

8 DCNE2005/2297/F - CHANGE OF USE TO A ONE FAMILY GYPSY CARAVAN SITE AT LAND AT BUSH PITCH, HR8 2PX**For: B Smith & A Walker c/o 25 Steeple View, Bank Crescent, Ledbury, Herefordshire HR8 1AD****Date Received:**
11th July 2005**Ward:**
Ledbury**Grid Ref:**
68987, 39300**Expiry Date:**
5th September 2005

Local Members: Councillor D. Rule MBE, Councillor P. Harling and Councillor B. Ashton

1. Site Description and Proposal

- 1.1 The application site comprises an open, broadly rectangular parcel of land to the northern edge of the A438 Hereford road, just under a mile west of Ledbury. Planning permission is sought for the change of use of this land to form a site for a single gypsy family.
- 1.1 The site is accessed directly from the main road via an existing gated access set back from the roadside. Land immediately to the west is in agricultural use and this boundary is further defined by the presence of public footpath LR13, which leads to a pedestrian footbridge over the railway forming the northern boundary to the site. The eastern boundary is shared with the neighbouring bungalow.
- 1.2 There are undulations within the site, although the land generally slopes away from the road and towards the northeast corner. Vegetation is limited to the site periphery and is most abundant to the western and eastern boundaries. The roadside hedgerow is of variable quality and it is proposed that this be reinforced with further planting of native species.
- 1.3 The development is concentrated to the northwest corner of the site, which is some of the lowest lying land and is also the furthest point from the neighbouring dwelling. Permission is sought for the siting of the principle residential (static) caravan, with provision for a touring caravan when necessary. Also proposed is the erection of a shed on the site of an existing collapsed structure and 3 no. parking spaces. It is proposed that this "domestic" area be defined from the rest of the site by the erection of a 1m high stone wall. Foul drainage would be to a proposed septic tank.

2. Policies**Planning Policy Guidance**Circular 1/94 – Gypsy sites and planning
PPG3 - Housing**Malvern Hills District Local Plan**

Housing Policy 15 – Gypsy Sites

Landscape Policy 1 – Development outside settlement boundaries
Recreation Policy 4 – Public Rights of Way

Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 – Sustainable Development
S2 – Development Requirements
H12 – Gypsies and other travellers

3. Site History

3.1 None relevant to this application

4. Consultation Summary

Statutory Consultations

4.1 Environment Agency: No objection

4.2 Railtrack: No objection

Internal Council Advice

4.3 Conservation Manager (Landscapes): The removal of roadside hedge necessary to meet visibility standards would also open up views into the site, detracting from the rural character of the road corridor.

4.4 Public Rights of Way Manager: Has no objection. "The proposed development would not appear to affect public footpath LR13.

4.5 Traffic Manager: No objection

5. Representations

5.1 Ledbury Town Council: Objects to the proposal. "Herefordshire Council has a duty to provide spaces for travellers, to allow individuals to do so will set a precedent. The application would have a detrimental impact on the definitive footpath across this land."

5.2 The Rambler's Association: No objection

5.3 Forestry Commission: No objection

5.4 The Campaign to Protect Rural England: Have no objection on visual amenity grounds owing to the site topography. Would ask that hardstanding be kept to a minimum and that the proposed stone wall be replaced with a hedgerow or fence. Also recommend the imposition of a condition preventing the use of the site as a workplace.

5.5 A total of 3 Letters of objection have been received from Mr. N Andrews, Baynhams Farm, Mr & Mrs P Perrett, High Winds and Mr & Mrs Garcia de Madinabeitia, Bush Pitch Cottage all on Hereford Road, Ledbury. The objections are summarised as follows:

1. Concern at the detrimental impact upon the amenity of footpath LR13;
2. Concern at the excessive speed of vehicles using the adjoining carriageway and the implications for safe vehicular access and egress to the site;
3. Concern that should permission be granted more caravans than currently applied for may take advantage of the site.

All of the letters of representation ask that in the event that permission is granted, the local planning authority take measures to ensure that the amenity of neighbouring residents is adequately safeguarded.

- 5.6 A design statement, the content of which is summarised below, accompanies the application.
- 1) The site falls outside the settlement boundary but within one of the exceptional circumstances outlined in UDP policy H7;
 - 2) The site lies inconspicuously between the railway cutting and the A438, is well capable of being screened and is within reasonable distance of local services and facilities;
 - 3) There is an existing gated access, from which visibility is well in excess of 150m either way;
 - 4) The proposal would constitute a small but worthwhile contribution towards solving the outstanding problem of finding suitable accommodation for gypsies and travellers in the country, without being a burden on public resources.
- 5.7 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

- 6.1 The application falls to be considered against the relevant policies of the adopted Local Plan and those emerging within the Unitary Development Plan (Revised Deposit Draft). The principal Government planning guidance on the provision of accommodation for gypsies is contained within Circular 1/94. The guidance indicates that the needs of gypsies should be taken into account in preparing planning policies. More widely, paragraph 13 of PPG3 indicates that local authorities should help to meet the housing needs of special groups, including travellers.
- 6.2 Members may recall the Public Inquiry held into the application for the retention of a gypsy caravan site for 26 pitches at Yoke Farm, Upper Hill, Leominster (NW03/2065/F). Here the Inspector concluded that despite the demonstrable landscape harm and unsustainable location, permission for the retention of 18 pitches should be granted, as the Council had not discharged its statutory duties in making a proper assessment as to the accommodation needs of travellers.
- 6.3 In this case, the application seeks permission for the establishment of a site for a single family, which would necessitate the stationing of a static caravan, with associated space for parking a touring caravan and the applicant's vehicles. Policy H15 of the adopted Local Plan states that in considering applications for gypsy sites the Council will have regard to a number of criteria, which include consideration of the impact upon areas of statutory designation including Areas of Outstanding Natural Beauty, Conservation Areas and sites of Nature Conservation.

- 6.4 Furthermore, sites should be:
- 1) Close to or easily accessible from a major traffic route;
 - 2) Be within reasonable distance of urban areas or other settlements;
 - 3) Be already screened or capable of being screened;
 - 4) Have essential services available or capable of being made available; &
 - 5) Be of a size to enable them to be assimilated within the local community.
- 6.5 Policy H12 of the UDP also requires that sites be within reasonable distance of local services and facilities, with adequate landscaping and screening to ensure that there is no adverse impact upon the character of the area. It is also required that sites for settled occupation should be small, unless there is a need to provide a site on a route frequented by groups travelling in large numbers.
- 6.6 In this case the site does not affect any area of statutory designation and is within a mile of Ledbury. The site is well screened from most aspects although additional planting is proposed and will be subject to planning conditions should permission be granted.
- 6.7 The siting of the development makes best use of the site topography and is at the furthest point from the neighbouring dwelling. Further, neither The Traffic Manager nor the Public Rights of Way Manager has raised any objection to the proposal. The concern expressed by the Conservation Manager (Landscapes) could, in your officer's opinion, be overcome by the imposition of appropriate conditions.
- 6.8 In order to safeguard the landscape character of the area, it is suggested that the proposed stone wall, indicated on the submitted plans, be substituted for a mixed native-species hedgerow or fence.
- 6.9 The views of neighbouring residents have been taken into account and will be reflected in the imposition of conditions limiting the number of residential caravans allowed on the site to the number described in the application and precluding any business use from the site.
- 6.10 In view of the existing identified shortfall in the provision of traveller sites and having regard to recent appeal history on the subject, a refusal is not considered sustainable in this instance. It is therefore recommended that planning permission be granted subject to the conditions outlined in the recommendation.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 - A01 (Time limit for commencement (full permission))**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2 - E27 (Personal condition)

Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the applicant's special circumstances.

3 - Notwithstanding the submitted plans, the proposed 1m stone wall shall not be constructed, but should be substituted by a mixed native species hedgerow or fence to be agreed in writing by the local planning authority. Development shall accord with the agreed details.

Reason: In order to safeguard the landscape character of the area

4 - The permission hereby approved shall be limited to the use of the site by a single gypsy family. Accommodation shall be restricted to the stationing of a single residential (static) caravan.

Reason: In order to define the terms of the permission and safeguard the amenity of neighbouring residents.

5 - At any one time the number of caravans on site should not exceed two (2) as shown on the approved plan. Only one (1) of these shall afford permanent residential accommodation.

Reason: In order to define the terms of the permission and safeguard the amenity of neighbouring residents and the landscape character of the area.

6 - F42 (Restriction of open storage)

Reason: To protect the appearance of the locality.

7 - F18 (Scheme of foul drainage disposal)

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

8 - G05 (Implementation of landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

9 - G12 (Planting of hedgerows which comply with Hedgerow Regulations)

Reason: To ensure that hedges planted are ecologically and environmentally rich and to assist their permanent retention in the landscape.

10 - H05 (Access gates)

Reason: In the interests of highway safety.

11 - H06 (Vehicular access construction)

Reason: In the interests of highway safety.

Informative(s):

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - HN05 - Works within the highway
- 3 - N04 - Rights of way

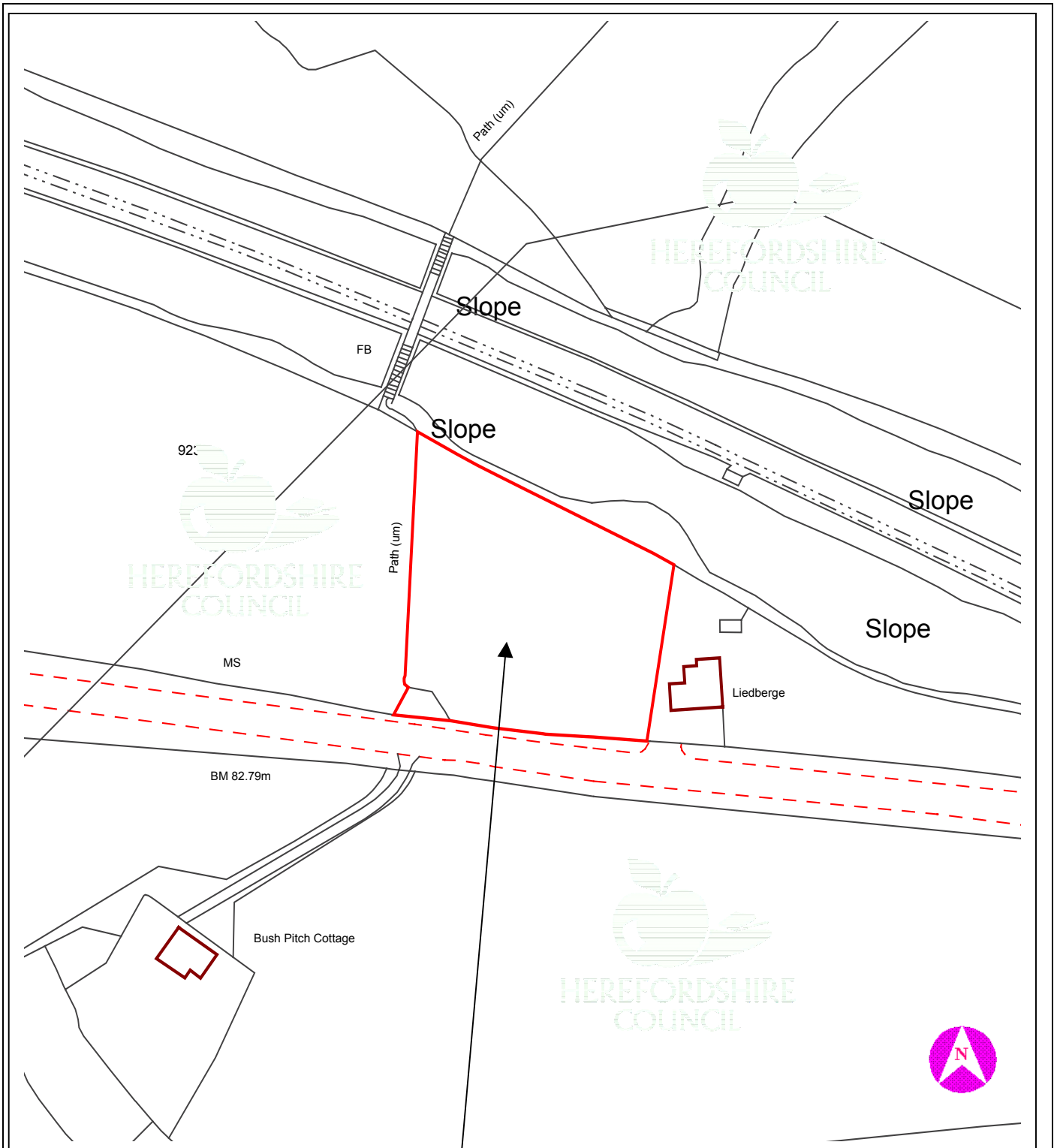
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE2005/2297/F

SCALE : 1 : 1250

SITE ADDRESS : Land at Bush Pitch, HR8 2PX

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