

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>24 July 2019</b>
<b>TITLE OF REPORT:</b>	<p><b>183661 - PROPOSED EXTENSION TO AN EXISTING GYPSY/TRAVELLERS SITE COMPRISING 5NO. RESIDENTIAL PITCHES, 1 NO. EXTENDED DAYROOM, 2 NO. UTILITY BLOCKS, 1 NO. ACCESS, HARDSTANDING AND ASSOCIATED WORKS AT OAKFIELD, NASH END LANE, BOSBURY, LEDBURY.</b></p> <p><b>For: Mr Smith per Dr Simon Ruston, The Old Office, 1 Great Ostry, Shepton Mallet, Somerset, BA4 5TT</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=183661&amp;search=183661">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=183661&amp;search=183661</a>
<b>Reason Application submitted to Committee – Redirection</b>	

**Date Received: 3 October 2018**  
**Expiry Date: 12 December 2018**

**Ward: Hope End**

**Grid Ref: 370864,245018**

Local Member: Councillor Tony Johnson

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

- 1.1 Oakfield is located 0.25 miles north-east of Nash End Lane, forming part of the parish of Bosbury. The application site comprises a largely rectangular parcel of land extending circa 0.55 hectares and the site itself is 1.4 miles north-east of the main built form of Bosbury. Nash End Lane leads back to the junction with the B4220, which runs between the settlements of Bosbury and Cradley.
- 1.2 The site is surrounded by open fields, albeit for an existing adjacent dwelling house immediately south of the site, Cotmeadow, which is currently unoccupied and does show signs of becoming dilapidated in certain parts.
- 1.3 The site currently comprises one touring caravan situated on a large hardstanding area (mostly buff coloured gravel); an existing dayroom; and an existing 'estate-style' gated vehicular access onto Nash End Lane at the south-west of the site. To the north of the site lies an existing paddock, as well as further hardstanding, separated by traditional timber post and rail fencing, with an existing mature hedgerow running through the centre of the site, with access to allow entry to either side of the site. Within the north of the site, other features include two utility trailers; an outbuilding used as a shed and evidence of the storage of materials at the north-west site boundary. The existing mature hedgerow around the boundary of the site/paddock is supplemented by mature trees on the roadside (western) and northern boundaries. Officers note that works have been undertaken to the west of site to establish a further access, although

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Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

it is clear that this has not been brought into use and the sole access currently is from the south-west of site.

- 1.4 In providing context, planning permission was granted in January 2002, after the application was heard at the northern area sub-committee, and a subsequent appeal to vary the conditions attached to the decision notice, allowed in September 2002, for one caravan to be stationed on the land. A further application was then approved in November 2012, with regards to the use of land for another traveller pitch together with the formation of additional hard standing and utility/dayrooms ancillary to that use. From visiting the site, officers understand that this permission has not been fully implemented. However, given that the dayroom has been constructed, this permission is still extant and as such, this pitch can be brought into use at any time.
- 1.5 This current application proposes an extension to this existing site. This comprises: 5 no. residential pitches; an extension to the existing dayroom; 2 no. utility blocks; a new access; hardstanding and associated works in conjunction with the proposal, including a play area to the east of the site and bin store.
- 1.6 To provide a coherent understanding, the proposal would result in formation of a total of 7 no. residential pitches on site and the plans below refer to the existing site arrangements (Figure 1), with that of the proposed site plan (Figure 2):

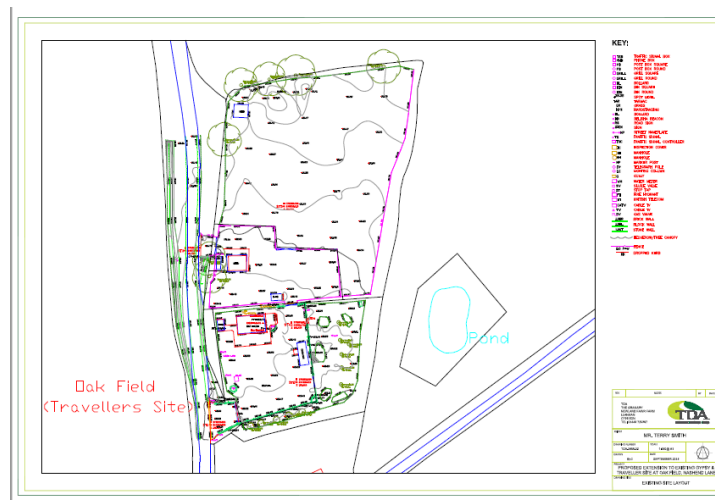


Figure 1: Existing site layout



Figure 2: Proposed site layout

- 1.7 Officers also wish to draw attention to the existing dayroom, alongside the extension proposed, and also the proposed utility block and bin store accompanying this application:



Figure 3: Existing dayroom elevations and floorplans

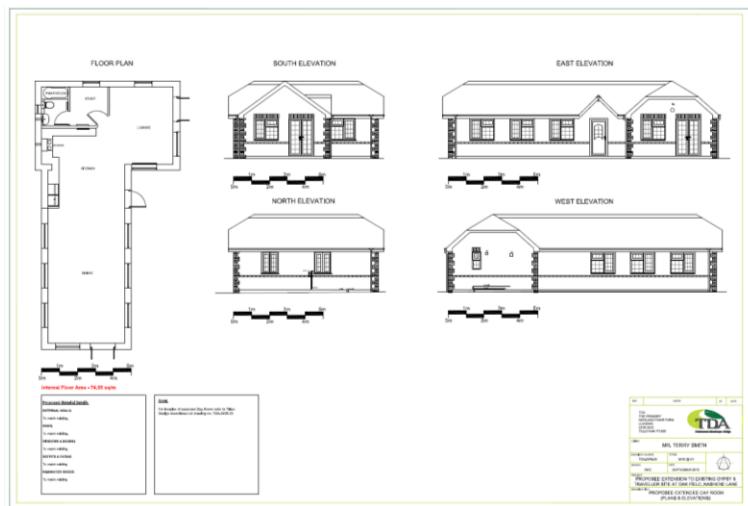


Figure 4: Proposed dayroom extension elevations and floorplans

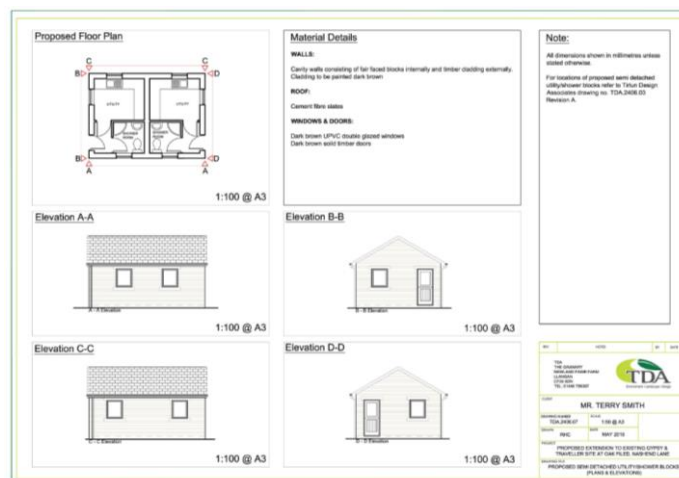


Figure 5: Proposed 2 no. utility block elevations

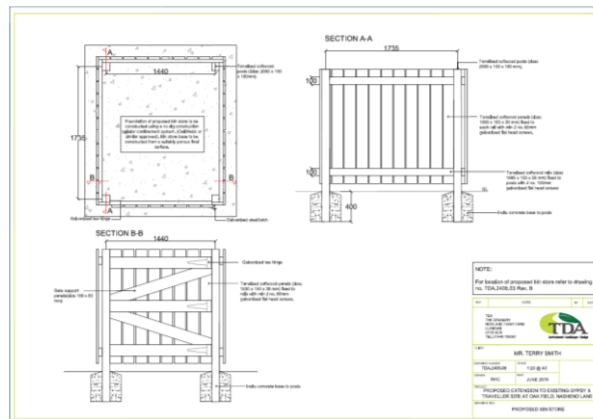


Figure 6: Proposed 1 no. bin store

- 1.8 The application has been amended since the application was validated. The original application proposed 1 no. residential pitch, 1 no. extended dayroom, 5 no. transit pitches including 1 no. utility block, 1 no. access, hardstanding, and associated works.
- 1.9 In providing an explanation for these amendments, the Council is currently in the process of preparing a Traveller Sites Development Plan Document (DPD), that if adopted will form part of the Herefordshire Local Plan. The DPD was submitted to the Planning Inspectorate for examination in February 2018. Hearing sessions took place in May 2018. Following these hearing sessions, the Inspector published post hearing advice in which he asked the Council to review the sections of the Gypsy and Traveller Accommodation Assessment in relation to turnover of pitches on the local authority sites. This review has resulted in a further five residential pitches being required in the county before 2022/23 and further eleven residential pitches between 2023 and 2031. This is in addition to the nine residential pitches already identified in the Travellers Sites DPD. In response to the post hearing advice from the Inspector, the Council has identified two additional sites, including Oakfield, that could help meet the shortfall of pitches up to 2022/23 and contribute to the longer-term requirement. The Inspector had agreed that the longer-term requirement could be addressed as part of the Core Strategy Review that is due to commence in summer 2019 if enough pitches cannot be allocated at this stage.
- 1.10 This site was identified at that stage in the examination process and was included in an additional sites consultation that took place between October and December 2018. The responses were considered by the Planning Inspector and a further hearing session was held on 18 March 2019 which included discussion about this site.
- 1.11 Following the hearing session, the applicants confirmed their intention to amend the application from transit pitches to residential pitches, given confusion and discrepancy between the proposed allocation identified in the DPD and the current application. Subsequently the site was included in the main modifications (MM16) consultation, which consultation ended on 12th June 2019. The Inspector published his report on the examination of the Herefordshire Travellers' Sites Development Plan Document on 24 June 2019. This report concludes that the Herefordshire Travellers' Sites Development Plan Document (DPD) provides an appropriate basis for the planning of Traveller sites in the county, provided that a number of main modifications are made to it.
- 1.12 It is understood that the report and revised Travellers' Sites DPD incorporating all the modifications will be presented to Council in due course, however a date has yet to be agreed.

## 2. Policies

### 2.1 Herefordshire Local Plan – Core Strategy 2011-2031 (adopted October 2015)

Officers view that the following policies below are applicable in considering this application:

SS1	-	Presumption in Favour of Sustainable Development
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness
RA2	-	Housing in Settlements Outside Hereford and the Market Towns
RA3	-	Herefordshire's Countryside
H4	-	Traveller Sites
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
SD1	-	Sustainable Design and Energy Efficiency
SD4	-	Waste Water Treatment and River Water Quality

The Core Strategy 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/info/200185/local\\_plan/137/adopted\\_core\\_strategy](https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy)

### 2.2 Traveller Sites Development Plan Document

### 2.3 Bosbury and Catley Neighbourhood Development Plan (Bosbury NDP)

The Bosbury & Catley Group NDP was subject to a positive referendum result on 11 July 2019 (86.8%). The Bosbury NDP now has full material weight and will become part of the statutory development plan on 16 August once the adoption report has been signed by the Cabinet Member. At this time, the policies in the Bosbury NDP can be afforded full material weight as set out in paragraph 48 of the National Planning Policy Framework (June 2019) which itself is a significant material consideration. Whilst no policies are included in specific reference to travellers, officers view that the following policies are applicable in considering this application:

- Policy 1 – Village Character
- Policy 2 – Local Character
- Policy 4 – Local Facilities
- Policy 5 – Transport

The Bosbury NDP 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/directory\\_record/3033/bosbury\\_and\\_catley\\_group\\_neighbourhood\\_development\\_plan](https://www.herefordshire.gov.uk/directory_record/3033/bosbury_and_catley_group_neighbourhood_development_plan)

### 2.4 National Planning Policy Framework (NPPF) - June 2019

The NPPF also seeks positive improvements in the quality of the built, natural and historic environment and in regards people's quality of life. The National Planning Policy Framework has been considered in assessing this application. The NPPF was updated on 19<sup>th</sup> June 2019, and as such, the following sections are considered relevant to this application:

- Chapter 1 – Introduction
- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities

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Further information on the subject of this report is available from Mr J Bailey on 01432 261903

Chapter 9 – Promoting sustainable transport  
Chapter 11 – Making effective use of land  
Chapter 12 – Achieving well designed places

## 2.5 Government's Planning Policy for Traveller Sites (PPTS)

### 3. Planning History

- 3.1 N122734/F – use of land for the stationing of caravans for residential purposes for 2 no. gypsy pitches together with the formation of additional hard standing and utility/dayrooms ancillary to that use – application approved with conditions under delegated powers
- 3.2 NE2001/2481/F – proposed gypsy site for one family – application approved with conditions at planning committee, a subsequent appeal was allowed to vary conditions which were attached to planning permission

### 4. Consultation Summary

As the application has been amended since validation only the latest response are included below. All Consultation responses can be viewed on the Council's website through the following link:-

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=183661&search=183661](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=183661&search=183661)

#### Statutory Consultations

#### 4.1 Natural England – No objection

*"Natural England has previously commented on this proposal and made comments to the authority in our letter dated 23 November 2018. The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us".*

#### Internal Council Consultations

#### 4.2 Ecology – No objection and condition recommended:

*From information supplied and images available to me I can see no immediate ecology related concerns with this proposal. There are no ecological records for or immediately adjacent to the site. The applicant and their contractors have their own legal duty of care towards wildlife protection under UK Legislation that applies throughout any construction process. Any breach of this legal Duty of Care would be a criminal offence. In this instance this LPA has no reasonable cause to require this information as part of the planning application.*

*The proposed planting scheme should be subject to a relevant condition if planning consent is granted:*

*The soft landscaping and habitat creation and planting as proposed in supplied plan reference TCA.2406.03 dated September 2018 shall be implemented in full, any trees or shrubs dying within 5 years of completion of all works on the site shall be replaced like for like and all the site*



hereafter maintained in full as approved unless otherwise approved in writing by the local planning authority.

*Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 2017 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework (2018), NERC Act 2006.*

#### 4.3 **Transportation – Qualified Comments and Conditions recommended:**

*Thank you for consulting the local highway authority on the above enquiry. I have now had the opportunity to review the information provided. Please see below my comments and recommendation.*

- *The amended site layout proposes a further intensification of the site, with the addition of 5 mobile homes and two utility / shower block on the eastern half of the site. However, as stated in our previous comments, it is viewed that the proposals would have a notable impact on the operation of the local highway network.*
- *A provision of 1 parking space per mobile home is proposed, with 4 additional visitor car parking spaces. This level of parking provision is considered acceptable.*
- *There is sufficient room internally for vehicles to enter, manoeuvre internally and exit the site in a forward gear, including vehicles towing caravans as they will be frequently accessing / egressing the site.*
- *The applicant needs to provide details of the drainage strategy and the waste collection arrangements. The applicant should ensure that no water discharges onto the highway. This can be attached as an informative.*
- *It is understood that the level of visibility from the B4220 / Nash End Lane junction is below the standards set out in MfS2 for a 60mph road, and I note the point can be made about the trailer movements potentially being a cause for concern.*
- *However, I don't believe that the intensification of the site will result in a notable number of vehicular trips, meaning that the proposals will not have a material impact on the operation of the junction or that of the local highway network.*
- *Accident data has been checked and there have been no reported incidents at the junction or within its vicinity within the last five years, this suggests that there are no underlying issues with the highway layout which could be exacerbated by the proposed development.*

#### *Section 184*

*Based on the proposed access arrangements the applicant would need to apply for a Section 184 agreement, the details of which would need to be approved in writing.*

#### *Recommendation*

*If the officer is minded to recommend approval, the local highway authority advises the following conditions and informatives are attached to the decision notice.*

#### *CAL - Access, turning area and parking*

*The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority and these areas shall thereafter be retained and kept available for those uses at all times.*

*Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy MT1 of Herefordshire Core Strategy*

*I05 – No drainage to discharge to highway*

*Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.*

*I11 – Mud on highway*

*It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.*

*I35 – Highways Design Guide and Specification*

*The applicant's attention is drawn to the requirement for design to conform to Herefordshire Council's 'Highways Design Guide for New Developments' and 'Highways Specification for New Developments'.*

*I45 – Works within the highway (Compliance with the Highways Act 1980 and the Traffic Management Act 2004)*

*This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty Living Places (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel. 01432 349517), shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification, and supervision arranged for the works.*

*Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to co-ordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel. 01432 845900.*

**4.4 Public Rights of Way (PROW) – No objection:**

*No objection.*

**4.5 Licensing, Travellers & Technical Support Services – No objection:**

*The Licensing Authority do not have any objection to this application. The applicants should however be made aware of the requirements contained in the Caravan Sites and Control of Development Act 1960. This application if granted would count towards the GTAA and pitch deficit.*

**4.6 Strategic Planning – No objection following revised application:**

*“Thank you for consulting me on the amended plans and proposals for the above application. As you are aware the council is preparing a Traveller Sites Development Plan (DPD) which when adopted will form part of the Herefordshire Local Plan. The DPD is currently under examination and the first hearing session took place in May 2018. Following this, the Inspector published post hearing advice in which he advised the Council to identify further pitches in order to address a shortfall in the five year supply of residential pitches. This site was identified at that stage in the examination process and was included in an additional sites consultation that took place between October and December 2018. The responses were considered by the Planning Inspector and a further hearing session was held on 18 March 2019 which included discussion*



about this site. Following the hearing the Inspector issued further post hearing advice in relation to the site at Oakfield as follows:

*“My view is that the Council should take this site forward as a proposed Main Modification with relevant details to guide development including the need for landscaping. However, as part of this, the Council should seek further information from the site owners about whether the proposed 4 additional permanent pitches will be delivered within 5 years. This is taking account of the discrepancy between the proposed allocation and the current undetermined planning application for 1 extra permanent pitch and 5 transit pitches. In particular, whether the long-term aspirations of the site owners coincide with the proposed allocation.”*

*Following the hearing session the agent for the applicant confirmed that it was the intention to amend the application from predominately transit pitches to residential pitches. Consequently the site was included in the main modifications (MM16). The main modifications consultation ended on 12th June 2019 and the Council now awaits the Inspector’s report. However given the Inspectors earlier advice in relation to this site and the contribution these additional pitches will make to the five year supply, I support this application as it accords with the emerging DPD”.*

#### **4.7 Building Conservation Officer – No objection**

*“Visited the site today and can confirm that there would not be any impact on nearby listed buildings”.*

### **5. Representations**

#### **5.1 Bosbury and Coddington Parish Council – Objection to all consultations sent:**

*First consultation (12<sup>th</sup> November 2018):*

- *There is already a large concentration of Traveller Sites in the parish area. In the December 2017 consultation the Parish Council made this clear. Out of the 59 Traveller Residential Sites and 114 pitches to be found in the 133 parishes of Herefordshire, Bosbury and Coddington already have 4 Travellers Residential Sites with 12 pitches. The extra numbers gives real cause for concern.*
- *The present infrastructure within the parishes of Bosbury and Coddington is under strain. The Primary School is over-subscribed and there are at present 24 dwellings that already have planning permission to be built in the area.*
- *The definition of "transit" pitches is a very loose one - given that transit pitches can be occupied for up to 10 months of the year the site would effectively have permission for 8 pitches. This is a large increase from the 1 pitch there at present.*
- *Although planning permission was granted for the site in 2012 (application 122734) to increase the volume of pitches from 1 to 2 - no material changes have been made and this permission has subsequently lapsed. It is also worth noting that a condition of this application being granted was that here would not be more than 2 pitches allowed on the site in the future.*
- *Because of the lapse in the above planning approval the application is incorrect in what it is asking for.*
- *The increase in traffic generation caused by these extra pitches would put a strain on the lanes and highways in the area.*
- *The layout and density of the application is excessive on what is a small site with one pitch on at present.*
- *The site can be seen from the highway.*

*Second consultation (12<sup>th</sup> June 2019):*

*“Following their meeting on Thursday 6th June 2019 Bosbury and Coddington Group Parish Council would like to object most strongly to the latest version of Planning Application 183661. Their objection is based on the following reasons:-*

*- There is already a large concentration of Travellers Sites in the Parish area. In the December 2017 consultation with Hereford Council the Parish Council made this very clear. Out of the 59 Traveller Residential Sites and the 114 pitches to be found in the 133 Parishes of Herefordshire, Bosbury and Coddington already have 4 Travellers Residential Sites with 12 pitches. The extra number on this application gives real cause for concern and is excessive for the area.*

*- The present infrastructure within the Parishes of Bosbury and Coddington is already under strain. The Primary School is over-subscribed. The Doctors Surgery is full. There is a limited public transport system and there are no shops. There are at present 24 dwellings that already have planning permission to be built in the area, together with an expansion of the Buchanan Trust with a further 8 dwellings and associated utility areas.*

*- Although planning permission was granted for the site in 2012 (application 122734) to increase the volume of pitches from 1 to 2, no material changes have been made and the permission has subsequently lapsed. It is also worth noting that a condition of this original application being granted was that there would not be more than 2 pitches allowed on this site in the future.*

*- The increase in traffic generation caused by these extra pitches would put a severe strain on the lanes and highways in the area. The layout and density of the application is excessive on what is a small site with one pitch on it at present. It is assumed that business will be conducted on the site with light and noise pollution for local residents in a very rural location. The site can be seen from the highway”.*

*Third consultation (8<sup>th</sup> July 2019)*

*Following their meeting on Thursday 4th July 2019 the Parish Council would like to object most strongly to the latest version of Planning Application 183661. Their objection is based on the following reasons:-*

*- There is already a large concentration of Travellers Sites in the Parish area. In the December 2017 consultation with Hereford Council the Parish Council made this very clear. Out of the 59 Traveller Residential Sites and the 114 pitches to be found in the 133 Parishes of Herefordshire, Bosbury and Coddington already have 4 Travellers Residential Sites with 12 pitches. The extra number on this application gives real cause for concern and is excessive for the area.*

*- The present infrastructure within the Parishes of Bosbury and Coddington is already under strain. The Primary School is over-subscribed. The Doctors Surgery is full and there are no shops. There are at present 24 dwellings that already have planning permission to be built in the area, together with an expansion of the Buchanan Trust with a further 8 dwellings and associated utility areas.*

*- Although planning permission was granted for the site in 2012 (application 122734) to increase the volume of pitches from 1 to 2, no material changes have been made and the permission has subsequently lapsed. It is also worth noting that a condition of this original application being granted was that there would not be more than 2 pitches allowed on this site in the future.*

*- The increase in traffic generation caused by these extra pitches would put a severe strain on the lanes and highways in the area. The layout and density of the application is excessive on what is a small site with one pitch on it at present. It is assumed that business will be conducted*

*on the site with light and noise pollution for local residents in a very rural location. The site can be seen from the highway.*

5.2 At the time of writing this report, 12 objections have been received from 16 residents. Their comments are summarised as follows:

- Bosbury is being asked to add to an already disproportionately high number of travellers' pitches, in particular transitory pitches, in a small parish.
- Site can be publically viewed from the B4220.
- Highway safety.
- Regulation of site.
- Future surrounding development may result in mix of communities and hard for transitory dwellers to integrate with and contribute to the local community.
- Understanding that business is taking place on site which was condition on the original planning permission. Having touring caravans appears to be a business enterprise.
- Local amenities are already stretched.
- Intrusion in beautiful open countryside.
- Level of noise and disturbances from the site.
- The Planning Policy for Traveller Sites 2015 requires the planning authority to respect the interests of the settled community. These applications are considered differently to a "normal" planning application, hence a responsibility on the authority to carefully consider the views of the settled community.
- The proposed site is not large enough or has sufficient safe access for a large influx of vehicles and people and additional facilities appear inadequate.
- Consider views of Parish Council, the representatives of the electors of the parish.
- No footpaths for pedestrians, generating further vehicle movements to access facilities.
- Site is close to Grade II listed buildings, and this further development will negatively affect the county's historic and environmental heritage.
- Negative impact of location would increase Herefordshire's vulnerability to the impact of climate change.

5.3 Objectors, including Bosbury and Coddington Parish Council, have brought officers attention to identifying that this application is contrary to conditions outlined under planning permission N122734/F. It is important to state here that the conditions which were imposed have not precluded any further development or prevented subsequent applications being submitted. Whilst this is material to the determination of this application, there must be consideration as to whether the reasons for imposing these conditions are still applicable or whether different conditions can be imposed to mitigate any potential impacts.

5.4 A number of objectors have also raised the point that officers should strongly consider the views of Parish Council, the representatives of the electors of the parish. Officers note that Bosbury and Coddington Parish Council are a consultee for this application but the application should be considered in accordance with the development plan, namely the Herefordshire Core Strategy; the Bosbury NDP, which also acts the policy document for the neighbourhood area; and the NPPF.

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

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=183661&search=183661](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=183661&search=183661)

## 6. Officer's Appraisal

### *Policy context*

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows: *"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*
- 6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration. It is also noted that the site falls within the Bosbury and Catley Neighbourhood Area, which was subject to a positive referendum result (Bosbury NDP) on 11 July 2019 (86.8%). As a result, the Bosbury NDP now has full material weight and will become part of the statutory development plan on 16 August once the adoption report has been signed by the Cabinet Member.
- 6.3 Officers consider that Oakfield does not lie within or adjacent to the main built form of Bosbury, a settlement identified under Policy RA2 of the CS to which will be a main focus of proportionate housing development. As such, the principle of development is considered against Policy RA3 of the CS, which limits new residential development in rural locations outside of settlements, as to be defined in either Neighbourhood Development Plans or the Rural Areas Site Allocation Development Plan Document. The Bosbury NDP was subject to a positive referendum result on 11 July 2019 and as such, in accordance with Paragraph 48 of the current NPPF, full material weight can be afforded. Nevertheless, this site is not identified within the emerging NDP and furthermore, it is noteworthy that no reference is made to considering traveller provision/sites.
- 6.4 Taking this position, it is accepted that the site is not considered to be within or immediately adjacent to the main built form of Bosbury. Indeed the site is situated adjacent to an unoccupied single residential dwelling and approximately 400 metres north of a cluster of dwellings which lie adjacent to Nash End Lane/B4220. It is therefore considered that the site lies in a rural location where both RA3 and H4 of the CS and paragraph 79 of the current NPPF would apply.
- 6.5 Policy RA3 of the CS states that residential development in such locations will be limited to proposals that satisfy one or more of the specified criteria. Criterion 7 outlines that an exceptional justification can be met through proposals for sites which would accommodate the needs of gypsies or other travellers in accordance with policy H4 – Traveller Sites. This subsequent policy provides the more detailed considerations for assessing such applications, in accordance with the development plan.
- 6.6 CS policy H4 explains that the accommodation needs of travellers will be provided through the preparation of the Travellers' Sites Document (DPD). As outlined in Section 1, the Travellers' Sites DPD was submitted to the Secretary of State for Housing Communities and Local Government on 27 February 2018 for examination. The Inspector published his report on the examination of the Herefordshire Travellers' Sites Development Plan Document on 24 June 2019. This report concludes that the Herefordshire Travellers' Sites Development Plan Document (DPD) provides an appropriate basis for the planning of Traveller sites in the county, provided that a number of main modifications are made to it. It is understood that the report and revised Travellers' Sites DPD incorporating all the modifications will be presented to Council in due course, however a date has yet to be agreed. However significant weight can be attributed.
- 6.7 Policy H4 states that proposals will be supported where:
1. *Sites afford reasonable access to services and facilities, including health and schools.*

2. *Appropriate screening and landscaping is included within the proposal to protect local amenity and the environment.*
3. *They promote peaceful and integrated co-existence between the site and the local community.*
4. *They enable mixed business and residential accommodation (providing for the live-work lifestyle of travellers).*
5. *They avoid undue pressure on local infrastructure and services.*
6. *In rural areas, the size of the site does not dominate nearby settled communities and;*
7. *They are capable of accommodating on-site facilities that meet best practice for modern traveller site requirements, including play areas, storage, provision for recycling and waste management.*

For understanding, in rural areas, where there is a case of local need for an affordable traveller site, but criterion 1 above cannot be fulfilled, then exception may be made and proposals permitted, provided such sites can be retained for that purpose in perpetuity.

6.8 The introduction to the NPPF identifies that this should be read in conjunction with the Government's Planning Policy for Traveller Sites (PPTS). In decision-taking on such sites, regard should be had to the NPPF so far as is relevant. The PPTS was revised in August 2015 and provides the most recent national guidance for such forms of development and is a material planning consideration. It states that the Government intends to review this policy when 'fair and representative practical results of its implementation are clear' and whether planning policy for traveller sites should be incorporated in the wider NPPF. The PPTS states that applications should be assessed and determined in accordance with the presumption in favour of development and application of the NPPF policies and those in the PPTS. It also confirms that the Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates their traditional and nomadic way of life whilst respecting the interests of the settled community. When assessing the suitability of sites in rural or semi-rural settings, Local Planning Authorities should also ensure that the scale of such sites would not dominate the nearest settled community.

6.9 In determining 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.*

The revised PPTS has amended paragraph 25 to advise that 'Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.' (amendment underlined).

6.10 The PPTS guidance also advises that weight should be attached to the following (paragraph 26):

- 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.*

- 6.11 The PPTS also 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. Exceptions to this are where the site is within the Green Belt (designated as such), sites protected under the Birds and Habitats Directive and/or Sites of Special Scientific Interest, Local Green Space, an Area of Outstanding Natural Beauty, a National Park or the Broads.

#### Current Provision and Need

- 6.12 In terms of provision, a Gypsy and Traveller Accommodation Needs Assessment (GTAA) for Herefordshire was finalised in November 2015. This forms part of the evidence base for the emerging Travellers Site DPD. As advised by the Program Director Housing and Growth, the assessment has identified a need for 48 pitches to be provided by 2031 with 19 of these being required in the period between 2014/15 to 2018/19. The assessment also suggests a further requirement of 18 pitches between 2014/15 to 2018/19 in relation to need arising from Gypsy and Travellers living in bricks and mortar housing. Notwithstanding the number of extant permissions, appeals and current applications, at this time, there is not a five year supply of deliverable sites available.
- 6.13 In the post hearing advice following the submission of the Travellers Site DPD in February 2018, the Inspector asked the council to review the sections of the Gypsy and Traveller Accommodation Assessment in relation to turnover of pitches on the local authority sites. This review has resulted in a further five pitches being required in the county before 2022/23 and further 11 pitches between 2023 and 2031. This is in addition to the nine pitches already identified in the Travellers Sites DPD. The council was also asked to prepare a report outlining the possible approaches to identifying the additional pitches. The Inspector has agreed the approach suggested by the council to finding additional pitches. The council has identified two additional sites that could help meet the shortfall of pitches up to 2022/23, one being land at Stoney Street, near Madley, for up to 10 pitches and the other being this site under consideration, for up to 4 pitches. Whilst only 4 pitches have been identified, in contrast to the 5 additional pitches proposed, officers should make clear that in the absence of an adopted Travellers Site DPD, that regard and appropriate assessment is given to Policy H4 of the CS.

#### Principle of Development

- 6.14 The first critical issue which must be considered is whether the applicant falls within the definition of 'Gypsies and Travellers' as detailed in Annex 1 - Glossary of PPTS (August 2015) and thus complies with criterion 7 of CS policy RA3, which allows the provision of gypsy or other traveller sites in rural locations outside of settlements. This definition has amended that provided in the previous PPTS publication (dated March 2012) and states that for the purposes of planning policy 'Gypsies and 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, but excluding members of an organised group of travelling showpeople or circus people travelling together as such."*

- 6.15 The inclusion of those who have permanently ceased to travel for the above stated reasons has been deleted by the 2015 publication. The revised glossary also states that when determining if persons are gypsies or travellers for the purposes of the PPTS consideration should be given to the issues listed below, alongside other relevant matters:
- a) Whether they previously led a nomadic habit of life.*
  - b) The reasons for ceasing their nomadic habit of life.*
  - c) Whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.*
- 6.16 The pre-amble to policy H4 of the CS confirms that this definition applies to the policy and has subsequently been confirmed through the supporting statement submitted by the applicant's agent in that the pitches would solely be used by those who meet this definition.
- 6.17 When assessing the site's sustainability of location, it must be firstly acknowledged that CS policy RA3 permits the principle of gypsy and traveller sites outside of settlements and therefore accepts that compared to proposals within settlements, accessibility to services and facilities will be reduced somewhat. Continuing criterion 1 of CS policy H4 requires sites to have 'reasonable access to services and facilities, including health and schools', confirming that proposals for gypsy sites do not have to achieve the same degree of sustainability in locational terms as proposals for the settled community. This recognises the nomadic lifestyle of occupiers of such sites. The NPPF and the PPTS anticipate that traveller sites are likely to be located in rural and semi rural areas and that locally specified criteria should be used to guide determination of applications where there are no allocated sites in the Local Plan. Furthermore, the NPPF acknowledges that opportunities to maximise sustainable transport options vary between urban and rural areas.
- 6.18 The road between Bosbury and Cradley (B4220) does not have footways and is largely unlit. Journeys to Bosbury to the bus stop would use the B-road, and with the associated traffic, this would be a significant deterrent to walkers. Consequently the route would be rather hostile to pedestrians and the distance of 2 kilometres to the village exceeds the desirable and acceptable distances for walking to access essential services as set out in Manual for Streets 2, but it does meet the maximum distance. Given a PROW which provides direct access into the village of Bosbury and the nature of the terrain, it would also facilitate the sustainable transport mode of cycling, which both the NPPF and CS encourages.
- 6.19 Taking this policy position into account it is considered that the site is within reasonable access of services and facilities, even if not accessible on foot. Indeed, other residents hereabouts are faced with a similar predicament. The facilities in Bosbury can provide linked trips, further reducing the number of journeys required. The site has one neighbouring dwelling, which is unoccupied, and the provision of the pitches is considered not to dominate visually, due to the density proposed and the appropriate provision of landscaping, and in terms of infrastructure. Indeed, there is a 0.25 mile break in development between this site and the small cluster of dwellings at the entrance to Nash End Lane, which officers consider that it would not disrupt the local settled community hereabouts. It is clearly important to acknowledge that this is an extension to an existing traveller site and not the formation of a new site. The local objections are noted regarding the public visibility of the site from the public highway, however officers feel the site is not visible from the B4220. Indeed, as shown in the photo below taken by the officer on visit to site, the extension of the site would still not be regarded as visually prominent, namely that the dayroom would effectively be read within the locality as a bungalow in an open countryside location:





*Figure 7 – View of site from Bridleway BZ50 and Nash End Lane*

The visibility of the site from the garden of Cotmeadow is also shown below:



*Figure 8 – View of site from garden of Cotmeadow*

*The view of the site is also shown from the edge of the cluster of dwellings towards the end of Nash End Lane*



*Figure 9 – View from the edge of the cluster of dwellings at end of Nash End Lane*

- 6.20 As stipulated in the NPPF the assessment of whether development is 'sustainable' requires a joint and simultaneous approach to all three roles, economic, social and environmental, because they are mutually dependent. A settled base provides continuity in terms of accessing health and education and help to facilitate inclusive communities as advocated in section 8 of the NPPF. Furthermore, the provision of additional pitches will contribute to the Council's shortfall in sites, particularly in the long-term. It is also acknowledged in a number of representations made by local residents, that this site has never caused any issues and that the applicant has integrated well into the community, promoting peaceful and integrated co-existence with the local parish, forming a successful landscaping business, which provides work across the county. Indeed, in relevance to its location, the site does not dominate nearby settled communities, given this clear break in built form between this site and the junction with Nash End Lane and the B4220, to which a cluster of built form lies.
- 6.21 In environmental terms, the proposal would be acceptable as it constitutes further development or an extension in that regard within an existing site. In terms of the history of the site it was noted in the Delegated Report in respect of application N122734/F that the site and the adjacent paddock was not utilised at the time and that it was somewhat derelict and also on my visit to site, aspects of storage of some materials was evident. The PPTS advises that weight should also be attached to the effective use of untidy or derelict land when considering sites for travellers (paragraph 26) and in general terms the effective use of previously developed land is an overarching core principle of the NPPF. It should be noted that no evidence has been provided that the applicant has neglected the site and officers consider that the effective use and the resulting visual improvement, the scheme incorporates retention of native hedgerow and additional planting, which enhances the site's biodiversity, as shown on the proposed site and landscaping plan. This would accord with the NPPF objective to provide net gains in biodiversity where possible.
- 6.22 Officers consider that the site still continues to afford reasonable access to services and facilities, including health and schools. Appropriate screening and landscaping is included within the proposal, through drawing number TDA.2406.03 Rev B, to protect the local amenity and the environment, including proposed native species hedgerow and tree planting and understorey planting. The site would also continue to promote peaceful and integrated co-existence between the site and the local community. Officers also consider that there is capacity in local infrastructure and services, given the lack of objection from these service providers, and that on-site facilities have been provided which meet best practice for modern traveller site requirements, including play areas, storage, and provision for recycling and waste management. Taking all of these matters into account it is considered that the proposal comprises sustainable development and in principle is acceptable.

### Highways

- 6.23 A significant proportion of the objections received to this application have expressed concern regarding firstly the formation of a new access, in serving the additional pitches proposed, but furthermore, concerns of vehicles alighting onto the B4220. I would accept that the existing access and indeed the additional access has reduced visibility due to the road alignment of Nash End Lane and the position of roadside hedges, which is outside the applicant's control. The visibility which can be visually achieved is shown in the photos below:



*Figures 10 and 11 – Visibility from proposed access*

The highways consultee however, states that consideration should be given with regards to setting. In my view, it is important to note that further on from Nash End Lane, the site provides access to three farmsteads, North Farm; Birchwood Farm and Stone Farm, which on my multiple visits to site, have generated little vehicle movements. Objections have also referred the officer to an application concerning the expansion of the Buchanan Trust, which would also result in increased vehicle movements.

- 6.24 Officers consider an application on the information before them. In this instance, due to the nature of the lane and road geometry and associated vehicle movements at this time, speeds are unlikely to be higher than 15-20 mph. There is a judgement therefore to be taken in considering whether any significant impacts from the development on the highway network (in terms of capacity and congestion), or on highway safety, can be effectively mitigated to an acceptable degree. Based on the rural nature of the lane and the site's proximity to the junction with the B4220, traffic speeds are expected to be significantly lower than 60mph and hence, traffic impacts associated with this development can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development, in accordance with Policy MT1 of the CS.
- 6.25 Similarly the concerns about the safety of the junction of the B4220 are appreciated and have been carefully considered. However, given the planning history of the site and the scale of the development proposed, as well as taking into consideration that the junction is already and continually used by a number of properties, it is viewed that the proposal and the residual harm is not considered to be severe, given the lack of technical objection or conflict with the CS, namely policy MT1, NDP Policy 5, which explains that development should not result in harm to highway safety, or the NPPF, namely paragraph 109 in so that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Conditioning in respect of the development not being brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to the local planning authority in the interests of highway safety is appropriate in this instance.

## Drainage

- 6.26 Foul drainage is to be disposed of via the existing septic tank on site which had been approved previously under N122734/F. The site is in Flood Zone 1 (low probability), described in the NPPF as all areas outside of Flood Zones 2 and 3. A flood risk assessment is not required for developments in Flood Zone 1, unless the site exceeds 1 hectare, and the Technical Guidance to the NPPF states that the overall aim is to direct new development to Flood Zone 1. In terms of flood risk vulnerability and development compatibility all uses are considered to be acceptable, including those classed as highly vulnerable such as caravans, mobile homes and park homes intended for permanent occupation. The site already has areas of unmetalled hard standing originating and the retention of some paddock land to the north of site, will likely further improve the permeability of the site for surface water drainage.

## Living Conditions

- 6.27 The NPPF (core planning principle) and CS policy SD1 require proposals to achieve satisfactory living conditions for existing and future occupiers of developments. In relation to this application this requires consideration of the impact on the existing settled community in the vicinity, specifically the detached dwelling adjacent the site known as 'Cotmeadow'. The proposed pitches would be located towards the north (rear) of the site and are all single storey. Supplementary planting is proposed along this boundary and there are conifers on the neighbour's side of the boundary.
- 6.28 There is no reason to suggest that the proposed use of the site would generate unexpected noise. The scheme does not include a work element, as some traveller sites do. In light of these factors it is considered that the proposal would not materially impact on the living conditions of the neighbouring properties, given the clear break in built form between the application site between nearby farms Birchwood Farm; North Farm; Orchard Farm and Aurals Farm and the cluster of barn conversions forming Nashend House and The Oast House adjacent to the B4220.
- 6.29 The dayroom extension, providing facilities such as a separate bathroom and kitchen/facilities are an accepted part of pitches and have been allowed on other sites throughout the County, subsequently to the granting of permission for use of the site for gypsy and traveller's pitches. This scheme seeks permission for all requirements and given the precedent of granting permission for day rooms on other such sites in the county their inclusion in the scheme is considered to be acceptable.
- 6.30 The proposal also seeks the formation of on-site facilities which accord with modern traveller site requirements, including a play area to the east of the site, adequate storage and provision has been made within the site to accommodate for its changing needs, namely the addition of two utility blocks, given the increase in number of pitches.
- 6.31 The applicant has also proposed recycling and waste management arrangements, which will be managed by site residents. From considering the plans, a bin store has been proposed to achieve this.

## Design

- 6.32 Section 55 1A) of the Town and Country Planning Act 1990 defines development as including 'operations normally undertaken by a person carrying on a business as a builder. The proposed mobile home would not be constructed by a builder whilst the unit would not be attached to the ground.



- 6.33 Section 29 of the Caravan Sites and Control of Development Act 1960 defines a caravan as: *“any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any other motor vehicle so designed or adapted, but does not include a) any railway rolling stock which is for the time being on rails forming part of a railway system, on b) any tent.”*
- 6.34 Elevations and Floorplans for the mobile homes have not been included as part of the application. The standard procedure is that the proposed mobile home would meet the legal definition as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968.
- 6.35 The inclusion of an extension to an existing dayroom has been challenged by objectors, as it would comprise a permanent building unlike the other accommodation proposed. Whilst the DCLG Guidance for designing gypsy and traveller sites has been withdrawn by the Government, in the absence of superseding guidance it offers a basis for assessing the provisions proposed. The inclusion of a dayroom, providing facilities such as a separate bathroom and kitchen/dining facilities are an accepted part of pitches and have been allowed on other sites in the County subsequently to the grant of permission for use of the site for gypsy and traveller’s pitches.
- 6.36 The nature of the extension will be visible from the existing site entrance, however, due to the slight setback nature of the extension, it is not considered to cause an unacceptable level of harm in terms of visual or locality impact. Therefore, in regards to scale the proposals are considered to suitably conserve local character and the character of the host dwelling in line with CS policies SD1 and LD1. The proposed extension has been designed in a manner that reflects the host dayroom, utilising similar materials and fenestration to the existing which would be seen to be suitable to ensure they harmonise with the dwelling and not look distinctively out of character. In regards to design and materials, it is therefore considered that the proposal adheres to CS SD1, LD1 and NPPF Paragraph 124.
- 6.37 The nature of the proposal is not considered to impact upon the amenity of the adjacent neighbouring residents, with regard to overshadowing and overlooking with sufficient distance to alleviate any concerns. The windows proposed look directly into parking areas within site and therefore, the proposal is considered to adhere to the requirements of both SD1 of the CS and NPPF Chapter 12.
- 6.38 With reference to the Bosbury NDP, Policy 2 (local character) explains that all new development should respect and conserve the local character; its historic and natural assets, and take every opportunity, through design and materials, to reinforce local distinctiveness and a strong sense of place. Whilst heritage impact is discussed below, officers are content that the design and layout of the proposals are acceptable, effectively ‘rounding off’ the development of this site which reinforces the character of the locality hereabouts and according with this particular NDP policy.

#### Heritage

- 6.39 Under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the local planning authority is required, when considering development which affects a listed building or its setting: “to have special regard for the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”
- 6.40 Objections have been raised regarding the site being close to a number of designated heritage assets, namely the Grade II Listed Nash End Farmhouse and attached barns and 1 Pow Green. Objections have expressed that this development will negatively affect the county’s historic and environmental heritage receptors. The Council’s Building Conservation Officer raises no objections. Notwithstanding this, in respect of heritage assets, the advice set out at paragraph

193 of the NPPF is relevant, insofar as it requires that great weight be given to the conservation of a designated heritage asset. The more important the asset, the greater the weight should be. Paragraph 194 goes on to advise that any harm to, or loss of, the significance of designated heritage assets should require clear and convincing justification. At paragraph 195, it states that where substantial harm is identified local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Paragraph 196 goes on to state that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 6.41 The site is located ¼ mile away from the nearest listed buildings at Nash End Farmhouse and Pow Green, and having visited this site on multiple occasions, the site is well screened so that I do not consider that this would result in the loss of the setting of multiple designated heritage assets in a manner appropriate to their significance, reaffirming the Council's Building Conservation Officer in this regard.
- 6.42 As such, it is considered that the proposals would not lead to any harm to the character of the listed buildings. Notwithstanding this, the test set out at 196 therefore applies. No unmitigated potential for harm has been identified, and in accordance with the 196 test, the benefits of the scheme, namely to address a short fall of traveller pitches, are considered to significantly and demonstrably outweigh any harm on the setting of designated heritage assets. The duties imposed upon the Authority by Section 66 of the act are therefore discharged, and the scheme does not give rise to any conflict with policies, namely Policy LD4 of the CS and where relevant, Policy 2 of the Bosbury NDP.

#### Other considerations

- 6.43 From information supplied and images available to the Council, there are no immediate ecology related concerns with this proposal. There are no ecological records for or immediately adjacent to the site. As such, the applicant and their contractors have their own legal duty of care towards wildlife protection under UK Legislation that applies throughout any construction process. Any breach of this legal Duty of Care would be a criminal offence. In this instance this LPA has no reasonable cause to require this information as part of the planning application and an informative can be attached to any approval to grant planning permission.
- 6.44 Matters surrounding the regulation of the site are a material planning consideration. However, the officer considers that there is sufficient separation between the site and nearest neighbouring receptors to the site and that the Council's Planning Enforcement and Licensing sections would investigate any breaches.
- 6.45 An objector has also raised concerns that the proposal is an intrusion in beautiful open countryside and that the negative impact of the site's location would increase Herefordshire's vulnerability to the impact of climate change. Officers are of the view that this is an extension to an existing site and as such, the principle of development has already been established through previous applications being approved on this site.

#### Conclusion

- 6.46 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 an extension to an existing 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. It is not considered that the extension to the existing site would materially outweigh the settled community, given the established number of dwelling houses lying immediately adjacent to the entrance for Nash End Lane with the junction for the B4220.

- 6.47 Turning to the environmental dimension of sustainable development, it is considered that due to the size of the site, the density and scale of the proposal, alongside the reuse of this brownfield site, improvements to biodiversity and its overall appearance the scheme would not have a materially adverse impact upon the landscape or locality hereabouts. The site is well screened from public vantage points and further appropriate landscaping to further assimilate the site into the locality is proposed.
- 6.48 Having regard to the requirements of the CS, 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 (as required by the PPTS paragraph 27), 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. It should also be noted that no reference in policy terms is made to travellers within the Bosbury NDP.
- 6.49 The site is considered to be acceptable to accommodate the additional pitches proposed for travellers. There is no requirement to limit the occupation solely to the applicant, by way of a personal permission, because in light of the shortfall in deliverable sites the applicant's personal circumstances have not been a determining factor when undertaking the balancing exercise.
- 6.50 It should be made categorically clear that this site is not the formation of an additional traveller site, as to which some objectors have raised. It is considered by the officer that the application is an extension to an existing private travellers site, which has not had any enforcement action investigated or taken since the site was established. The site has also been identified by the Council as part of the emerging Travellers DPD plan as a site to meet the shortfall of pitches up to 2022/23. Whilst it is acknowledged that there are concerns at a local level, particularly with respect to highways, the officer has considered the status of the site and its relationship with its surroundings, namely to recognise that the site leads onto a no-through road of which there are only two agricultural farms further along Nash End Lane. To which, an assessment has been considered that the number of vehicle movements is low and that the volume of traffic is very low. Vehicle speeds, due to the rural nature of the road, are also considerably lower than anticipated.
- 6.51 The proposal conforms to relevant planning policies both at a national and local level. It is viewed by the officer that the proposal respects the natural, built and historic environment under Policy 1 of the NDP. The proposal, given its appropriate landscaping, respects the rural character and local landscape quality particularly the open landscape beyond the boundary of the Conservation Area, reinforcing local distinctiveness and a strong sense of place under Policy 2 of the NDP. It is also viewed that the proposal would result in the continued sustained use of local facilities in the vicinity of the neighbourhood area and surrounding, in accordance with Policy 4 and as confirmed by the highways area engineer, the proposal would not result in harm to highway safety, in accordance with Policy 5 of the NDP.
- 6.52 Whilst the objections raised by third parties and the Parish Council are noted, particularly acknowledging that Bosbury does already have a proportion of traveller sites in the locality, it should be clarified that the proposal is an extension to an existing site, and not the formation of an additional site.
- 6.53 Having regard to the lack of objection from technical consultees and the ability to control and mitigate the impact of the development through appropriate conditions attached to the recommendation, it is considered that the proposal is a justifiable form of sustainable development. As such on the basis of the assessment above, approval is recommended for this application.



## RECOMMENDATION

That planning permission be granted subject to the following conditions and any other further conditions considered necessary by officers named in the scheme of delegation to officers:

1. C01 – Time limit for commencement (full permission)
2. C06 – Development in accordance with the approved plans (drawing numbers: TDA.2406.01; TDA.2406.03 Revision B; TDA.2406.05; TDA.2406.07 and TDA.2406.08).
3. C14 - The materials to be used in the construction of the external surfaces of the dayroom extension hereby permitted shall match those used in the existing building.

**Reason:** To ensure the external materials harmonise with the existing building so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

4. CAH – Prior to the first occupation of the development hereby approved the driveway and vehicular turning area shall be consolidated and surfaced at a gradient not steeper than 1 in 8. Private drainage arrangements must be made to prevent run-off from the driveway discharging onto the highway. Details of the driveway, vehicular turning area and drainage arrangements shall be submitted to and approved in writing by the local planning authority prior to relevant works commencing in relation to the driveway/vehicle turning area.

**Reason:** In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

5. The site shall not be occupied by any persons other than Gypsies and Travellers as defined in Annexe 1, paragraph 1 of the Communities and Local Government "Planning Policy for Traveller Sites" March 2015.

**Reason:** To accord with the requirements of Policies RA3 and H4 of the Herefordshire Local Plan – Core Strategy and the Planning Policy for Traveller Sites (DCLG – August 2015).

6. Any material change to the position of the static caravans, or its replacement by another caravan in a different location, shall only take place in accordance with details submitted to and approved in writing by the local planning authority.

**Reason:** To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

7. No more than 7 mobile homes and no more than 7 touring caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended shall be stationed on the site at any time.

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

8. The soft landscaping and habitat creation and planting as proposed in supplied plan reference TCA.2406.03 Revision B dated 16<sup>th</sup> June 2019 shall be implemented in full, any trees or shrubs dying within 5 years of completion of all works on the site shall be replaced like for like and all the site hereafter maintained in full as approved unless otherwise approved in writing by the local planning authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 2017 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework (2018), NERC Act 2006

9. The utility block and day room buildings (as shown on the approved drawing nos. TDA.2406.05 and TDA.2406.07) shall not be used other than as utility block/day room structures ancillary to the use hereby approved. No part of the buildings shall be used as a bedroom or otherwise for sleeping accommodation.

Reason: To ensure that the buildings are not used as separate and independent residential units and to comply with Policies RA3 and H4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework (2019).

10. The new access gates/doors shall be set back 5 metres from the adjoining carriageway edge and shall be made to open inwards only.

Reason: In the interests of highway safety and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

11. The applicant shall be required to enter into a Section 184 agreement under the Highways Act 1980 with the local Highway Authority prior to relevant works commencing in relation to the new access. Please contact the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ to progress the agreement.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

**INFORMATIVES**

- 1. IP2 – Application Approved Following Revisions
- 2. I05 – No drainage to discharge to highway
- 3. I11 – Mud on highway
- 4. I35 – Highways Design Guide and Specification
- 5. I45 – Works within the highway
- 6. I30 - Wildlife and Countryside Act 1981 (as amended)

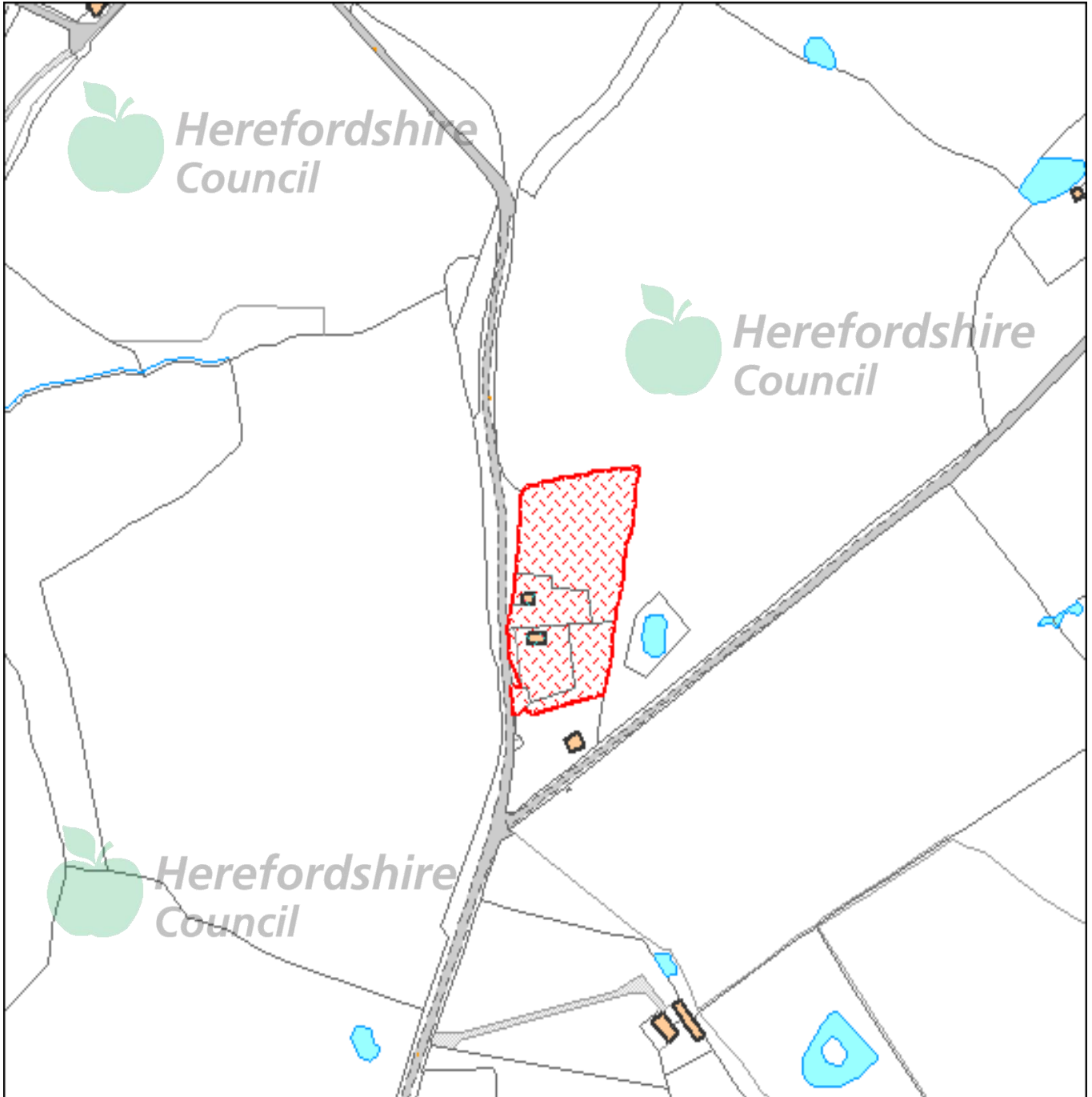
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 183661

**SITE ADDRESS :** OAKFIELD, NASH END LANE, BOSBURY, LEDBURY, HEREFORDSHIRE

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Further information on the subject of this report is available from Mr J Bailey on 01432 261903