

MEETING:	PLANNING COMMITTEE
DATE:	10 DECEMBER 2014
TITLE OF REPORT:	<p>P141687/F - CHANGE OF USE OF LAND FROM AGRICULTURE TO A ONE FAMILY TRAVELLER SITE, WITH STATIONING OF ONE MOBILE HOME, ONE TOURING CARAVAN, PARKING AND TURNING AREA, RE-DESIGNED ACCESS AND SEPTIC TANK AT MID SUMMER ORCHARD, (LAND AT OAKLEY COTTAGE), RIDGE HILL, HEREFORDSHIRE, HR2 8AG</p> <p>For: Miss Janes, Hillrise Bungalow, Upper Raice, Pontypool, NP4 5XE</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/search-and-comment-on-planning-applications/details?id=141687&search=141687
Reason Application Submitted to Committee - Redirection	

Date Received: 5 June 2014

Ward: Hollington

Grid Ref: 351082,235850

Expiry Date: 31 July 2014

Local Member: Councillor P Sinclair-Knipe

- 1.1 The site lies on the western side of an unclassified road (U72014) between the C1261 Hoarwithy Road and the A49 Trunk Road at Ridge Hill, to the south of Hereford City. The narrow lane is aligned northeast-southwest as it passes the site, but its route takes a sharp dog leg turn to the northwest approximately 450 metres to the southwest of the site. To the southwest of the site there is a detached cottage, Oakley Cottage, which is set further away from the lane than the application site and is served by an unmade track, which is a Public Right of Way (PROW - LOB8A) and which also serves Don Rob (a replacement dwelling). To the northeast, the only other dwelling on this side of the lane is Three Counties View, a large detached dwelling, separated from the application site by agricultural land. On the opposite side of the lane there are 9 properties in total, comprising post-war ribbon development, predominantly single storey in nature (6 bungalows, 1 dormer bungalow & 2 houses). Immediately opposite the application site the land is not developed, with a gap of approximately 55 metres between Three Gables, which is a dormer bungalow, and Trevellyan, a house. To the south of Three Gables there is an unmade track that serves a number of other dwellings. The site and surrounding area fall within the visual envelope of the Foxley registered historic park and garden.
- 1.2 The entirety of the land in the applicant's ownership extends to some 0.8 hectares, but the application site (as outlined in red) for which permission is sought is 0.12 hectares. This has been reduced from 0.279 hectares from the previous, withdrawn application. There is an existing vehicular access into the site and a range of timber dilapidated sheds and stables located along the roadside boundary. A hedgerow with mature trees, demarks the roadside

boundary and there are also hedgerows to the remaining boundaries. Levels gradually rise into the site and fall more rapidly towards the apple orchard and western part of the site.

- 1.3 It is proposed to change the use of the site to a single family traveller site, which would include the provision of a static caravan (9.6m by 3.4m), a touring caravan, parking area and play area. As originally submitted a septic tank was proposed, but this has subsequently been revised to a private sewerage treatment plant. The submitted proposed site plan indicates that a 1.8m high fence would be provided behind the existing hedgerow along the roadside and north-eastern site boundaries and additional planting to enclose the pitch from the rest of the site.
- 1.4 The applicant has advised that the family consists of the applicant, her daughter and her three children, and her son. They currently occupy a property in Upper Raice, Pontypool.
- 1.5 A revised Design and Access Statement has been submitted and is summarised in the representations, along with correspondence received from the applicant during the consideration of the applications.

2. Policies

2.1 National Planning Policy Framework – NPPF

The following sections are considered to be 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

2.2 Herefordshire Unitary Development Plan (HUDP)

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S6	-	Transport
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
H7	-	Housing in the Countryside Outside Settlements
H12	-	Gypsies and Other Travellers
LA2	-	Landscape Character and Areas Least Resilient to Change
LA4	-	Protection of Historic Parks and Gardens
LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscape Schemes
E15	-	Protection of Greenfield Land
NC1	-	Biodiversity and Development
NC8	-	Habitat Creation, Restoration and Enhancement
CF2	-	Foul Drainage

2.3 Herefordshire Local Plan Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
H4	-	Traveller Sites

LD1	-	Landscapes and Townscapes
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
SD1	-	Sustainable Design and Energy Efficiency
SD4	-	Wastewater Treatment and River Water Quality

2.4 Neighbourhood Plans

Lower Bullingham Parish Council has successfully applied to designate the Parish as a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The area was confirmed on 20th August 2014. The Parish Council will have the responsibility of preparing a Neighbourhood Plan for that area. There is no timescale for proposing/agreeing the content of the plan at this early stage, but the plan must be in general conformity with the strategic content of the emerging Core Strategy. In view of this no material weight can be given to this emerging Plan.

2.5 Other Material Considerations

Planning Policy for Traveller Sites March 2012

Designing Gypsy and Traveller Sites Good Practice Guide

DCLG – Consultation: planning and travellers (10 week consultation period from 14 September to 23 November 2014)

2.6 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 SH90/0306/0 – One three bedroomed bungalow – refused 27.6.1990.

3.2 133149/F – Change of use of land from agricultural to a one family traveller site with a stationing of one mobile home, one touring caravan. Retention of shed/stables, redesigned access, parking and turning area and septic tank – withdrawn 17.3.2014.

4. Consultation Summary

Statutory Consultees

None

Internal Council Advice

4.1 Transportation Manager: The indicated access, parking and turning arrangement is considered acceptable. The sustainability of the location needs to be taken into consideration, and information in this respect is included in Paragraphs 26 to 30 of the Design and Access Statement, which gives distances to facilities and the nearest bus route.

4.2 Environmental Health Manager has no objection. A Caravan Site Licence would be required if planning permission is granted and should provide adequate foul drainage.

4.3 Commissioning Officer (Housing Strategy) comments that 'From Understanding Herefordshire 2014' - 'A separate accommodation and needs assessment for Gypsies and Travellers is near completion to update the 2008 assessment which identified the need for 83 pitches between

Further information on the subject of this report is available from Mrs Charlotte Atkins on 01432 260536

2008 and 2012 and a further 26 pitches by 2017. To date 49 pitches have been delivered or identified against this figure. In addition, funding was successfully acquired in 2013 to update and refurbish 53 council-owned pitches'. It is anticipated that a need will continue to be identified once the current needs assessment is completed.

- 4.4 Ecologist: I have inspected the grassland and hedgerows on the site. The sward is somewhat neglected and very coarse being composed of cocksfoot (*Dactylis glomerata*), Yorkshire Fog (*Holcus lanatus*), creeping bent (*Agrostis stolonifera*) with some finer sheep's fescue (*Festuca ovina*). The broadleaved component consisted of broad-leaved dock (*Rumex obtusifolius*), perennial nettle (*Urtica dioica*), ribwort plantain (*Plantago lanceolata*), sorrel (*Rumex acetosa*), creeping buttercup (*Ranunculus repens*) and creeping thistle (*Cirsium arvense*). These latter broadleaved plants are ruderal plants regarded as weeds within the sward and in places dominated it.

The hedgerow on the north west boundary is species rich and consists of a good mixture of field maple (*Acer campestre*), blackthorn (*Prunus spinosa*), hazel, (*Corylus avellana*), dogwood (*Cornus sanguinea*), hawthorn (*Crataegus monogyna*), ash (*Fraxinus excelsior*) and dog rose (*Rosa canina*). I believe this may qualify it as an important hedgerow under the Hedgerow Regulations 1997 although it may fall short of this under a standard survey for such. The roadside hedgerow is dominated by hawthorn with some sycamore tree growth and so is species poor.

There is no proposal to remove any hedgerows as far as I am aware. My view is that the use of this plot as proposed would not impact upon any UK or European protected species or Habitats of Principle Importance.

5. Representations

- 5.1 Lower Bullingham Parish Council strongly object to this application for the following reasons:

The site is within open countryside and in terms of its location relative to goods and services it is considered that the development is unsustainable and would have a detrimental impact upon the surrounding area.

The application does not demonstrate that there is a genuine local need for the proposed one family traveller site, with stationing of one mobile home, one touring caravan.

The Parish Council considers that the application is contrary to Herefordshire Unitary Development plan policies H7, H12, S1& DR2. It is also considered by the Parish Council that this application is contrary to the draft core strategy policies H4, RA1 or RA2

The Parish Council would also like point out that the application is contrary to NPPF PARA 55 which seeks to promote sustainable development in rural areas and that isolated homes in the countryside should be avoided unless there are special circumstances. We would point out that there are no shops, school in the local area and at present there a limited bus service and therefore this application doesn't meet the criteria of "sustainable development".

The Parish Council would like to highlight the outcome of a recent planning application that was refused planning permission in the area because it did not meet the criteria for sustainable development. The appellant appealed and that appeal has been dismissed. The Parish Council considers that appeal decision made (albeit a chalet bungalow) should be taken into account when considering the term "Sustainable development" in rural areas where it is considered there is no justified local need.

5.2 Fifty letters of objection and one raising concerns have been received. This includes a letter stated as being submitted on behalf of 'Residents of Ridgehill and Twyford'. These letters raise the following, summarised points:

Principle of Development:

- Open countryside, outside of settlement where planning policies restrict development
- Unsustainable
- no genuine choice of modes of transport, bus service is infrequent and due to nature of unlit, narrow roads/lanes and distances cycling and walking are not feasible
- too far from services and facilities
- applications for dwellings locally have been refused and dismissed at appeal recently due to unsustainability of the site (reference: 131632/F)
- no travel plan (fails to comply with policy DR3 points 2 and 3)
- Three roles of sustainable development
- Social – only circumstantial evidence of need
- Economic – limited benefits
- Environmental – unsustainable location (1.4km to bus stop on A49 – 0.8km across fields)
- No demonstrated need
- Traveller sites should not be treated differently to any other residential development
- Proposal includes a 'static' caravan, hardstanding and septic tank so is a disguised proposal for a permanent development and not for travellers
- Applicant has not been nomadic for many years, not a traveller
- Applicant's connection with Hereford was 20 years ago
- Dependants have no local connections
- No exceptional need for applicant to live on site, or in the parish
- If application is refused the applicant and family would not be homeless
- No evidence of consideration of sequentially preferable sites and difficulties in finding alternatives
- Not an application for a specific user, would be generic traveller site
- May be used by more than one family in the future, resulting in impact on law enforcement services by illegal occupation of the site
- Site is too large and disproportionate to need
- Existing traveller sites could accommodate 2 caravans, availability on local authority sites should be explored.

Landscape impact:

- Harmful to landscape, detract and not in keeping with the character of the area, due to appearance of static caravans and tourer.
- Segregation of parcel of land and loss of panoramic views
- Adverse impact through development of site in an Area of Outstanding Natural Beauty, Greenbelt and a greenfield site (protected by planning policies)
- Tranquil area, development would be an extension of the city
- Caravans, due to height (4m), and appearance on a sloping site would be clearly visible and intrusive
- 6 foot high fencing and close boarded gates would not be compatible with local distinctiveness and would hinder integration
- In sight line of ancient monument (Dinedor Hill), permission previously refused for development of the site on this basis
- Urbanising impact of proposal
- Landscaping scheme lacks clarity
- Ridgehill comprises mix of properties, mostly from the 1930s, proposal would not be in keeping
- Not infill development, so unacceptable
- Such sites are often untidy.

Biodiversity:

- Ancient pasture land, farmed for years
- No ecological or arboricultural surveys undertaken to establish if protected species or if hedgerows/trees would be affected
- Wonderful fauna, flora and wide diversity including voles, door mouse nests, kestrels, buzzards, woodpeckers, barn owl and bats.

Drainage:

- Poor percolation test, no details of how access will be drained
- Ditches locally cannot cope with heavy rain – flooding
- Impermeable hard standing and car park area would lead to flooding
- Soakaway reduced in this application, so worse than previously proposed.

Highway safety:

- Narrow lane in poor state of repair
- Access and lane are too narrow to bring caravans onto the site (road sign states lane is unsuitable for large vehicles)
- Road and verges are narrower than stated, visibility is poor
- Road is subject to a 60mph limit, which requires a stopping distance of 73m.

Contamination:

- Potentially contaminated due to farm use – arsenic, fertilisers, fuel etc and buried stock
- Why is fencing proposed around the soakaway? Is there a potential for contamination?
- Environmental Health have been previously involved due to sewage seepage in ditches
- Water supply from well, will this be affected?

General Comments:

- Main issues of previous withdrawn application not overcome, only minor alterations to size of site, parking and layout, access and drainage
- Refusals for residential development locally, so unfair if local residents can not build homes in the area but travellers can.
- Site reduced in size, application is the thin end of the wedge, potential for future expansion
- Could site be used for business?
- Red line should include soakaway
- New build referred to by applicant was a replacement dwelling
- Not disputed that applicant is a traveller, but this does not equate to need
- Application is to exchange one permanent dwelling in Pontypool for another in Hereford cheaply, as land is agricultural
- Would touring caravan leave the site or also be 'static'
- Site is not on a recognised traveller route
- English Heritage have expressed concerns about water purity and impact upon the AONB
- Applicant's information is contradictory, as it states that it is a sustainable location but not isolated, and is a quiet environment so remote?
- 1/3rd acre site is not small
- Cynical inclusion of children's play area, but no details of how it would be safe, as required by policy
- Forms state 4 bedroomed dwelling
- Disruption to residents' lives, properties up for sale and vacant due to proposal, difficulties in selling properties.
- If granted should be temporary, renewable and personal to applicant to avoid non-local need occupation in the future
- Applicant should wait for results of process to ascertain long term policy for the county

Further information on the subject of this report is available from Mrs Charlotte Atkins on 01432 260536

- If breaches of permission occur the cost of enforcement would be passed on to the taxpayer
- Site will take significant Council resources to maintain
- How is static/touring caravan and site suitable for a disabled occupant?
- Potential noise nuisance from vehicles and generators
- Reduction in privacy and enjoyment of neighbouring properties
- Significant increase in population of Ridgehill
- Pressure for further development, more difficult to resist if this proposal is allowed
- Incompatible use with livestock on adjacent field
- No benefit to local community, only demand on services
- Devaluing of properties, owned by tax payers
- Previous application refused for the site
- Application lacks detailed, scaled drawings
- Strength of local opposition should be supported
- Application is 'by the back door', land bought cheaply
- Allotments would be preferable and would bring the community together
- Could get out of control, like other such sites at Dale Farm, Crays Hill, Essex and Meridan, Solihull
- Applicant has not engaged with local residents, showing a narrow and isolationist approach
- Development would lead to a fractured local community spirit
- Applicant currently has a scrap metal business at property (as seen on Google earth photo)
- Already one caravan site in the area, which causes congestion, noise nuisance from parties and reduction in privacy resulting from additional walkers in the area
- If the application is successful neighbours of the site will apply to build on their land
- If permission is granted the decision will be challenged.

5.3 Applicant's Design and Access Statement. This is an amended version of that originally submitted for the previous application, which was withdrawn. The main points raised are:

- Essential differences from withdrawn scheme are reduction in size of the site (from 0.279 hectares to 0.1225 hectares), touring caravan is resited adjacent to the static within a hedged enclosure, resiting and reduction in the car parking area, amendments to the drainage field and additional planting to increase screening from neighbouring properties
- Application site is approximately 0.8 hectares, some 2.7 miles southeast of Hereford
- Site has been used as smallholding until recently
- Existing sheds/stables grouped around the eastern boundary
- Remainder of the site is improved pasture land, with the exception of the well established apple orchard on the western boundary, on the downslope of Ridgehill
- Site is in the open countryside, but not isolated being part of an ad hoc settlement, properties in the vicinity and a caravan site
- PROW runs downhill between the site and the caravan site to the A49 near to the Grafton Inn
- Site is largely flat, but rises slightly from the road to the ridge (which runs north-south down the centre of the site) and then falls away gently at first (35m or so) and then more steeply
- Hedgerows (many around 2m in height) enclose three sides and the orchard along the remaining boundary. The roadside hedgerow needs additional planting
- Views are restricted in the summer, houses opposite do overlook the site to some extent, but are distant. Additional planting will reduce this
- Existing access via adjacent field gates
- Welsh Water mains drain runs under the land at the site's entrance. Welsh Water have been consulted

- Applicants are Travellers with in the PPTS annex 1 definition. They lived a nomadic life, mainly in relation to working on farms. Places they have stayed were given in previous application. They have family members in and around the Hereford area, including on council and private sites.
- Family consists of a mother, her son, her daughter and her daughter's three children. They settled for the education of the children, they had a desire to return to their roots both in living in a caravan and returning to Herefordshire.
- Other sites have been looked at over the years but none were suitable
- Existing access would be in same position on the highway, but set back 5 metres and reduced to a width of 3.5m
- Temporary 6 foot (1.8m) high fence is proposed behind the hedge on the north and east to improve privacy and act as windbreak until the additional planting has matured.
- Modern twin chamber septic tank with drainage field is proposed. As amended the distribution pipes would run in a continuous loop system.
- Policies H7 and H12 of the UDP, the Government's PPTS are applicable
- Unsure of weight to be afforded to policies RA3 and H4 of the deposit draft Core Strategy. Should note that policy allows for an exception where sites do not have reasonable access to service and facilities provided that they are retained in perpetuity. Also it confirms that no allocations of land are likely before an SPD in 2017 and immediate provision will rely on private sites.
- In terms of sustainability and the three roles:
 - Social – reduces pressure on official sites and roadside encampments, promotes mixed, inclusive communities (PPTS paragraph 13). Number of objections to this modest application indicate quite an exclusive community. Development of similar private traveller sites gives little support to the fears expressed and provide evidence of the social benefits of a more stable lifestyle
 - Economic – relatively easy access to employment areas. Education/training of the three young people will benefit from relatively easy access to further education
 - Environmental – site is 4.4km from city, 2.9km from local centre at Hinton – which includes supermarket, convenience stores (open days a week), public house etc, schools and doctors surgery.
- Bus service (44 Hereford – Ross on Wye) has 4/5 services per day to Hereford, including early and late services to fit in with work/school. Ridgehill turn bus stop/shelter is 0.8km away. Access to this is down a lightly trafficked lane (6 vehicles counted in ½ hour), with a verge along much of the route and houses (important on dark evenings). The applicants intend on using the bus to access services
- A49 bus stop, accessed by PROW (16 minute walk), gives access to good services to Hereford, Ross-on-Wye and Gloucester and beyond. Acknowledge that PROW is steep, but is usable by young people in dry weather
- Cycling from Hinton to the site has been timed at 11 minutes and to High Town, Hereford 15.5 minutes and 18.5 minutes for the return journey
- 'Reasonable distance' is not defined. Earlier draft Core Strategy policy gave a threshold of 5km
- Reference given to appeal decisions where Inspector's expressed views regarding what 'reasonable distance' was. Less than a mile on a route conducive to walking was considered unduly restrictive and a site served by roads without footways is not uncommon in the countryside
- The site is in the landscape classification 'Forest Smallholdings and dwellings', where the Landscape Classification SPD states additional individual dwellings maybe appropriate in certain circumstances
- Development is modest, surrounding pasture is largely preserved. The surrounding settlement is not compromised

- True that not in keeping with the rural street scene, but should be considered in the landscape as a whole. Traveller sites, by their nature, are different and if expected to be in keeping with the local settlement type and arrangement would not be allowed anywhere.
- Significant weight should be given to the need for additional pitches, at most recent appeal decision in the county (The Leys, Lyne Down, near Much Marcle) the Inspector concludes that the harm (not well located for access to services and facilities) was outweighed by the general need for such sites.
- 2007 Gypsy and Travellers Accommodation Assessment (GTAA) have not been met and most recent GTAA (draft form) assesses additional need as 31 pitches
- Waiting list on council sites
- PPTS supports more private sites – difficult to find and acquire and negotiate the planning system with barrage of objections
- LPA can make land available for housing but not traveller sites, which is why it is an exception to the normal restrictive policy
- Applicants wish children to connect with their culture before they are fully adult and a quiet and stable environment for one of the occupant's health problems
- Refusal of application would not result in homelessness but would have an issue related to links between traditional nomadic lifestyle or semi-nomadic and ethnic identity
- Proposal is similar to a number of other applications that have been approved and developed successfully.
- These sites contribute to the requirement to 'facilitate the travelling way of life', and benefit those living on site and the public in reducing unauthorised camping
- Private sites are the only way to meet the acknowledged need
- The site is adjacent to an existing settlement, but would not dominate it and existing and proposed landscaping will provide screening. Minimal impact upon neighbours
- Applicants have need for a site and significant local connections.

5.4 Further letters have been received from the applicant and Hereford Traveller Support on her behalf. These state the following:

- The name on the application form should read 'Janes' and not 'James', this results from a misreading
- The application forms are designed for housing, which constitute one unit, and are not fully appropriate for caravans. Four bedrooms is a loose indication, equating to two rooms in the static caravan and two in the tourer. Two units are proposed, as shown on the submitted block plan
- Intention is to have portaloo toilet, plumbed into the drainage system. Bathroom will be in the static
- The two sheds in repairable condition will be repaired and retained. One used for a pony and the other for storage, chickens etc. The others will be removed and the site tied up.
- The Council's current consultation on an Issues and Options Paper with regards Traveller sites gives three options:–
 - 1) expanding existing sites
 - 2) new sites on the outskirts of Hereford and market towns
 - 3) less sustainable locations in the countryside
- An appeal decision at Norton Canon (reference APP/W1850/C/09/2119597) concluded that a site that was just over 5km from Weobley and 11 miles from Hereford did not have unreasonable access to services and although the car was the most likely means of transport other practical options existed.

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>

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 and Guidance

- 6.1 It is a legal requirement that applications are determined in accordance with the Development Plan, unless material planning considerations indicate otherwise (section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990). This requirement is reconfirmed in paragraphs 11 to 13 of the NPPF. These paragraphs state that the NPPF is guidance and does not change the statutory status of the Development Plan, but that it is highly desirable for local planning authorities to have an up-to-date local plan. The Development Plan consists of the Herefordshire Unitary Development Plan (HUDP). This is time expired, but as set out in paragraph 215 of the NPPF due weight can still be afforded to the policies contained in the Development Plan according to their degree of consistency with the NPPF.
- 6.2 The site lies in open countryside, where policy H7 of the HUDP is applicable. This seeks to restrict new residential development in the open countryside and sets out certain, specified exceptions to this presumption. The site is not adjacent to a settlement or facilities, such as shops, education or health facilities, but is on the opposite side of the road to a small number of dwellings. It is considered that the site is in a location where the NPPF would seek to restrict new development, as set out in paragraphs 55. As such the objectives of policy H7 of the HUDP are consistent with those of paragraph 55 of the NPPF in regard of this site.
- 6.3 As an exception to the presumption against new residential development, policy H7(6) of the HUDP permits sites for the needs of Gypsies or other Travellers in accordance with policy H12. HUDP Policy H12 confirms that proposals to accommodate gypsies' needs will be permitted where they comply with the four following criteria.
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.
- 6.4 Core Strategy Policy H4 is the current iteration of the proposed local policy for gypsy and traveller sites. Minimal weight can be attributed to it in view of the level of objection to the deposited document. That said, the content of Policy H4 is considered to broadly reflect both HUDP policy H12 and the national guidance, although it does refer to local need, contrary to the DCLG Planning Policy for Travellers Sites (March 2012) (PPTS), which does not require a local connection in applications for traveller sites.
- 6.5 The PPTS provides the most recent national guidance for such forms of development and is an important material planning consideration. It states that it should be read in conjunction with the NPPF. The introduction to the NPPF (section 4) confirms that when taking decisions on traveller sites local planning authorities should have regard to the policies of the NPPF, so

Further information on the subject of this report is available from Mrs Charlotte Atkins on 01432 260536

far as are relevant. The PPTS states that policies and decisions should facilitate the traditional and nomadic way of life of travellers whilst respecting the interests of the settled community. It promotes more private gypsy/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 would not dominate the nearest settled community and would 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.

- 6.6 In respect of Plan Making paragraph 11 of the PPTS requires that traveller sites are sustainable economically, socially and environmentally and that local planning authorities must ensure that policies:
- a) Promote peaceful and integrated co-existence between the site and the local community.
 - b) Promote, in collaboration with commissioners of health services, access to appropriate health services.
 - c) Ensure that children can attend school on a regular basis.
 - d) Provide a settled base that reduces the need for long-distance travelling and possible environmental damage caused by unauthorised encampment.
 - e) 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.
 - f) Avoid placing undue pressure on local infrastructure and services.
 - g) Do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans.
 - h) 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.
- 6.7 In the determination of planning applications paragraph 22 of the PPTS sets out criteria (a-e) which are issues that the LPA should consider. These are as follows:
- a) the existing level of local provision and need for sites
 - b) the availability (or lack) of alternative accommodation for the applicants
 - c) other personal circumstances of the applicant
 - d) 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
 - e) that they should determine applications for sites from any travellers and not just those with local connections.
- 6.8 With regards sites in the open countryside, away from existing settlements or areas allocated for development, the PPTS advises that Local Planning Authorities should strictly control new sites. In rural areas sites should respect the scale of, and not dominate the nearest settled community, and not place undue pressure on local infrastructure (paragraph 23). The guidance advises that weight should be attached to the following (paragraph 24):
- a) effective use of previously developed (brownfield), untidy or derelict land
 - b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
 - 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.

- 6.9 In light of the above HUDP policy H12 is considered to be in broad conformity with the PPTS guidance and accordingly significant weight can be afforded to it.
- 6.10 The PPTS advises that 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. In an appeal decision at Much Marcle (planning application reference DMS/111132/F - appeal APP/W1850/A/11/2160518, dated 22.2.2012) an Inspector considered that the under provision of traveller sites in Herefordshire should be given significant weight. The provision has not materially improved to date. In allowing the appeal the Inspector determined that in that case the lack of provision outweighed the unsatisfactory location of the site, in terms of access to services and facilities and an adverse landscape impact.

Current Provision and Need

- 6.11 An accommodation and needs assessment for Gypsies and Travellers is near completion to update the 2008 assessment. This identified the need for 83 pitches between period 2008 and 2012 and 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 and as such there is a demonstrated need for additional pitches to be delivered.
- 6.12 The Council recently 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 and included an opportunity for sites to be suggested.

Principle of Development and Location

- 6.13 The first issue which must be considered is whether the applicant falls within the definition of a 'Gypsy or Traveller' as detailed in Annex 1 of PPTS and thus benefits from the exceptional circumstances provided in HUDP policies H7(6) and H12 for allowing development in the open countryside. Annex 1 of the PPTS states that for the purposes of planning policy 'Gypsies or Travellers' means:

"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 showpeople or circus people travelling together as such."

- 6.14 The Government's consultation: planning and travellers (September 2014) seeks views on the revisions of national planning policy for travellers. The ten week consultation period expired on 23 November 2014. This includes consultation on the whether there should be an amendment of the planning definition of travellers to exclude those who have ceased to travel permanently. The consultation also seeks views on revision to the weight that should be afforded to a lack of 5 year supply of sites, amongst other matters. The consultation does however state that the Government remains committed to increasing the level of authorised provision in appropriate locations. It has been suggested that the revisions to the definitions could violate the European Convention on Human Rights in respect of the protection of national minorities and therefore is likely to be challenged. On this basis and given that the document is at consultation stage it is considered to have no weight.

- 6.15 It is asserted that the applicant has previously led a nomadic lifestyle and settled in 2000 due to the educational needs of her children who were young at that time. The submitted information, in both this application and the withdrawn scheme, states that the applicant was born in a caravan and into a Traveller family, then occupying a pitch on a Traveller site in Cardiff. Subsequently, the applicant, along with her mother and grandparents occupied unauthorised and authorised sites. These included a site at the top of the Callow before it closed in 1987, roadside sites at Ewyas Harold and Burley Gate and the Council owned site at Madley around 1994/1995. Following the closure of the Madley site the applicant states that she moved with her family from farm to farm seeking work, until lastly settling in a bungalow near Pontypool when the work ran out and when the children were small. The applicant considered it necessary to temporarily cease travelling for her dependant children's educational needs. Links are drawn to her grandparents being gypsies, family members living on private and Council run sites and her work, as a teenager with the Herefordshire Travellers Support Group on various projects including the production of a video about travelling life.
- 6.16 On the basis of the submitted information and in the absence of any contradictory evidence, it is considered that the applicant meets the definition of a Gypsy, as she ceased travelling temporarily due to her families' educational needs. Although the applicant is not currently local, she does have local connections. Nevertheless, as stated in the PPTS at paragraph 22(e) applications should be determined from any travellers, whether or not they have local connections.
- 6.17 The requirement to be within reasonable distance of local services and facilities is set out within HUDP 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. HUDP policy H12 does not provide a definition for 'reasonable distance', but in the preamble to the policy it states sites should have access to facilities and services and acknowledges that such proposals are an exception to the normal presumption against development in the open countryside.
- 6.18 The site is located in open countryside, outside of any defined village or within walking distance of any shops, schools or facilities. The nearest 'local facilities' can be found at the neighbourhood shopping centre on the Holme Lacy Road at Putson, some 2.9 kilometres (1.8 miles) from the site, accessed via the unclassified road and the Hoarwithy Road (C1261). More extensive services and facilities such as health care provision, schools and larger convenience stores are available to the south of Hereford City, approximately 4.4 kilometres (2.7 miles) from the site. There is a bus stop some 0.8 kilometres from the site, where services provide 4 to 5 trips per day to Hereford. The lane is a rather hostile environment for pedestrians, due to its width, lack of footway and unlit nature. However, this is not untypical in such locations and as the lanes are not heavily trafficked this would be likely to lessen the effect of these inhibiting factors. With regards cycling, these distances and road conditions are likely to be acceptable. Given that policy H7(6) of the HUDP makes an exception to the normal presumption against development outside of settlements for traveller sites and thus in locations that are less sustainable than settlements, it is considered that the site is a reasonable distance from services and facilities, with scope to access these by means other than private motorised vehicles. Reference has been made in some of the objections to the relatively recently dismissed appeal for a dwelling in the area. This concluded that the site was not sustainably located for the purposes of the NPPF. This decision can be distinguished from this application as it was for a permanent dwelling, and did not accord with any of the specified exceptions to policy H7 of the UDP which restricts residential development outside of settlements. The social role of sustainability that applies to this proposal, specifically the facilitation of the traditional and nomadic way of life of travellers, should be afforded weight and can be regarded as counter balancing against the connectivity of the site. Notwithstanding this, the nearest facilities are on the outskirts of Hereford and within the city itself and therefore offer the largest extent, range and concentration of services and facilities in

the County. As a result there is a greater likelihood of linked trips, which would reduce the number of likely journeys to and from the site.

- 6.19 The site is considered to be small within the meaning of HUDP policy H12, as it is for a single, extended family to be accommodated in a static and touring caravan. The preamble to the policy quantifies small sites as up to 5 or 6 caravans for individual or extended families (5.2.24). The submitted scheme indicates adequate amenity space would be provided, including a possible play area next to the static caravan. Objections have been raised questioning if the play area is safe as required by criterion 4 of policy H12 of the HUDP. The play area is within the application site near to the static caravan and effectively forms part of the garden. On this basis it is considered to be inherently safe, similarly to any area set aside for play in a domestic garden.
- 6.20 The site is considered to be greenfield and has been previously used for agriculture and as a small holding. Objections have been made to the loss of agricultural land and policy E15 of the HUDP quoted to support this point of view. There is a demonstrated and over riding need for traveller sites and the quality and size of the land mean that it is not considered to be the best or most versatile agricultural land. Consequently, the proposed use is acceptable and does not conflict with the requirements of the policy E15 of the HUDP. In any event the NPPF does not set out any requirement to retain agricultural land per se for food security. At appeal (APP/U1105/A/13/2191905) an Inspector concluded that this matter was not one that could weigh against the proposed development.

Visual Impact/Site Design

- 6.21 The landscape is classified as 'forest small holdings and dwellings' in the Council's Landscape Characterisation Assessment SPG (produced in 2004 and updated in 2009). This states that this classification comprises '*intimate, densely settled landscapes characterised by strings of wayside cottages and associated smallholdings. They nestle within a complex matrix of pastoral fields and narrow lanes, often defined by prominent dense hedges with hedgerow trees. The consistency of human activity in these distinctive, small scale landscapes has resulted in a unified, palpably domestic character.*' And also '*The settlement pattern has developed in a random, opportunistic manner, the corresponding density, scale and ad hoc pattern of both dwellings and lanes being distinctive characteristics today*'. The site and surrounding area fall within a registered historic park and garden (Foxley – which lies to the northwest of Mansel Lacy). This extends across a large area of the County. As the site is relatively small in size to this registered land and there is permanent residential development on the opposite side of the lane, the proposal would not adversely affect the registered park and garden.
- 6.22 There is relatively tight knit, ribbon residential development fronting and in close proximity to the lane to the northeast of the site. This is predominantly single storey in nature. On the same side of the lane as the application site there is a dwelling to the northeast, with intervening agricultural land, and a cottage to the southwest with the applicant's land that is excluded from this proposal between. Due to the natural topography and existing vegetation there are not significant medium or long range views of the site. The most obvious views of the site would be from the lane itself. From these vantage points the static caravan, due to its siting parallel and adjacent to the northeastern boundary hedgerow would not be obtrusive. The touring caravan would be orientated so that the long elevation faced the road, but it would be set back some 31 metres from the lane. The existing and proposed planting would filter views both from the lane and from nearby properties, thereby further mitigating the development proposed. In its context, it is considered that the proposal would be satisfactorily assimilated and would not represent a significant incursion in the landscape. In addition given the distance between the site and the nearby dwellings and the existing boundary hedgerow the proposal would not give rise to overlooking or loss of privacy.

- 6.23 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. The application proposes a static caravan and tourer, but in fact it could accommodate more. It is considered necessary to control the number of caravans and the area upon which they can be sited to ensure that the proposal would not become out of scale and have a dominating impact upon the settled community. This would enable any future application for additional caravans or facilities to be assessed on its own merits. Close boarded gates are proposed to the entrance together with fencing to the rear of the visibility splay and site perimeters, behind the existing hedgerows. It is considered that this hard landscaping would appear to isolate the site from its surroundings and the settled community, and would also be out of context with the existing residential development in the area and the more open character of this side of the lane. Similarly the surfacing of the car parking area should be suitably controlled to ensure that it would be appropriate for this rural location and to prevent surface water run off onto the lane, particularly given its siting within the site. These matters could be controlled by a suitably worded landscaping condition.

Other Issues

- 6.24 The Transportation Manager has assessed the access as being acceptable in terms of visibility and the Council's Ecologist has confirmed that the proposal would not be harmful to protected species and from the analysis of the grassland it is not of high agricultural quality.
- 6.25 A septic tank was originally proposed to provide means of foul drainage from the site. Policy CF2 of the HUDP ranks the order of preference for foul drainage methods. In the absence of a mains connection being a feasible option a second priority is the use of a package sewerage treatment plant, with a septic tank as the third option. This sequential approach should be based on the feasibility of alternative arrangements including their cost and/or practicability. Having brought this matter to the applicant's attention, it has been confirmed that although septic tanks have previously been the preferred option due to cost and understanding, following further research a sewerage treatment plan is the preferred option. The Environmental Health Officer has advised that a site licence would be required for the proposal and satisfactory foul drainage arrangements would be needed. On this basis a condition requiring the submission of details is considered reasonable.

Conclusion

- 6.26 In terms of the overriding principle of the NPPF, to achieve sustainable development, it is considered that the proposal would provide significant social benefits through the delivery of a private Gypsy/Traveller site, which due to its size relative to the local settled community would enable and promote the facilitation of social interaction and creation of a healthy, inclusive community. Furthermore, due to the site's location the proposal would also offer some economic benefits due to the accessibility for occupants of the site to attend local further education facilities and local employment, thus contributing to the local economy. Turning to the environmental dimension of sustainable development it is considered that due to the size of the site and density and scale of the proposal it would not have a materially adverse impact upon the landscape, such that the identified significant social benefit would be outweighed. Through the implementation of a satisfactory landscaping scheme, as required by condition, the existing hedgerows would be supplemented and appropriate additional planting carried out, thus enhancing biodiversity on the site.
- 6.27 Having regard to the requirements of the relevant HUDP policies, together with the aims of the NPPF and the PPTS, and giving weight to the Council's shortfall in the provision of Gypsy and Traveller sites, the site's location within reasonable distance of services and facilities and the lack of demonstrable harm to the landscape or amenities of the area, it is considered that the proposal is acceptable, subject to conditions.

- 6.28 As the site is acceptable for the proposed use and not on the basis of the applicant's personal circumstances, a personal condition is not warranted. There is a need for such sites and provided that the occupation is restricted to Gypsies and Travellers, in accordance with the exception for permitting such sites contrary to the normal restriction in the countryside, the occupation will be appropriately limited. Bearing in mind the ongoing uncertainty of the likelihood of the unmet need for Gypsy and Traveller sites being met it would be unreasonable to grant a temporary permission.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. G02 Retention of trees and hedgerows**
- 4. G10 Landscaping scheme (Amended to include: Notwithstanding the details of soft and hard landscaping (fencing and gates) on the approved site plan & access parking and turning area consolidations surfacing and drainage)**
- 5. G11 Landscaping scheme – implementation**
- 6. 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 and the Planning Policy for traveller sites (DCLG – March 2012).

- 7. The permission hereby approved is for no more than one pitch on the site for the permanent siting of no more than one static caravan and one touring caravan on the land. The caravans are restricted to the definition and size as set out in the Caravan Sites and Control of Development Act 1960 and Caravan Sites Act 1968 and any subsequent Acts or amendments superseding that legislation with or without modification.**

Reason: In order to define the terms of the permission and safeguard the landscape character of the area in accordance with the requirements of Paragraph 26 of the DCLG Planning Policy for Travellers and policies DR1 and LA2 of the Herefordshire Unitary Development Plan.

- 8. I18 Scheme of foul drainage disposal**

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 the representations received. Amendments have been made to the proposal in respect of matters of concern identified in the previous application. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with relevant saved local planning policies and the principles set out within the National Planning**

Policy Framework and the CLG's Planning policy for traveller sites.

2. HN05 Works within the highway

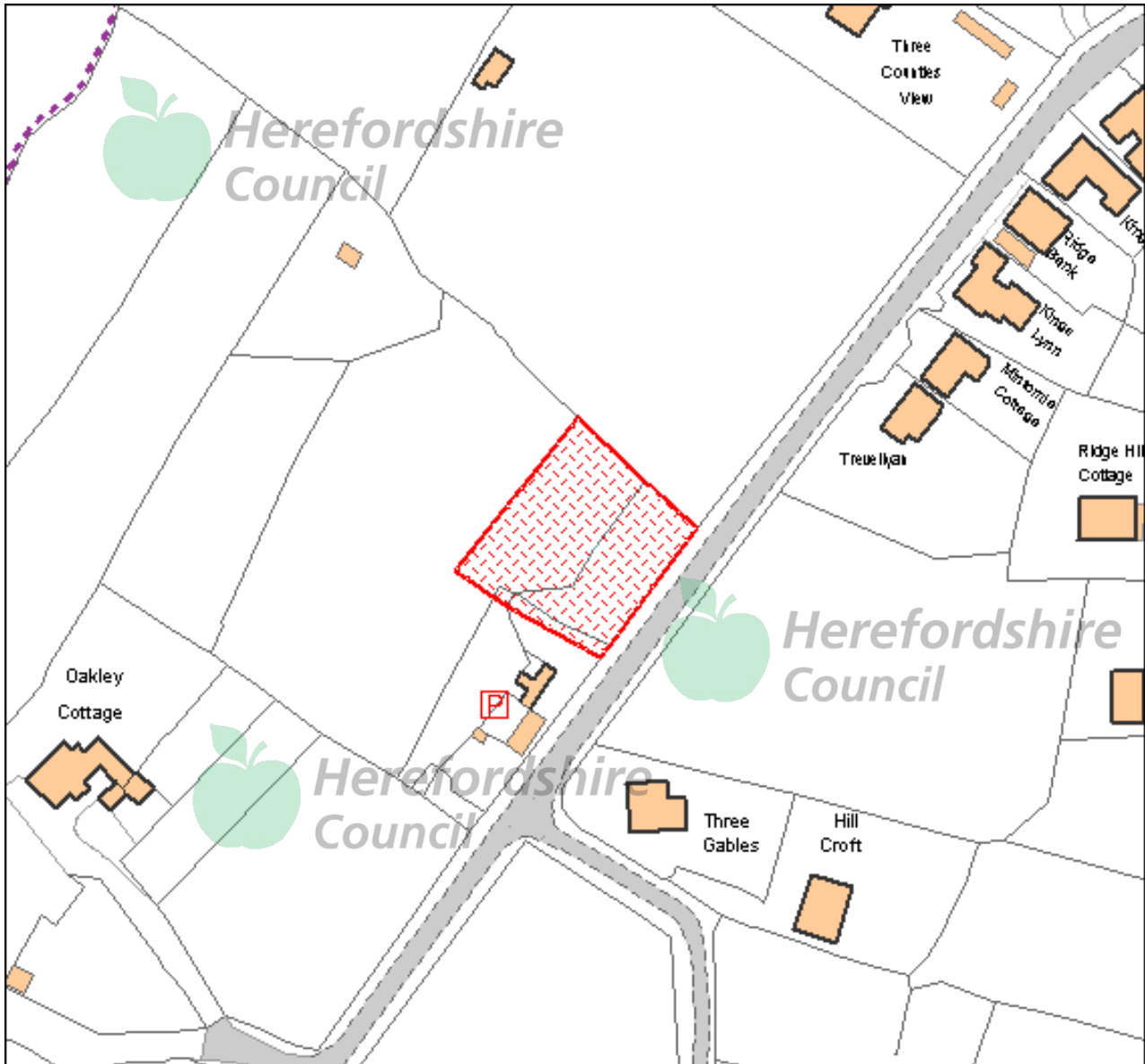
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: 141687/F

SITE ADDRESS : MID SUMMER ORCHARD, (LAND AT OAKLEY COTTAGE), RIDGE HILL,
HEREFORDSHIRE, HR2 8AG

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