

MEETING:	PLANNING COMMITTEE
DATE:	25 APRIL 2012
TITLE OF REPORT:	<p>N112348/F- CHANGE OF USE OF LAND FROM AGRICULTURAL TO A ONE FAMILY TRAVELLER SITE WITH SITING OF 2 MOBILE HOMES AND 2 TOURING CARAVANS, SHED, AND REDESIGNED ACCESS AT MOONFIELDS, ADJACENT TO WOODBINE COTTAGE, OCLE PYCHARD, HEREFORD HR1 3RE</p> <p>For: Mr Johns per Mr David & Michael Johns, 19 Withies Close, Withington, Hereford, HR1 3PS</p>
WEBSITE LINK:	http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=112348&NoSearch=True

Date Received: 23 August 2011 Ward: Bromyard Grid Ref: 359011,246462

Expiry Date: 18 October 2011

Local Members: Cllr A Seldon and Cllr JG Lester

1. Site Description and Proposal

- 1.1 The site is an L-shaped parcel of land located on the western side of the C1131 road which is the main route through Ocle Pychard. Ocle Pychard is a small hamlet of scattered ribbon development lying to the south of the Burley Gate roundabout between the A465 and A417 roads. This part of Ocle Pychard comprises the small housing development of Holme Oaks and some detached houses. The southerly house is Woodbine Cottage which is surrounded by the application site to the west and south. The application site is bounded to the south by a small wood and to the west by land on which the sewerage treatment plant serving Holme Oaks is located. It is bounded to the east by the C1131 road. The application site measures approximately 0.38 hectares, and is generally flat with a slight slope down to the south-west corner where there is a small pond. There is a protected copper beech tree near the northern boundary and the site is well screened from public view by mature trees and hedges. It was last used for the stabling and grazing of horses before becoming vacant.
- 1.2 The application is to change the use of the land to a one family traveller site with two mobile homes, two touring caravans, a shed, and a redesigned access. The application is part retrospective, with the mobile homes already in situ and occupied. The site is owned by the applicants and is not an agricultural holding. Some pheasant rearing sheds have been placed on the land but whilst they are shown on the submitted layout plan they do not require planning permission due to their temporary nature as they are not attached to the ground and are capable of being moved around the site.
- 1.3 The proposed layout shows the two static caravans where they are already located, immediately south of the garden to Woodbine Cottage, with one touring caravan adjacent to Static 2 (the western one). The location of the second touring caravan is not shown. The shed is to be located to the eastern side of the southern boundary of the site, fairly close to the

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road. The pheasant rearing pens are shown positioned close to the pond. The area between the two static caravans has been laid to stone to provide a parking area for two vehicles.

2. Policies

2.1 National Policy and Guidance

ODPM Local Authorities and Gypsies and Travellers Guide to Responsibilities and Powers February 2006

DCLG Designing Gypsy and Traveller Sites Good Practice Guide May 2008

DCLG Planning Policy for Traveller Sites effective 27 March 2012

DCLG National Planning Policy Framework effective 27 March 2012

2.2 Herefordshire Unitary Development Plan (adopted March 2007)

S1	-	Sustainable development
S2	-	Development requirements
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment
H7	-	Housing in the countryside outside settlements
H12	-	Gypsies and other travellers
H13	-	Sustainable residential design
T8	-	Road hierarchy
LA2	-	Landscape character and areas least resilient to change
LA3	-	Setting of settlements
LA6	-	Landscaping schemes

3. Planning History

3.1	MH88/2736	Erection of 2 dwellings	-	Withdrawn
	MH89/1672	Erection of 8 dwellings	-	Outline planning permission refused Appeal dismissed 9.4.90
	MH96/1214	Erection of 2 dwellings	-	Refused 10.6.97
	MH99/3015	Erection of 5 dwellings	-	Outline planning permission granted 16.1.90, but lapsed 16.1.95
	DCNC2003/3569/F	Stable block (retrospective)	-	Approved 20.1.04
	DCNC2004/3258/O	Single dwelling and garage	-	Refused 10.11.04 Appeal dismissed 6.3.06

4. Consultation Summary

Internal Consultees

- 4.1 Senior Landscape Officer – no objection.
- 4.2 Transportation Manager – proposed alterations to the access will provide sufficient visibility to allow the access to be used safely – planning conditions recommended.

4.3 County Land Agent – no comments.

4.4 Environmental Protection Manager – the parents are known to be of Ethnic (Romany) Gypsy Status as are their children regardless of how they live and work. Their language, culture and traditions will not have changed a great deal because they have lived in bricks and mortar during their childhood.

5. Representations

5.1 Ocle Pychard Group Parish Council – In recent years there have been a number of applications for development of this site. All have been turned down, quite justifiably, on the grounds that the land is liable to flood and that there are serious on-going problems with sewerage and drainage. The current application is from two single young men who do not necessarily need to have their own caravans on this specific piece of land.

Mr Johns Senior, who owns the land, has been in direct contact with the Parish Council over the last 12 months, asking for advice as to what he could use it for. He was fully aware of the previous planning history of the site, and knew that development had been refused on several occasions. He was advised to get in touch with the Planning Department as they had the final word when it came to projects like this. It is doubtful whether he was advised to use the land for a Traveller's site.

A planning application by Mr Johns in 2004 was refused, and other applications have been turned down since then. Since those refusals the characteristics of the site have not changed.

As already mentioned, drainage is a serious cause for concern and there is correspondence from Welsh Water to this effect dated 1971. There is also a letter on file from Welsh Water in 1989 listing continuing problems with the sewerage and drainage at Holme Oaks.

Properties in Holme Oaks are occupied by a wide variety of people including families with young children who are restricted as to where they can play due to the lack of local facilities. Excess traffic has become an issue, particularly with two businesses being run from the site, and the entrance to the site is regarded as an avoidable hazard by residents.

It is stated that 'It is thought that only the tops of the mobile homes may be visible from Woodbine Cottage'. This suggests that the view from Woodbine Cottage will be adversely affected in some way.

Although unfortunate, and despite encouragement to the contrary, many local residents are reluctant to object in writing as they fear there could be reprisals. They have given their views verbally to the Parish Council and wish us to convey the concerns that they have. The number of objections on file will not, therefore, provide an accurate guide to local opinions.

Holme Oaks is outside the village planning envelope, as laid down in the Herefordshire Development Plan. Many people in the area have had planning refused for just this reason. If this application is allowed it would be seen as grossly unfair.

This is a small and closely knit community, so the right decision needs to be made for correct and un-biased reasons and needs to be seen to be fair for the rest of the community. There are unused pitches available elsewhere in the County, complete with hard-standing and all the usual utilities. There is no reason why new development should be allowed on a site that is likely to flood on a regular basis.

It has been suggested that the opinions of local people in this matter are of only minor importance. Following a meeting on the 24th of September Bill Wiggin, MP, referred to the

Localism Bill currently going through Parliament and said 'The Bill will increase the powers of local people and local councils rather than simply maintain them'. He went on to confirm that residents and parish councils will still be able to have an impact on planning decisions.

In this case both the Parish Council and the local residents have said 'No' to this application. You are strongly urged to refuse it.

5.2 5 letters of objection have been received which raise the following concerns:

- the plans are not to scale, unclear, and may not show the road accurately
- residential development in the countryside contrary to the earlier Inspector's decision
- development commenced without planning permission
- risk to highway safety due to poor access arrangements and increased traffic movements
- adequacy of the septic tank
- number of vehicles on the site
- a brick built structure on site which is not included in the application
- pheasant rearing will be a source of noise and may attract vermin
- potential for flooding
- possible further development of the site in the future
- business use of the site
- possible future loss of bus service and local shop
- suitability of the site to bring up children
- empty plots on established traveller sites

5.3 The consultation responses can be viewed on the Council's website by using the following link:-

www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx

Internet access is available at the Council's Customer Service Centres:-

www.herefordshire.gov.uk/community_and_living/consumer_advice/41840.asp

6. Officer's Appraisal

6.1 The Herefordshire Unitary Development Plan (UDP) sets out a settlement hierarchy for housing allocation purposes for Hereford, the market towns, main villages and smaller settlements. Residential development outside these settlements and therefore in open countryside falls to be considered under Policy H7. Policy H7 provides that residential development must be strictly controlled to protect the landscape and the wider environment and will therefore not be permitted unless it is clearly necessary in connection with agriculture or forestry or falls in one of six other categories. Category 6 of Policy H7 is a site providing for the needs of gypsies or other travellers in accordance with Policy H12. This application is not related to agriculture or forestry and so the first issue for consideration is whether the applicants meet the definition of gypsies and travellers provided in the DCLG Planning Policy for Traveller Sites.

6.2 The applicants are brothers from an established traveller family which for many generations lived a nomadic life making a living through farm work but which became more settled due to the increasing difficulty in finding stopping places and work, and the increasing costs of moving around. Evidence of their traveller status was provided in the form of a cutting from a magazine detailing family members in a photograph taken in a hop yard.

6.3 The Council's Traveller Liaison Officer has confirmed that the family is of Ethnic Gypsy Status, and that the applicants will have been brought up in the traditional culture and way of life despite living in a house through their childhood. Four years ago they decided to live a more traditional nomadic lifestyle and have since then lived in caravans on farms where they have provided casual labour. They have both now established their own businesses, one in Burley

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Gate and the other working on properties in the local area. They no longer need to travel for work but wish to continue living in caravans and to provide a more settled lifestyle to raise their families. The DCLG Planning Policy for Traveller Sites recognises that some gypsies and travellers will cease travelling either temporarily or permanently and includes such people within its definition.

- 6.4 The site will be occupied by the two brothers and their partners, who wish to be treated as a single group as they feel it is vital that they stay together in view of their very close relationship and in order to provide mutual support. They have chosen this application site because it is their own land, it is secure and private which they consider makes it a suitable place to bring up children, they have work in the area, and they have a wider support network of family and friends in the locality. They have not sought alternative sites for these reasons and because they feel pitches on other sites should be available for travellers who do not own land. None of the occupiers has any stated medical or educational need.
- 6.5 The application is for two static caravans and two touring caravans, enabling each applicant to travel in the future. No permanent buildings are proposed although the application does include a shed and the submitted site layout drawing shows some pheasant rearing sheds. Both applicants and one of the partners have work in the area and the DCLG Planning Policy for Traveller Sites encourages Local Planning Authorities to provide a settled base that reduces the need for long distance travelling and possible environmental damage caused by unauthorised encampment. The application does not propose any business activity taking place on the land.
- 6.6 On the circumstances as stated above it is accepted that the applicants are travellers under the definition in DCLG Planning Policy for Travellers and the application must therefore be assessed under Policies H7 and H12.

6.7 Need

Policy H7(6) makes site for gypsies and travellers an exception where there is a need for additional pitches. The Gypsy and Traveller Accommodation Assessment (July 2008) identified a need for 109 pitches by 2017 of which 83 are to be delivered by 2012. Herefordshire Council's Annual Monitoring Report 2009 – 2010 (published February 2011) identifies that 27 pitches had been delivered. Since March 2010 further pitches have been delivered reducing the need to 44. There is accordingly a demonstrable need for more pitches to be provided.

6.8 Guidance

The DCLG Planning Policy for Traveller Sites aims to facilitate the traditional and nomadic way of life of travellers whilst respecting the interests of the settled community. It promotes more private traveller site provision in appropriate locations but having due regard to access to services and the protection of the local amenity and environment. When assessing the

suitability of sites in rural or semi-rural settings Local Planning Authorities should ensure that the scale of such sites does not dominate the nearest settled community and does not place an undue pressure on local infrastructure. Sites should be well-planned with adequate landscaping and play areas, and avoid creating an enclosed site which could appear to isolate the occupants from the rest of the community.

- 6.9 Para 14 of the National Planning Policy Framework provides that there will be a presumption in favour of sustainable development. This means that planning permission should be granted unless there are significant and demonstrable adverse impacts.

6.10 Material Considerations

Policy H12 sets out four criteria which are the main issues for consideration – distance from local services and facilities; size and design; impact on the character and amenity of the landscape; and appropriate levels of residential amenity. This approach is consistent with guidance in the DCLG Planning Policy for Travellers, but other material considerations should also be taken into consideration. Other material considerations in this case are flood risk and highway safety.

6.11 Distance from Local Services

The requirement to be within reasonable distance of local services and facilities accords with UDP Policy S1 which seeks to reduce the need to travel, or to enable people to move safely by modes other than the private car. Furthermore Policy DR2 encourages development to be located to provide a choice of travel modes, and Policy DR4 supports good links to public transport. The application site is located only 380 metres from the A465 where there is a bus stop for the Hereford-Bromyard route providing good access to both towns which are approximately 10 km away. Burley Gate, a smaller settlement with a village Post Office/shop, village hall, and a primary school, is approximately 1.4km from the site, and other shops can be found at Withington, a main village (4.5km). Main villages have been so designated to reflect their potential for providing reasonable public transport links, locations for employment and other services, and a significant level of community facilities. The site is therefore within a reasonable distance of local services and facilities and offers alternative forms of travel to the car, and is therefore considered to meet the requirements of Policy H12(1).

6.12 Size and Design

The Designing Gypsy and Traveller Sites Good Practice Guide states that as a general guide an average family pitch should be capable of accommodating a static caravan and touring caravan, an amenity building, parking spaces for two vehicles, and a small garden area.

6.13 The application site measures approximately 0.38 hectares and the proposal is that it should accommodate two family pitches but although it falls short of the standards set out in the Good Practice Guide it could accommodate more parking spaces and a second shed. The proposed layout of the site seems to offer a balance between open amenity space and areas for caravans and vehicles to be located. Positioning the two static caravans close to the southern boundary of Woodbine Cottage means that they are not overlooked by any other properties, and due to their orientation only the roofs will be seen from the first floor windows of Woodbine Cottage. The caravans are only visible from the road through a mature hedge, with the limited views into the site being predominantly that of a small field. The number of caravans on the site and their location can be controlled by a planning condition.

6.14 The site is an adequate size for two pitches and the associated touring caravans and shed, and therefore meets the requirements of Policy H12(2).

6.15 Impact on the Character and Amenity of the Landscape

The designated landscape character of the area is Principal Settled Farmlands, with scattered farms, relic commons, and small villages and hamlets with a notably domestic character alongside hop fields, orchards, grazed pastures, and arable fields. The application site is on the edge of existing residential development and whilst its southern boundary adjoins a small woodland and there are mature hedges to the west and east, its character is closely associated with the domestic setting of the adjoining properties. There are no long distance public views into the site which is well-screened from the adjoining highway. Although the application includes a proposal to alter the existing access, a hedge will be retained along the road frontage to maintain the rural appearance of the site and to provide some privacy and its

retention should be required by a planning condition. The residential occupation of the site does change its character but it still accords with the general theme of Principal Settled Farmlands and has no demonstrable landscape impact. The Council's Senior Landscape Officer has raised no objection and the application therefore meets the requirements of Policy H12(3).

6.16 Residential Amenity

The existing boundary hedges and new fencing provides the site with an acceptable level of privacy and security necessary for a residential use. There is sufficient space to provide play areas when required without compromising the open character of the land. There is an existing storage facility in the previously approved stable building, but an additional shed is proposed in the south-east corner, an area which is barely visible from outside the site. The size, design, precise position and use of this building has not been specified but can be controlled by a planning condition and the site can therefore accommodate the required storage facilities without compromising the overall character.

6.17 In general terms, locating small residential gypsy sites near to conventional housing is encouraged as a way of promoting integration with the settled community. However visual and acoustic amenity must be safeguarded for all, including overlooking considerations.

6.18 Most properties in Holme Oaks are a short distance away from the application site and have no views into the site. The flats adjoin the land to the north, but have no windows overlooking the site. The caravans are located in the southern part of the site and are screened from the flats by trees, hedges, fencing and part of the garden to Woodbine Cottage. The caravans face away from Woodbine Cottage and any movements will be screened from view. The other close dwelling, Holme Copse House, is located the other side of the road and overlooks the northern section of the site but that will remain undeveloped.

6.19 Residents have raised concerns about the possibility of noise, odour and vermin from the pheasant rearing sheds which are shown on the layout plan. The structures do not require planning permission and are outside the control of this application, and the rearing of pheasants is an agricultural activity for which no planning permission would be required. Any resultant impact in terms of noise, odour, or vermin can be controlled by environmental pollution legislation. This is accordingly not a consideration in determining this application.

6.20 Residents have also raised concerns regarding the potential use of the site for business purposes. No business activity is included in this application, but the number of vehicles to be parked on the land can be controlled by a planning condition.

6.21 There is accordingly not considered to be any significant impact on residential amenity and the proposal meets the requirements of Policy H12(4).

6.22 Flood Risk

Flood risk is a serious consideration for caravan dwellers. Caravans by their nature are not permanently secured to the ground and are accordingly more susceptible to flood damage. Residents have provided photographic evidence of adjoining land flooding. The application site lies outside any defined Flood Zone and the risk of flooding is therefore minimal and not sufficient to justify refusing to grant planning permission. Concern has been expressed regarding run-off from concrete surfaces, but the application details a stone area for parking which will be porous and not result in any additional drainage requirement.

6.23 Highway Safety

Highway safety concerns relate to the access and additional vehicular movements. There are two existing accesses into the site. The existing southern access is sub-standard as visibility is poor. The existing northern access will not be changed but the application proposes to improve the visibility splay of the southern access by setting back the gates 5 metres from the edge of the carriageway, widening the access to 5 metres at the gates, and planting a new hedge along the southern boundary set back 2.5 metres. The road at this point is narrow and serves a low volume of traffic which has to travel at a relatively low speed. The Council's Transportation Manager considers that the proposed improvements will allow the safe operation of the access subject to the details being controlled by planning conditions.

6.24 The additional vehicular movements as a result of two families occupying the site will not have any significant detrimental impact on highway safety. There is concern that higher levels will result from business uses of the site this application is for the residential use only and no evidence of any material business use has been identified. This would be considered separately should that situation arise.

6.25 Other Issues

The two static caravans are linked into an existing septic tank on the site which also serves Woodbine Cottage. Concerns have been raised regarding its capacity and its ability to cope with increased use at time of heavy rain. If planning permission is granted the applicants will need to apply for a site licence and this issue will be addressed by the Environmental Health Officer as part of the licensing process. It is accordingly not a material consideration for this application.

6.26 Objections have also been received regarding a small brick-built structure in the northern part of the site which is not specified in this application. That structure is believed to be an electricity meter cupboard which was erected as development which is permitted without the need for formal planning permission.

6.27 **Conclusion**

Therefore having regard to the applicable national and local planning policies, and having taken all material considerations into account, it is considered that planning permission should be granted subject to conditions relating to the number and location of caravans, details of the proposed shed, limiting the number and parking of vehicles to defined parking areas with a porous surface, and details of the proposed alterations to the access including retention of the proposed relocated front boundary hedge.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. The site shall not be occupied by any person other than gypsies and travellers as defined in DCLG Planning Policy for Travellers.**

Reason: To accord with the requirements of Policy H7(6) of the Herefordshire Unitary Development Plan.

- 2. The occupation of the pitches hereby permitted shall be restricted to the owner or tenant of the pitches, their partner, and immediate family defined as children and parents.**

Reason: To accord with the requirements of Policy H7(6) of the Herefordshire

Unitary Development Plan.

3. The permission hereby approved is for no more than two pitches on the site for the permanent siting of no more than two static caravans and two touring caravans on the land. There shall be no more than 1 additional touring caravan on the site at any one time and for no longer than 14 consecutive days and no more than a maximum of 28 days in any calendar year.

Reason: In order to define the terms of the permission and safeguard the amenity of neighbouring residents and the landscape character of the area in accordance with the requirements of Para 26(b) of the DCLG Planning Policy for Travellers.

4. The caravans shall be located as shown on Drawing 1 received 23 August 2011. The position of the second touring caravan and any visiting caravan must be in accordance with a plan which has previously been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to define the terms of the permission and safeguard the amenity of neighbouring residents and the landscape character of the area in accordance with the requirements of Policies H13 and LA3 of the Herefordshire Unitary Development Plan.

5. No shed shall be brought onto the site until details of its size, design, and location have been submitted to and agreed in writing with the Local Planning Authority. The shed shall be erected in accordance with the approved details and shall only be used for purposes ancillary to the occupation of the static caravans and for no other purpose.

Reason: In order to define the terms of the permission and safeguard the amenity of neighbouring residents and the landscape character of the area in accordance with the requirements of Policies H13 and LA2 of the Herefordshire Unitary Development Plan.

6. There shall be no more than six vehicles parked on the land at any one time.

Reason: To safeguard the amenity of neighbouring residents and the landscape character of the area in accordance with the requirements of Policies H13 and LA2 of the Herefordshire Unitary Development Plan.

7. The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed from the site within 28 days of the date of failure to meet any of the requirements set out in (i) to (iii) below:

(i) Within one calendar month of the date of this permission details shall be submitted in writing of the size, position, and construction of the access, a turning area, the parking area shown on Drawing 1 received on 23 August 2011, and of the creation of a second porous hardstanding in the south-east corner of the site which is to be used for the parking of additional vehicles. The works shall be carried out in accordance with the approved details within 2 calendar months of the details being approved in writing by the Local Planning Authority. No vehicles shall be parked other than in accordance with these approved details.

(ii) Notwithstanding the submitted details the access into the site shall be constructed so that there is clear visibility from a point 0.6 metres above the level of the adjoining carriageway at the centre of the access 2.5 metres from and parallel to

the nearest edge of the adjoining carriageway over the entire length of the site frontage. Nothing shall be planted, erected, and/or allowed to grow on the area of the land so formed which would obstruct the visibility described above.

(iii) Within one calendar month details of the species and specification for a hedge along the road frontage shall be submitted in writing to the Local Planning Authority. The hedge shall be planted in accordance with the approved details in the planting season following the date of this permission and shall be retained in perpetuity.

Reason: In the interests of highway safety, and to ensure the hedge is ecologically and environmentally rich and to ensure its permanent retention in the landscape, and to conform with the requirements of Policies DR3 and LA6 of the Herefordshire Unitary Development Plan.

INFORMATIVES:

1. In making this decision, and noting that the development has been implemented, the Local Planning Authority concluded that there is a need for additional private traveller pitches within Herefordshire and that the site does not dominate the nearest settled community or put undue pressure on the infrastructure. It considered that the development is suitably located to access local services and does not have any significant detrimental impact on residential amenity or the amenity of the surrounding area. The Local Planning Authority therefore concludes that the development is in accordance with the following policies of the Herefordshire Unitary Development Plan 2007:-

- S1 Sustainable development
- S2 Development requirements
- DR1 Design
- DR2 Land use and activity
- DR3 Movement
- DR4 Environment
- H7 Housing in the countryside outside settlements
- H12 Gypsies and other travellers
- H13 Sustainable residential design
- T8 Road hierarchy
- LA2 Landscape character and areas resilient to change
- LA3 Settling of settlements
- LA6 Landscaping schemes

2. I38 (N19) Drawing 1 Block Plan Scale 1:500 received 23 August 2011; Drawing 2 Redesigned Access Scale 1:100 received 23 August 2011

3. I05 (HN10)

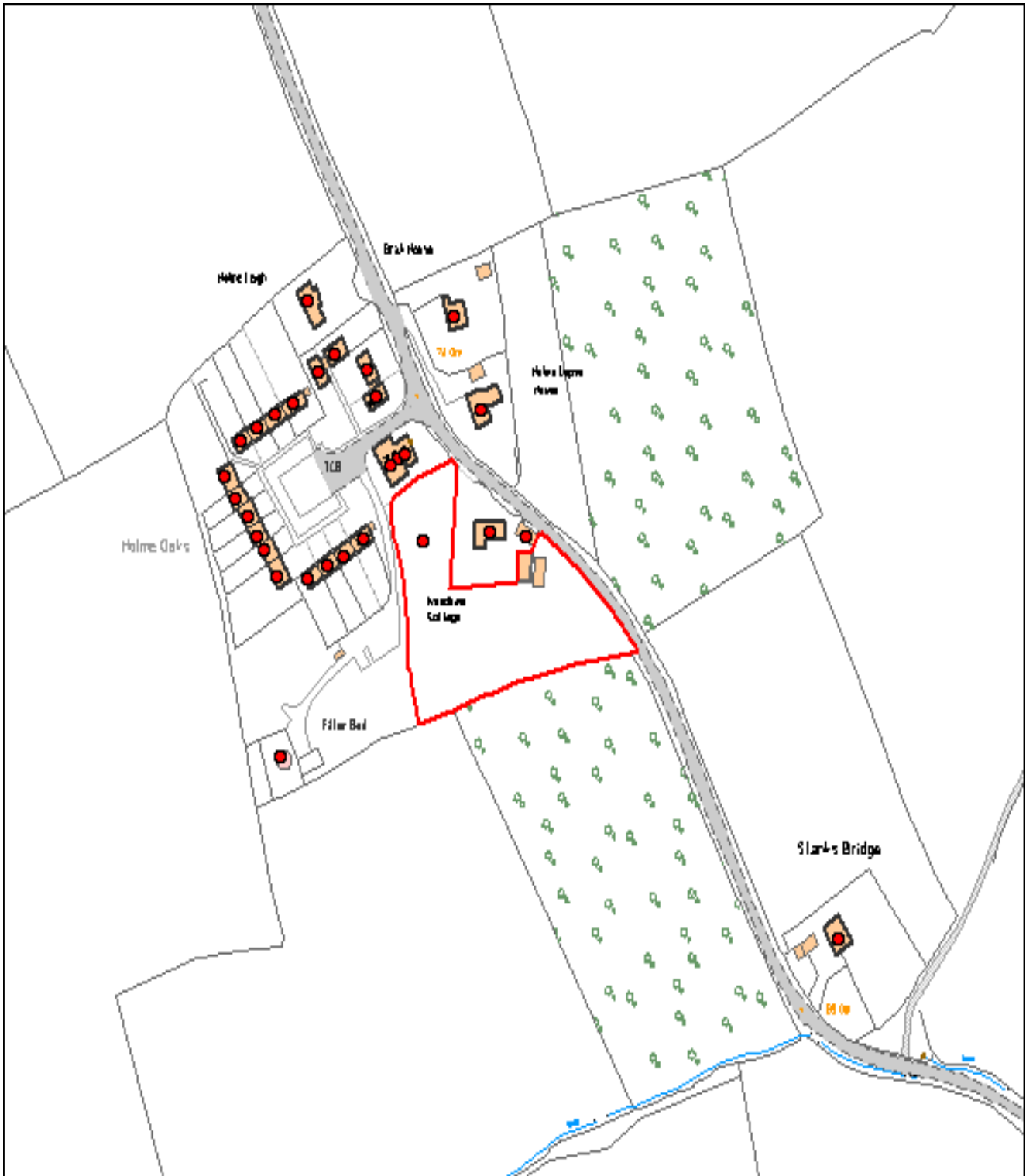
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: N/112348/F

SITE ADDRESS : MOONFIELDS, ADJACENT TO WOODBINE COTTAGE, OCLE PYCHARD, HEREFORD, HR1 3RE

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