

MEETING:	PLANNING COMMITTEE
DATE:	8 OCTOBER 2014
TITLE OF REPORT:	P141538/F - PROPOSED CHANGE OF USE OF LAND FROM AGRICULTURE TO A ONE FAMILY TRAVELLERS SITE, WITH STATIONING OF ONE STATIC MOBILE HOME, TWO TOURING CARAVANS, NEW ACCESS, ABLUTION BLOCK AND SEPTIC TANK AT LAND AT THE WILLOWS, POWGREEN, NR BOSBURY For: Miss Zoe Lee, 48 Bronte Drive, Ledbury, Herefordshire, HR8 2FZ
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=141538&search=141538

Date Received: 12 May 2014

Ward: Hope End

Grid Ref: 371162,244636

Expiry Date: 8 July 2014

Local Members: Councillors CNH Attwood and AW Johnson.

1. Site Description and Proposal

- 1.1 The site comprises an agricultural field/ paddock located in an open countryside location adjacent to the B4220 road, 1.24 miles east of Bosbury, and 1.6 miles west of Cradley. These are both main villages identified under local plan policy H4 and provide a range of services and facilities. The site is enclosed by mature hedgerow along its north, east and west boundaries with new hedge planting and metal railings demarking the south boundary from which access is gained.
- 1.2 The site is a greenfield site and contains no existing built development. The nearest properties are Woodmans, a Grade II listed cottage some 120 metres to the east and The Old Forge some metres north. Neither property physically adjoins the application site and there is significant separation between them. The prevailing development pattern along the B4220 outside of the settlements of Bosbury and Cradley is of sporadic dwellings fronting onto the highway interspersed between agricultural fields. The road from Bosbury to Cradley has a rural characteristic and lined with hedgerow along most of its route.
- 1.3 The proposal is for a one family traveller site consisting of one static mobile home, two touring caravans (one each for the two daughters), an ablution block, septic tank and new access.

2. Policies

2.1 National Planning Policy Framework – NPPF

The following sections are of particular relevance:

Introduction	-	Achieving Sustainable Development
Section 3	-	Supporting a Prosperous Rural Economy
Section 4	-	Promoting Sustainable Transport
Section 7	-	Requiring Good Design
Section 8	-	Promoting Healthy Communities
Section 11	-	Conserving and Enhancing the Natural Environment
Section 12	-	Conserving and Enhancing the Historic Environment

Planning Policy for Traveller Sites March 2012

2.2 Herefordshire Unitary Development Plan – UDP

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR7	-	Flood Risk
H7	-	Housing in the Open Countryside Outside Settlements
H12	-	Gypsies and Other Travellers
HBA4	-	Setting of Listed Buildings
LA2	-	Landscape Character and Areas Least Resilient to Change
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and Development
NC7	-	Compensation for Loss of Biodiversity
NC8	-	Habitat Creation, Restoration and Enhancement

2.3 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/unitary-development-plan>

3. Planning History

3.1 None

4. Consultation Summary

Statutory

Welsh Water has no objection however recommends conditions if approval is recommended.

Internal

4.1 Transportation Manager has no objection, however conditions are recommended if planning permission is granted.

4.2 Environmental Health Manager has no objection on noise or nuisance.

Further information on the subject of this report is available from Mr C Brace on 01432 261947

4.3 Conservation Manager (Historic Buildings) has no objection in principle to the development and notes certain works would be potentially reversible in the future. There is through conditions, the scope to improve on elements of the appearance of the proposals and to further mitigate the impact of the development on the setting of the listed building. Appropriate conditions are attached to the recommendation addressing the points made.

4.4 Public Rights of Way Manager has no objection.

5. Representations

5.1 Bosbury Parish Council full response is as follows:

I write on behalf of the parish council in respect of planning application P141538/F. This was on our agenda for discussion at our last meeting. However, discrepancies were brought to our attention on the scale of the drawings submitted so the parish council are unable to make comment at this stage.

The parish council has reservations about the plans particularly the access, foul drainage and site location. Please could we request an extension on the decision date to allow the applicant to resubmit a revised proposal or further information.

5.2 Eight letters of objection have been received from local residents who make the following summarised points:

- Travellers are allowed to pursue their way of life at the expense of the settled community who have no rights.
- Objectors moved to the area to enjoy the beautiful countryside and admire the open fields. Looking at several caravans, a toilet block and shower block was not part of the equation.
- No problems at all with travellers finding sites provided they don't destroy a beautiful part of the world.
- Concern as to how the site will alter such a beautiful area which features heritage assets including Grade II listed properties set in rolling countryside.
- The proposal is on a raised site and as a corner plot the site will be visible all year around from 3 sides. This will completely alter the area for all residents.
- Concern of the environmental impact from the change from agricultural use and the possibility of pollution from septic tanks running downhill into the nearby ponds and surface water issues.
- Concern over highway safety regarding access and visibility of the site and the speed and range of vehicles using the highway.
- Objectors commissioned and provided a Highways Assessment.

5.3 Eight representations supporting the application have been received from local residents making the following summarised points:

- There is no reason to refuse the application
- The applicants are of good standing
- The applicants have long standing ties to the local area including education, family and employment
- It should be noted the applicant has not moved onto the land without planning permission

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

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

5.5 Internet access is available at the Council's Customer Service Centres:-
<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

Policy

- 6.1 Central Government advice on Gypsy and Travellers is provided in Planning Policy for traveller Sites 2012 which is to read in conjunction with the National Planning Policy Framework (NPPF). This is a material consideration in the determination of such applications and sets out the Government's overarching aim to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.
- 6.2 Paragraph 11 requires that traveller sites are sustainable economically, socially and environmentally. Local planning authorities must ensure that policies:
- Promote peaceful and integrated co-existence between the site and the local community.
 - Promote, in collaboration with commissioners of health services, access to appropriate health services.
 - Ensure that children can attend school on a regular basis.
 - Provide a settled base that reduces the need for long-distance travelling and possible environmental damage caused by unauthorised encampment.
 - Provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development.
 - Avoid placing undue pressure on local infrastructure and services.
 - Do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans.
 - Reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability.
- 6.3 Paragraph 22 states Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:
- The existing level of local provision and need for sites.
 - The availability (or lack) of alternative accommodation for the applicants.
 - Other personal circumstances of the applicant.
 - That the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites.
 - That they should determine applications for sites from any travellers and not just those with local connections.
- 6.4 Paragraph 23 outlines local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Sites in rural areas should respect the scale of and not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure.
- 6.5 Paragraph 24 states when considering applications, local planning authorities should attach weight to the following matters:
- Effective use of previously developed (brownfield), untidy or derelict land.
 - Sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness.

Further information on the subject of this report is available from Mr C Brace on 01432 261947

- c) Promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children.
- d) Not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

6.6 Furthermore, if a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision.

6.7 Herefordshire UDP policy H12 is considered to be in broad conformity with the NPPF and sets out the criteria against which Gypsy and Traveller sites are assessed. Proposals for the development of sites intended to provide for the accommodation needs of Gypsies or other Travellers will be permitted where:

1. The site is within reasonable distance of local services and facilities;
2. Sites for settled occupation should be small, as should temporary or transit sites, unless there is a need to provide a site on a route frequented by groups travelling in large numbers;
3. Adequate screening and landscaping is included within the proposal in order to ensure that the proposal does not result in an adverse impact upon the character and amenity of the landscape, particularly within the Malvern Hills and Wye Valley AONB, conservation areas or other sensitive locations; and
4. They contain appropriate levels of residential amenity, including safe play areas for children and provide satisfactory work and storage areas.

Current Provision and Need

6.8 An accommodation and needs assessment for Gypsies and Travellers is near completion to update the 2008 assessment which identified the need for 83 pitches between the period 2008 and 2012 and identified a further need for an additional 26 pitches by 2017. To date 49 pitches have been delivered or identified against this figure. There is therefore still a clear and significant shortfall in provision.

6.9 The Council has produced an Issues and Options Paper and associated sustainability appraisal report regarding the provision of Travellers Sites in the county for consultation. The consultation process period took place between 21 August 2014 and 2 October 2014. The Issues and Options Paper asks a number of questions on the way in which sites for traveller accommodation can be found in the county.

6.10 Private sites should be positively received subject to material planning considerations and are recognised as a means to addressing the existing shortfall of provision.

6.11 Against this identified and acknowledged shortfall and the findings of numerous appeal decisions in the county, refusal can only be justified if there are significant material planning issues. Inspectors have found in undesignated areas and where there are no highways issues, the shortfall in provision overrides other concerns.

6.12 Assessment of the Application

Principle of Development and Location

- 6.13 The site whilst by its very nature in an open countryside location, is 1.24 miles east of Bosbury, and 1.6 miles west of Cradley, both main villages identified under local plan policy H4 due to their sustainable nature that includes a range of service and facilities. Combined these settlements provide two Primary Schools, Public Houses, Doctors, Village shop, Village Halls, hairdressers, butchers etc. The site is also located on the route of a Bus Service. The site is on land identified by the Environment Agency as being in Flood Zone 1, the lowest risk of experiencing a flood event. As such the sustainability requirements of the NPPF, Planning Policy for Traveller Sites and UDP policies S1, DR2 and criteria 1 of policy H12 are satisfied.
- 6.14 In respect of Planning Policy for Traveller Sites Paragraph 22 and UDP policy H12 criteria 2, the site is small in that it is for a single family and will be controlled by condition and be restricted as such. The actual 'developed area' is some 0.098ha, a relatively small part of an overall piece of land of some 1.36ha in extent within the applicant's ownership. The use of that 'developed area' will be restricted and controlled through condition to protect the character and amenity of the area. These measures along with the size and scale of the proposal – it is for a single family, is considered to conform with the requirements in respect of being appropriate to its rural location.
- 6.15 The site does not immediately adjoin any third party properties and furthermore there is no objection from the Environmental Health Manager on the issue of potential noise or nuisance. The proposal therefore is considered to have no significant impact on existing residential amenity.
- 6.17 The applicants along with meeting the planning definition of being a 'Gypsy' or 'Traveller' which defines this as *"persons of nomadic habit of life whatever their race or origin, including such persons who, on grounds only of their own or their family's or dependants' educational or health needs or old age, have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such"* also have long standing connections to the local area.

Landscape

- 6.18 The site is not within or adjoining a formally designated or statutory protected landscape. The site benefits from existing established planting and proposes further appropriate native species landscape planting. It is noted the site has been within the applicant's family for some time and its upkeep including existing hedgerow boundary treatments is evident.
- 6.19 The Council's Landscape Characterisation Assessment SPD classifies the site to fall within the landscape category of *Principal Timbered Farmlands*. The principal features of this landscape type are of a mosaic of small to medium sized fields within an organic field pattern where hedgerows define field boundaries. There is a fundamental sense of scale and enclosure together with filtered views which are distinctive in this landscape. Hedgerow oaks are significant especially along roadside boundaries.
- 6.20 The settlement pattern within this landscape character type is a dispersed one of frequent roadside dwellings and farmsteads set amongst winding lanes. The SPD notes in respect of new development that *'additional individual dwellings would be acceptable as long as they are in accordance with the UDP.'* The key factor is to avoid a clustered effect.
- 6.21 Whilst the site is prominent in its immediate setting as one travels past it on the B4220, the developed area is set back from the road and within the site. The site is also not subject to significant medium and long range views. It is noted hereabouts dwellings front and adjoin the highway itself, and as such it can not be considered the proposal will have a harmful impact

over that which exists from the sporadic roadside dwellings or agricultural development that exists in the immediate area or along the B4220 road.

- 6.22 Landscaping conditions will ensure the retention of existing natural screening whilst also requiring further appropriate planting to be incorporated and maintained. New planting on the site has already commenced to increase the screening of the site and also protect privacy and amenity of the potential occupiers.
- 6.23 The landscaping and development design requirements of Paragraph 24 of the Planning Policy for Travellers Sites along with local plan policies DR1, DR2, LA2, LA5 and LA6 are satisfied. It is considered that when the landscaping matures, the proposal will read more like an agricultural site when glimpsed from the highway. As such it is considered there are no sustainable landscape or landscape impact grounds to refuse the application.

Heritage

- 6.24 The proposed development is situated in close proximity to the grade II listed Woodmans Cottage, a 17th century timber-framed building with later alterations located south east of the application site. The setting of this heritage asset is essentially rural with an open and expansive quality.
- 6.25 The comments of the Conservation Manager (Historic Buildings) regarding mitigation are noted however it is recognised these can and should be addressed through appropriate landscaping and land use conditions. The Grade II listed Woodmans Cottage is not visible from within the site where the caravans are located and in addition, the planting, landscaping and retention of existing hedgerows and trees will maintain the rural setting and therefore the wider setting of the listed building. Furthermore the distance from the listed building to where the caravans are to be located is some 120 metres and separated by the B4220, along with the remainder of the applicants' agricultural field and both existing and proposed planting.
- 6.26 As such local plan policies DR1, DR2, HBA4, LA2 and LA6 are satisfied along with the relevant heritage aims and objectives of the NPPF and it is considered there are no sustainable heritage reasons to refuse the application.

Highways

- 6.27 The applicant engaged in pre application discussions with the Transportation Manager. Advice has been followed and a speed survey accompanies the application.
- 6.28 The Transportation Manager has no objection on the implementation and enforcement of appropriate conditions. This includes visibility splays of 53m to the bend, and 195m towards Cradley, both from an "x" distance of 2.4m. Whilst the 53m is a little below the standards in Manual for Streets, it is considered this is adequate given the speed of vehicles coming around the bend will be lower than the permitted speed levels, and vehicles will be able to stop if the road is obstructed by entering or departing vehicles at the site access. It should be noted that the existing field access would be used for farm machinery at a similar frequency as when trailers enter or leave the new site. The safety of such movements is improved by the better visibility splays and revised position of the access. Furthermore the conditioned splays will require the setting back of the existing hedge to make the application acceptable in highway terms and thereafter maintained as such. It is noted numerous properties and field gate accesses along this B Class road exist in similar circumstances.
- 6.29 The commissioned Highways Assessment from objectors states that Manual for Streets should not be used in rural locations such as this. However the Transportation Manager advises the Design Manual for Roads and Bridges (DMRB) standards referenced and used by objectors are meant for trunk roads, and these standards are often too onerous for secondary

rural link roads such as the B4220. Sections 1.3 and 2.8 of the Manual for Streets II give examples of where Manual for Streets standards should apply in rural areas. Indeed it states *'it is recommended that as a starting point for any scheme affecting non trunk roads, designers should start with Manual for Streets'*. It goes on to state if DMRB is used, the key principles of Manual for Streets should be considered and DMRB applied in a way that respects local context. DMRB should only be used where the guidance in Manual for Streets is not sufficient or it can be demonstrated it is not applicable.

- 6.30 Manual for Streets II acknowledges that although the national speed limit is applicable to the B4220, the curvilinear nature of such rural roads can encourage speeds well below 60mph and on single carriageways HGV's are limited to 40mph. Furthermore such roads are principally used connecting small settlements and farms to local centres, more lightly trafficked than A roads and there is often a leisure aspect to rural roads.
- 6.31 As such and having regard to the above and conditions attached to the recommendation, the proposal is acceptable in highway terms. As such local plan policies DR2, DR3, H12 and T8 are satisfied along with the relevant highways aims and objectives of the NPPF and it is considered there are no sustainable grounds to refuse the application on highways grounds.

Other Matters

- 6.32 The plans are considered to be of an appropriate, acceptable accuracy and detail. Measurements have been checked on site. Furthermore the site location plan is based on an Ordnance Survey map extract. In conjunction with the size and nature of caravans being defined in legislation and the recommended conditions, the Local Planning Authority can control, monitor and if necessary enforce the extent of development and land use without prejudice to the rights and interests of the applicant or third parties.
- 6.33 Notwithstanding the above comments regarding the accuracy of the plans, conditions are recommended in order to be reasonable, give flexibility to the living conditions of the applicants and avoid landscape degradation and harm, allow appropriate monitoring, ease of compliance for the applicants with conditions and avoid superfluous complaints.
- 6.34 The size of the caravans will be limited in number and their size and form restricted to that defined in the Caravan Sites and Control of Development Act 1960 and Caravan Sites Act 1968 and their subsequent amendments. For reference the Act limits the size of a caravan to:
- length (exclusive of any drawbar): 18.288 metres
 - width: 6.096 metres
 - overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level): 3.048 metres.
- 6.35 Furthermore the caravans will be permitted to be located within a defined area or zone within the application red line area. This zone is based upon areas within the red line where the impact of the proposal is mitigated, minimal and/or of similar 'impact' across this defined zone and presents no harm or prejudice to third parties, adjoining land use and amenity.

Summary

- 6.36 Having regard to all of the above, the criteria of UDP policies DR1, DR2, DR3, DR7, H7, H12, T8, HBA4, LA2 and NC1 and the relevant aims and objectives of the NPPF, including the Government's Planning Policy for Traveller Sites and in particular the Council's shortfall in provision of Gypsy and Traveller sites, the proposal's location in an undesignated landscape area and the comments of the Transportation Manager, it is considered there are no sustainable grounds to refuse the application and approval is recommended.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **A01 - Time limit for commencement (full permission)**
2. **B02 - Development in accordance with approved plans and materials**
3. **G02 - Retention of trees and hedgerows**
4. **G09 - Details of Boundary treatments**
5. **G10 - Landscaping scheme**
6. **G11 - Landscaping scheme – implementation**
7. **H03 - Visibility splays**
8. **H13 - Access, turning area and parking**
9. **Restrictive occupancy condition**
10. **Limitation on number of caravans**
11. **Restriction on size of caravans**
12. **Defining area caravans can be located in**
13. **Colour and finish of caravans and ancillary structures**

INFORMATIVES:

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
2. **HN04 - Private apparatus within highway (Compliance with the New Roads and Streetworks Act 1991, the Traffic Management Act 2004 and the Highways Act 1980)**
3. **HN28 - Highways Design Guide and Specification**
4. **HN05 - Works within the highway (Compliance with the Highways Act 1980 and the Traffic Management Act 2004)**

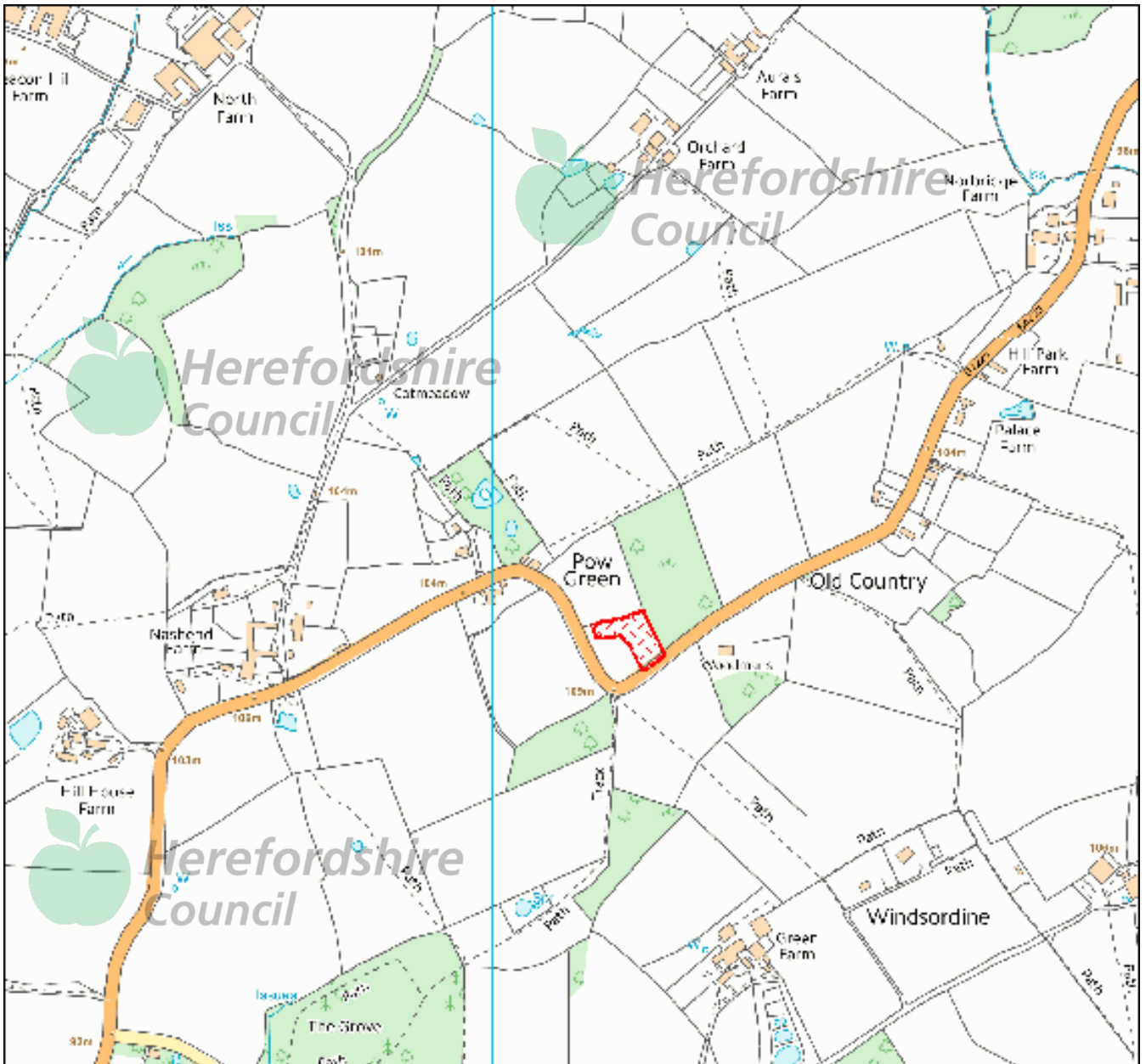
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: 141538/F

SITE ADDRESS : LAND AT, THE WILLOWS, POWGREEN, NR BOSBURY, HEREFORD

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

Further information on the subject of this report is available from Mr C Brace on 01432 261947