

MEETING:	PLANNING COMMITTEE
DATE:	29 JUNE 2011
TITLE OF REPORT:	<p>DMN/110051/F- TWO MOBILE HOMES ON ESTABLISHED GYPSY SITE AT THE MILLSTONE, GREEN LANE, LOWER EGGLETON, HEREFORDSHIRE, HR8 2UQ.</p> <p>For: Mr Smith per Mr Andrew Masefield, 66-67 Ashperton Road, Munsley, Ledbury, Herefordshire, HR8 2RY.</p>

Date Received: 10 January 2011 **Ward: Frome**

Grid Ref: 362266,245165

Expiry Date: 7 March 2011

Local Member: Councillor PM Morgan

1. Site Description and Proposal

- 1.1 The application site comprises a rectangular parcel of land located in the open countryside north of the A4103 immediately to the east of Green Farm and south of Bull Ring Cottage in Lower Eggleton. Planning permission was granted in 2000 for one gypsy family to live on site in a mobile home. A personal condition was attached to the permission restricting the permission to Mr and Mrs DRP Smith only.
- 1.2 The site is accessed directly off Green Lane, with the mobile home sited to the north of the access. The access leads into a gravelled area which is enclosed by a brick wall. The applicants use this area to park a touring caravan and there vehicles. Beyond the gravel area the land slopes to the east down to the boundary. There is an open fronted building in the north east corner of the site used by the applicants for storage.
- 1.3 This application proposes two mobile homes on the site, one of which is to be occupied by Mr and Mrs Smiths daughter who has just turned 17 and the other by Mr Smith's father. The two mobile homes are proposed to be located to the north of the existing mobile home. Originally the proposal was to provide a new access to serve the two new units, however following concerns raised from local residents, the applicants have amended the scheme so that the existing access will serve all 3 mobile homes. The amendments also include additional landscaping to the on the north boundary.

2. Policies

2.1 National Planning Guidance

PPS7	-	Sustainable Development in Rural Areas
Circular 1/2006	-	Planning for Gypsy and Traveller Caravan Sites

Local Authorities and Gypsies and Travellers: A Guide to Responsibilities and Powers, DCLG, 2007

Designing Gypsy and Traveller Sites, Good Practice Guide, DCLG, 2008

West Midlands Regional Spatial Strategy

2.2 Herefordshire Unitary Development Plan:

S1	-	Sustainable Development
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
H7	-	Housing in the Countryside Outside Settlements
H12	-	Gypsy and Other Travellers
H13	-	Sustainable Residential Design
T8	-	Road Hierarchy
LA2	-	Landscape Character and Areas Least Resilient to Change

2.3 Other Planning Documents:

Herefordshire Council Travellers' Policy, 2008

Gypsy and Traveller Accommodation Assessment Shropshire, Herefordshire, Telford and Wrekin and Powys revised final report July 2008.

3. Planning History

- 3.1 DCNE1999/2415/F - Site for one mobile home and one touring caravan to house one gypsy family. Withdrawn 26 January 2000.
- 3.2 DCNE2000/0884/F - One mobile home and one touring caravan to house one gypsy family. Approved 13 June 2000.
- 3.3 DCNE2001/1882/F - Provision of wrought iron gates and brick pillars to site entrance. Approved 2 October 2001.

4. Consultation Summary

Statutory Consultations

- 4.1 Environmental Agency: No objection to the proposed development as the development is to be sited outside of both Flood Zone 3 and Flood Zone 2 annual probability of flooding.

Internal Council Advice

- 4.2 The Transportation Manager makes no objection to the proposal.
- 4.3 Environmental Health and Trading Standards Manager makes no comment on the application.
- 4.4 The Forward Planning Officer identifies that the Unitary Development Plan seeks to meet the housing needs of all members of society. Considered the site to be within an accessible location to existing services, thus decreasing the reliance on the private motorised transport. Identifies that there is a need within Herefordshire to provide accommodation for Gypsy and Traveller accommodation. Concerned about the potential for flooding on the site.

5. Representations

5.1 Lower Eggleton and Stretton Grandison Parish Council have made the following comments on the planning application;

'This application is effectively a proposal for a new, separately owned dwelling with its own access. Such a subdivision contravenes the original planning application which limits the occupation to the lifetime of the applicant and his spouse as well as Section H12. We recommend that the Council rejects the proposal for a new access. While the additional family accommodation is acceptable there is no necessity for it to be either separately owned, to have its own access or for any right of occupation after the decease of the applicant.'

5.2 Much Cowarne Parish Council object to the planning application on the following summarised grounds:

- If other families are allowed to live on the site it will become a permanent site.
- Applicants have not integrated with the local community.
- Sufficient hard standing already on the site.
- A second access could allow the proposed site to be sold off; and
- A second access would negate any screening, especially when gate is left open.

5.3 Yarkhill Parish Council objects to the planning application on the following summarised grounds:

- The site is an 'Exceptional site' which is being used for a business use.
- Proposal would result in an increase in vehicle movements.
- Second access would constitute a new separate dwelling.
- Site not in keeping with other properties in immediate area.
- The new mobile homes would have an overbearing impact upon adjoining properties.
- Site is an unsustainable location as it is not in close proximity to any identified settlements.
- The current site generates substantial noise with regards to dogs barking and this would increase if the site was allowed to increase.
- Proposal detrimental to landscape character; and
- Proposal would have an adverse impact on flooding in the area.

5.4 Eleven representations of objection have been received from local residents. These are summarised as:

- Site not a Gypsy Site but a single residential unit.
- Not in keeping with surrounding area.
- Additional traffic not welcomed.
- Development would affect and increase flooding in the local area.
- Concern over drainage.
- Applicants have failed to integrate well into the community.
- Not a sustainable site as it is an open countryside location away from any main settlements.
- Additional screening not provided.
- Concern that other families will move into the site.
- A number of structures and walls have been constructed without the benefit of planning.
- Available spaces on Council owned sites.
- No linkage between existing and propose developments; Encroachment into the countryside.
- Site visible within landscape setting.
- Applicant ignored planning restrictions previously; and

- Impact on residential amenity of surrounding properties particularly noise from dogs barking.

- 5.5 A petition against the application has been submitted and is signed by 11 local residents.
- 5.6 Following amended plans which utilise the existing access and proposes additional screening, a second consultation period was held. Eggleton and Stretton Grandison Parish Council have been the only ones to withdraw their objection to the application.
- 5.7 The applicants Mr and Mrs Smith have submitted a letter in support of their application on the following summarised grounds:
- Concerned that the letters received from local residents are of a personal nature rather than considering planning considerations.
 - The business activities which neighbours refer to are in connection with their landscape garden business, and the parking of Mr Smiths works van over night; and
 - The proposed site for the new mobile homes is on higher ground above any flood plain.
- 5.8 The full text of these letters can be inspected at Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Committee meeting.

6. Officer's Appraisal

- 6.1 Applications of this nature provide the only area of planning control where the need to maintain the life style of a section of community is an important factor in decision-making. However Circular 01/2066 states that 'the Government is committed to ensuring that members of the gypsy and travellers communities should have the same rights and responsibilities as every other citizen'.

Gypsy Status

- 6.2 A number of representations received have questioned the status of the application site as a 'Gypsy Site'. Planning permission was granted under DCNE2000/0884/F 'to site one mobile home and one touring caravan to house one gypsy family'. This permission was for the benefit of Mr and Mrs DRP Smith only. Mr and Mrs Smith are considered to meet the definition of a Gypsy or Traveller as defined in Circular 1/2006. The family unit comprises of Mr and Mrs Smith and their 3 children aged 3 to 17, all of which live within the current family unit. Mr Smith works as a self employed landscape gardener, with Mrs Smith and the eldest daughter working in the general locality. Mr Smith's father currently lives on a farm in Canon Pyon, where facilities are poor.
- 6.3 The two additional mobile homes under consideration are required for Mr Smith's father and his eldest daughter. A number of neighbours have raised concerns with regards to new families moving onto the site if the permission is granted. However a condition restricting the occupancy of the two mobile homes to defined dependants of Mr and Mrs Smiths family, i.e. children and or grandparents, could secure the long term viability of the pitch whilst also preventing its expansion and other families moving into the site. The existing mobile home on site is already restricted to Mr and Mrs Smith.

Main Issues

- 6.4 The application falls to be assessed under policy H12 of the Herefordshire Unitary Development Plan which sets the provision for Gypsy and other travellers. This is a criteria based policy which assesses traveller sites on their individual merits having regard to the issues of sustainability, size and scale, landscape impact, and the provision of suitable

residential amenity. Regard is made to other relevant policies in respect of local and site specific issues of highways, design, access, amenity and conservation.

- 6.5 The application is not for a new site, but an extension to the existing one to provide accommodation for family members. Therefore the main issues to be considered are:
- The effect of the proposal on the character and appearance of the surrounding area.
 - The effect of the proposal on the amenities of other residential properties in the immediate area; and
 - The personal needs of the appellant and his family and their personal circumstances.

Effect Upon the Character and Appearance of the Surrounding Area

- 6.6 The application site is adjacent to Green Lane, which has high hedgerow boundaries, restricting views into the site. However there are views into site from the A4103 when travelling from Worcester towards Hereford (east to west). These views are limited in the summer months when the trees are in leaf. The site is within a landscape characterised as Principal Timbered Farmlands in the Councils Landscape Character Assessment. Its key characteristics include field boundaries defined by hedgerows, ancient wooded character and densely scattered hedgerow trees and an organic enclosure pattern.
- 6.7 The development form in the area is generally linear along the A4103 Hereford to Worcester Road. The application site has hedgerow boundaries on all sides, with scattered trees. The applicants have constructed a brick wall within the site enclosing the existing mobile home and gravelled parking area, however the remainder of the site remains open.
- 6.8 The amended site layout plan depicts the two proposed static mobile homes directly to the north of the existing at right angles. The two mobile homes would be screened from the west by the established mature high hedgerow on Green Lane. The established hedgerow and other vegetation to the south and east would limit view from the A4103 public highway. The alignment of the highway means that the site only comes in to view for only a relatively short section of road as you round the bend when travelling from east to west. From the north the development adjoins the residential dwelling Bull Ring Cottage. Further additional planting and landscaping mitigation are proposed on this boundary to minimise the impact and protect the landscape position. It is considered expedient to attach conditions defining the area in which touring caravans and vehicles can be stationed, to further safeguard the character and appearance of the landscape in accordance with policy H12 and LA2 of the Herefordshire Unitary Development Plan.

Effect Upon the Amenity of Neighbouring Residential Properties

- 6.9 There are 6 residential properties that have access via Green Lane, with BaddyMarsh Farm at the end of the lane and the recently formed Loddon produce also located on the lane. The Bull Ring is the only residential property which adjoins the site and has direct views into it. The dwelling is located almost 30 metres from the boundary of the application site. The proposed mobile homes will be located 2.8metres from the boundary. The applicant intends to provide additional planting on the boundary to minimise the visual impact on The Bull Ring.
- 6.10 A number of the neighbours have raised concerns relating to noise, however the site will remain occupied by only one family. The Bull Ring along with all other neighbouring residential properties in the area, are considered to be sited at a distance away from the site, that the impact of the development on their residents outlook and living conditions is not considered so harmful as to have a materially adverse effect on their amenities. Conditions are recommended to restrict parking of vehicles and touring caravans to the existing gravelled area on the site. The proposal is considered to be in accordance with policies DR1, DR2 and H12 of the Herefordshire Unitary Development Plan with regards to amenity.

The Personal Needs of the Appellant and their Family and their Personal Circumstances

- 6.11 The applicant and his family are all Romany gypsies and have settled on the site for the last 10 years, with their two eldest children having attended Ashperton Primary School. It is the applicants' intention to send their youngest child to the school when the time comes. The additional two mobile homes would be occupied by the applicant's father and daughter. Their father is of elderly age and suffers from ill health. He currently lives on a farm in Canon Pyon where facilities are poor. The family have to make regular trips to visit and care for him. The applicant's daughter lives with them in the existing 3 bed roomed mobile home. However with there family growing up they want to give their daughter her own space, and free up space in the existing home for the other two children.
- 6.12 Circular 01/2006 recognises that gypsies and travellers are believed to experience the worst health and educational status of and disadvantaged group in England. Having their father live on site with them will enable the applicant to help and care for him. The reason for the additional mobile homes on the site is due to the personal needs of the applicant and their family. The applicants are happy for the mobile homes to be tied personally to themselves and there family.

Flooding

- 6.13 A number of residents have expressed concerns about flooding issues but the Environmental Agency have confirmed that the site is not within a flood risk area and have raised no objection to the proposal.

Conclusion

- 6.14 This application is not for a new Gypsy and Travellers site, but an extension to an existing one to provided additional accommodation for family members. The site is already subject to a personal condition restricting the occupancy to the applicants and their family. The UDP supports the development of sites for Gypsies and other travellers through a criteria based approach set out in policy H12. All the concerns of the local residents and Parish Councils have been given full consideration. However on balance the proposal does not have a harmful impact upon the highways, landscape and amenity of the area, and the applicants have a genuine need for the additional accommodation for their family.
- 6.15 Therefore the application is considered to comply with the policies contained within the Herefordshire Unitary Development Plan and is recommended for approval subject to the conditions set out below.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. B03 Amended plans**
- 3. This permission shall be for the benefit of Mr and Mrs D R P Smith and their parents and children only and not for the benefit of the land or any other persons interested in the land.**

Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the applicants' special circumstances.

- 4. **G09 Details of Boundary treatments**
- 5. **G10 Landscaping scheme**
- 6. **G11 Landscaping scheme - implementation**
- 7. **Prior to the siting of the mobile homes hereby permitted, details of the size and appearance shall be agreed in writing with the Local Planning Authority. Development shall be carried out strictly in accordance with this agreement.**
Reason: In order to protect the visual amenities of the area.
- 8. **I17 Scheme of foul drainage disposal**

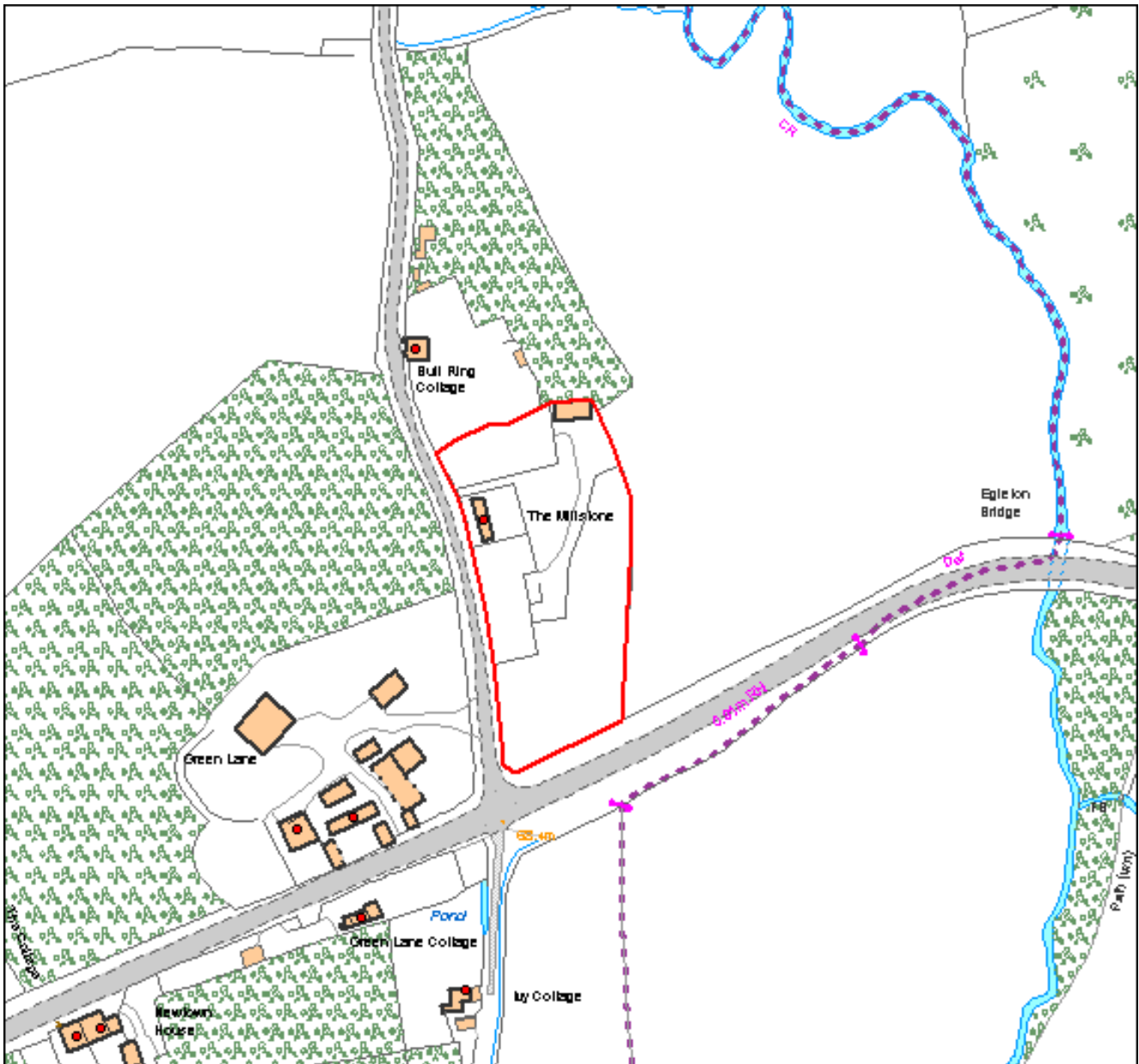
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMN/110051/F

SITE ADDRESS : THE MILLSTONE, GREEN LANE, LOWER EGGLETON, HEREFORDSHIRE, HR8 2UQ

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