

**12 DCNC2004/0293/F - SITING OF RESIDENTIAL GYPSY
STATIC CARAVAN ACCOMMODATION WITH
ASSOCIATED WORKS AT POOL HEAD ORCHARD,
CHAPEL LANE, BODENHAM HR1 3HP****For: Mr Johns of the same address****Date Received:**
27th January 2004**Ward:**
Hampton Court**Grid Ref:**
55420, 50531**Expiry Date:**
23rd March 2004

Local Member: Councillor K Grumbley

1. Site Description and Proposal

- 1.1 The site is located on the north side of the C1114 in an area of open countryside for planning policy purposes, outside the settlement boundary for Bodenham.
- 1.2 The application seeks retrospective approval for the siting of a residential and touring caravan on what was an overgrown parcel of land. The proposal also includes an area for parking three vehicles, a formal garden area and the siting of a septic tank sewerage system.

2. Policies

- 2.1 PPG3 - Housing, paragraph 13
PPG12 - Development Plans, Paragraph 4.14
DOE Circular 1/94 Gypsy sites and Planning
DOE Circular 18/94 Gypsy sites Policy and Unauthorised Camping + Revisions of Advice on 'Tolerance' issued 26 July 2000
Managing Unauthorised Camping – A Good Practice Guide – Feb 2004

2.2 Leominster District Local Plan (Herefordshire)

- A1 Managing the district's assets and resources
A2 Settlement hierarchy
A12 New Development and Landscape Schemes
A59 Gypsy Caravan Sites

2.3 Herefordshire Unitary Development Plan (Deposit Draft)

- DR1 Design
S3 Housing
H7 Housing in the Countryside outside settlements
H12 Gypsies and other travellers

3. Planning History

NC2003/2317/F. Creation of new access. Approved 17.9.03.

NC2003/1552/F – Creation of new access onto Chapel Lane. Refused 30.6.03.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Head of Engineering and Transport: No objection.

4.3 Environmental Services: No comment.

5. Representations

5.1 Bodenham Parish Council: 'Strongly objects to the application. The site lies outside the village's established building limits. Many similar applications have been made in the past and all have been turned down. Councillors see no justifiable reason for this one to be treated any differently from anyone else.

Although it would seem that the unauthorised development that has already taken place complies with Local Development Plan policy A59 relating to Gypsy Caravan sites and Government planning guidance, notably Circular 1/94. However, the Parish Council notes that LDLP policy A58 makes clear that:

"residential mobile homes do not provide an acceptable residential environment on a permanent basis" and "the impact of mobile homes upon the high quality Herefordshire Environment is also an obstacle to their acceptability".

The Parish Council also notes:

Policy A1(2) designed to protect "open or undeveloped sites which contribute to the character, appearance and amenity of a settlement", and

Policy A1(3) designed to "protect from significant harm - the amenity which the occupiers of neighbouring properties should enjoy in accordance with Policies A27 and A54".

The Parish Council feels that the proposal would indeed have a seriously detrimental impact and that consent should be withheld in line with Local Plan Policies A1(2) and (3), A54 and A58. It is felt in particular that the force of these policies should outweigh the presumption in favour of the proposal contained in Policy A59.

It is understood that the applicant moved to this site from the house that was his former home in Hereford. The Parish Council take this as evidence that he no longer lives a nomadic life-style and that he is not entitled to be treated as a gypsy for the purposes of planning law.

The case of Wrexham County Borough v The National Assembly of Wales, heard at the Court of Appeal on June 19 2003, refers.'

5.2 Letters of representation have been received in support of the application from:

- Herefordshire Travellers Support Group
- West Midlands Consortium. Education Service for Travelling Children
- Michael Baldwin, Mostyn House, Bridge Street, Leominster - Advisory Teacher for Travelling Children in Herefordshire

- Mr Mrs H.J.V Price, Maunderfield Cottage, Bodenham
- Mrs Christine Potts, Headteacher St Michael's School, Bodenham
- Dr R Thompson, The Marches Surgery, Leominster
- Karen James, Lead Nurse/Project Manager, Herefordshire Primary Care Trust.

The main points raised are:

- The applicants strong connection with Bodenham area
- The children have very good attendance rates at local schools
- The family are co-operative and caring and the children well behaved and courteous
- The family have been resident on Travellers sites in the Leominster district in the past
- A recent period in Council accommodation in Hereford was an 'unhappy episode'
- A settled existence would help manage and improve the applicant's heart condition
- The applicants have made efforts to improve the appearance of the site
- It is considered that the proposal will produce a successful small scale family site.

5.3 In support of the proposal the applicant's agent has submitted a supporting statement. This confirms that:

- The family are not housedwellers but follow Romany cultural traditions
- Most of their travelling life has been in Herefordshire and they are local to the Bodenham area
- They have resided on local farms and set up camp on the roadside outside Bodenham when insufficient provision was provided on Herefordshire sites
- A short period of time was spent in social housing in Hereford in the absence of any alternative sites but they found adjusting to housedwelling so difficult that it affected their health
- Local plan policy prefers smaller sites, and the proposal meets the criteria as set out in Policy A59 regarding landscape impact, pollution, distance to local services, links to the local community adequate screening, appropriate residential amenity and can as such be treated as an exception.

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

6. Officers Appraisal

6.1 The site is located outside the settlement boundary for Bodenham where residential development will not normally be permitted unless exceptional circumstances can be demonstrated.

6.2 Policy A59 permits Gypsy caravan sites provided there is an identifiable need and that the proposal meets certain criteria, including compliance with A1 and A12, and assimilation. A site for one family is far more likely to be assimilated within the community than proposals for multiple pitches.

6.3 The site was formally overgrown and has been cleared and landscaped to improve its overall appearance. A close-boarded fence has been erected to screen the development, and an established roadside hedge softens the impact of the development.

- 6.4 Whilst outside the settlement boundary, the site is located near to Bodenham and access to local service provision including the shop, public transport and the school to which one of the applicant's daughters already attends.
- 6.5 The proposal relates to one static and one mobile caravan and is therefore of a limited scale in terms of its impact upon the character and amenities of the area.
- 6.6 The supporting information satisfactorily sets out the genuine need of the development, that it will have appropriate levels of residential amenity and that the development will not have a negative impact in terms of landscape.
- 6.7 It is not considered that the proposal will result in any material harm and is in accordance with policies contained in the Leominster District Local Plan.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 - This permission shall enure for the benefit of Mr and Mrs Alfred and Caroline Johns 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 applicant's special circumstances.

- 2 - In accordance with the approved drawings, this permission relates to the siting of one static caravan and one mobile home only. No other units of accommodation shall be brought onto or occupied on the site.**

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

- 3 - When the caravans cease to be occupied by Mr and Mrs Alfred and Caroline Johns or at the end of 5 years whichever shall first occur, the use hereby permitted shall cease and all materials and equipment brought on to the site in connection with the use shall be removed.**

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

Informative:

1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
Leominster District Local Plan
Policies A1, A2, A12, A59

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.