of until the 6th March 2010, or the period during which the land is occupied by her, whichever is the shorter. At the end of the period the use hereby permitted shall cease, all materials and equipment brought onto the land in connection with the use shall be removed and the land restored to its former condition.**

Reason: To clarify the terms of the permission having regard to the special circumstance of the case and to the sites open countryside location and criteria of policy H12 of the Herefordshire Unitary Development Plan (2007)

Informatives

- 1. **N15 - Reason(s) for the Grant of Planning Permission**
- 2. **N19 - Avoidance of doubt - Approved Plans**

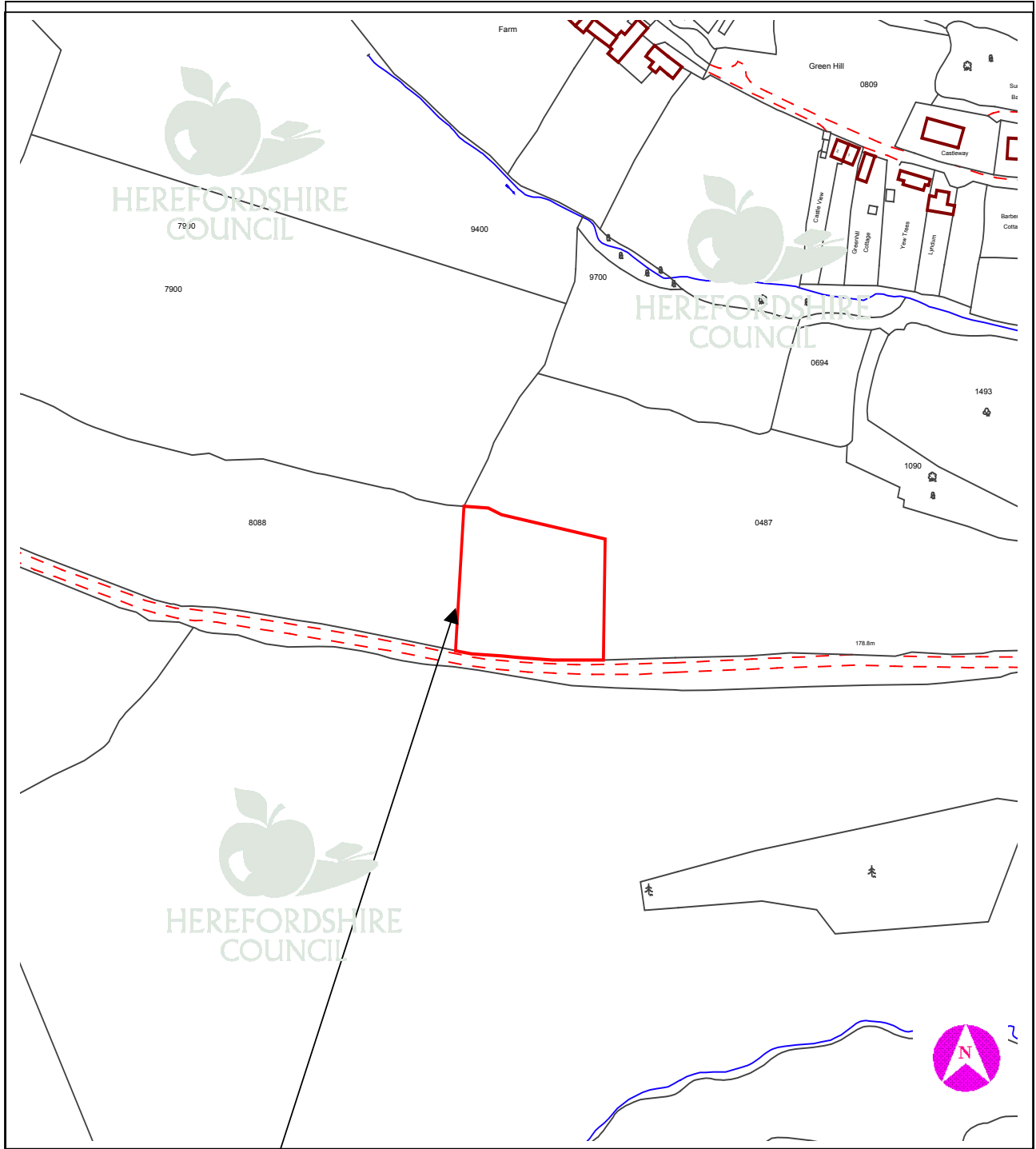
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2008/1807/F

SCALE : 1 : 2500

SITE ADDRESS : Lower Field, Ash Farm, Barnet Lane, Wigmore, Herefordshire, HR6 9UJ

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