

**15 DCNW2004/0645/F - RETROSPECTIVE APPLICATION FOR RESIDENTIAL GYPSY SITE FOR ONE RESIDENTIAL CARAVAN, DAYROOM AND CAR PARKING AT SMOKEY QUARRY, LOWER LYE, AYMESTREY, LEOMINSTER, HEREFORDSHIRE HR6 9TA**

**For: Mr W J Price of same address**

**Date Received:**  
**23rd February 2004**

**Ward:**  
**Mortimer**

**Grid Ref:**  
**39874, 66859**

**Expiry Date:**  
**19th April 2004**

Local Member: Councillor Mrs O Barnett

## **1. Site Description and Proposal**

- 1.1 Smokey Quarry comprises a disused quarry and steeply sloping woodland located on the north side of an unclassified road between Lower Lye and Deerfold. The site lies within an Area of Great Landscape Value.
- 1.2 The site is occupied by William John Price who has been a resident for approximately 3 years. He is a traveller who for some 20 years has been engaged in seasonal agricultural work throughout Herefordshire and other surrounding counties. In more recent times he has become involved in more local work such as gardening, seasonal pruning and horticultural work. The application is accompanied by a number of supportive letters from people verifying the work he has carried out and others from the local area.
- 1.3 This planning application seeks retrospective approval for the siting of a residential touring caravan located on a levelled area adjacent to the roadside boundary and a timber framed and weather boarded structure located in an elevated position within the wooded area which is used for ancillary accommodation. The application also seeks permission for the construction of a straw bale building to house a composting toilet.
- 1.4 The accompanying information states that the intention of the proposal is to establish a more permanent residential caravan site primarily on the basis that the applicant is reaching retirement age.

## **2. Policies**

### **2.1 Government Guidance**

Planning Policy Guidance Note 3 – Housing  
Planning Policy Guidance Note 7 – The Countryside – Environmental Quality and Economic and Social Development  
Planning Policy Guidance Note 12 – Development Plans  
Circular 1/94 – Gypsy Sites and Planning

Circular 18/94 – Gypsy Sites Policy and Unauthorised Camping and associated revision of Advice on Tolerance issued on 26<sup>th</sup> July 2000  
Managing Unauthorised Camping. A Good Practice Guide issued February 2004

## 2.2 Hereford and Worcester County Structure Plan

Policy H16 – Housing in Rural Areas  
Policy H20 – Housing in Rural Areas Outside the Green Belt  
Policy G1 – Gypsies  
Policy G2 – Gypsies  
Policy RC1 – Residential Caravan Sites  
Policy CTC2 – Areas of Great Landscape Value  
Policy CTC6 – Landscape Features  
Policy CTC9 – Development Requirements

## 2.3 Leominster District Local Plan (Herefordshire)

Policy A1 – Managing the Districts Assets and Resources  
Policy A2(D) – Settlement Hierarchy  
Policy A10 – Trees and Woodlands  
Policy A16 – Foul Drainage  
Policy A24 – Scale and Character of Development  
Policy A58 – Mobile Homes  
Policy A59 – Gypsy Caravan Sites

## 2.4 Herefordshire Unitary Development Plan (Deposit Draft)

Policy S1 – Sustainable Development  
Policy S2 – Development Requirements  
Policy S7 – Natural and Historic Heritage  
Policy DR1 – Design  
Policy DR2 – Land Use and Activity  
Policy H7 – Housing in the Countryside Outside Settlements  
Policy H11 – Residential Caravans  
Policy H12 – Gypsies and Other Travellers  
Policy LA2 – Landscape Character and Areas Least Resilient to Change  
Policy LA5 – Protection of Trees Woodlands and Hedgerows

## 2.5 Herefordshire Council Travellers Policy – adopted in November 2002.

### **3. Planning History**

3.1 None relevant.

### **4. Consultation Summary**

#### Statutory Consultations

4.1 Environment Agency raises no objection subject to a scheme for provision of foul drainage is approved by the Local Planning Authority. It is also indicated that a properly designed composting toilet should pose no risk to the environment.

4.2 Forestry Commission raise no objection.

Internal Council Advice

- 4.3 Head of Engineering and Transportation raises no objection.
- 4.4 Chief Conservation Officer raises concerns in respect of the intrusive visual impact of the residential caravan and the applicant's vehicle from the approach road and the road to Upper Lye on the opposite side of the valley. It is advised that the day room structure is not readily visible due to its dark colour and position within the wooded area.

**5. Representations**

- 5.1 The application is accompanied by a supporting statement which confirms the following:

- Applicant is a recognised traveller who has spent over 20 years travelling in search of seasonal agricultural work
- Reaching retirement age and accordingly now works more locally at gardening etc
- Needs to establish permanent residential caravan site
- Clarification of need for day room structure to provide for cooking and eating meals, washing and laundry
- Sustainable design following environmentally friendly ecological principles
- Development absorbed into landscape and additional landscaping has been carried out to screen the caravan
- A commentary on the requirements of Policy A59 of the Leominster Local District Plan (Herefordshire) is included and will be considered in more detail in the Officers Appraisal.

- 5.2 Letters of representation have been received from the West Midlands Consortium (Education Service for Travelling Children) and the Herefordshire Travellers Support Group which support the applicant's status as a New Traveller.

- 5.3 One letter of objection has been received from Mrs Sue Spence of the Cross of the Tree Farm, Deerfold, Lingen which raised the following concerns:

- a) retrospective applications are unacceptable in principle
- b) proposal is totally unacceptable in this area. Day room and caravans are a blot on the landscape and an eyesore, which is exacerbated by associated vehicles.
- c) Approval will open the floodgates for unregulated development.

- 5.4 Aymestrey Parish Council – nothing received.

- 5.5 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 key issues for consideration in the determination of this application are the principle of residential development having regard to gypsy status and the associated visual impact of the residential caravan, day room and other ancillary structures within the Area of Great Landscape Value.

- 6.2 The site lies in open countryside and accordingly Policy A2(D) of the Leominster District Local Plan (Herefordshire) established a strong presumption against residential development unless it comprises a proposal for a gypsy caravan site which accords with Policy A59 of the Local Plan.
- 6.3 Policy A59 states that where adequate provision for gypsies is not available, the local planning authority will permit sites for caravans subject to criteria relating to scale, visual impact and sustainability of location.
- 6.4 An evaluation of the evidence available suggests that the applicant has traveller status and furthermore that there are no appropriate pitches available on authorised sites with the nearest at Pembridge being fully occupied by gypsies of Irish origin at the present time. In the light of this it is recommended that the relevant criteria set out in Policy A59 are the sustainability of the unauthorised site and the impact of the proposal upon the landscape character of the Area of Great Landscape Value.
- 6.5 As a site for one traveller who has become a well-established resident with a level of support from the local community it is not regarded that his reliance upon private transport in order to travel to work would in its own right represent a level of unsustainability such that the isolated nature of this site would warrant the refusal of planning permission. The site is relatively well related to the applicant's sources of work and in all other respects the proposals which involve the composting toilet, collection of rain water and using solar heating panels combine to comprise an environmentally sustainable form of development.
- 6.6 Turning to the visual impact of the proposal within this very attractive wooded valley, it is considered that the main concern relates to the residential caravan which is readily visible from elevated public vantage points to the south. The local topography is such that the hedge planting undertaken by the applicant is unlikely to provide a useful screen. As such discussions have been carried out to seek an acceptable re-siting of the caravan. The applicant has agreed in principle to two options, being to reposition the caravan into the quarry immediately to the right of the vehicular access or to fell a number of smaller trees to the west of the current siting. Both options would significantly reduce the wider impact of the caravan and it is considered that a suitable condition will enable this to be resolved formally and within a reasonable time frame.
- 6.7 The day room and proposed composting toilet whilst of permanent construction are located within the elevated wooded area and in view of their design and appearance are not visually intrusive and are regarded as being of an appropriate scale to be assimilated into the landscape.
- 6.8 The nature of the applicant's case is such that it is recommended that a temporary permission be granted for a period of three years. It is considered that this will enable him to work up to retirement age at which time his continued presence on site would need to be reconsidered. The view taken in this instance is that once the work related travelling has ceased the justification for a residential presence on site would no longer exist and it would be unlikely that a permanent residential site would be supported based upon current policy and guidance.

**RECOMMENDATION**

That planning permission be granted subject to the following conditions:

- 1 - E27 (Personal condition )(William John Price)

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 - When the caravan and day room cease to be occupied by Mr William John Price or at the end of 3 years whichever shall first occur, the use hereby permitted shall cease and the caravan, day room, composting toilet and all other materials and equipment brought onto the site in connection with the use shall be permanently 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.

- 3 - Within one month of the date of this permission, the caravan shall be relocated to a position within the application site to be approved in writing by the local planning authority and it shall thereafter be retained in the agreed position until the cessation of the use.

Reason: In order to define the terms of this permission.

- 4 - In accordance with the approved plans, this permission relates to the siting if one residential caravan and day room. No other unit(s) of accommodation shall be brought onto or occupied on the site.

Reason: In order to define the terms of this permission.

- 5 - F18 (Scheme of foul drainage disposal)

Reason: In order to ensure that satisfactory drainage arrangements are provided.

**Informatives:**

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC

- 2 - The applicant is advised that this temporary permission is granted in order to enable him to maintain his way of life until he reached retirement age. It is considered that all opportunities to establish a more settled way of life should be considered during this time since the local planning authority are unlikely to support a permanent site for a retired traveller.

Decision: .....

Notes: .....

**Background Papers**

Internal departmental consultation replies.