

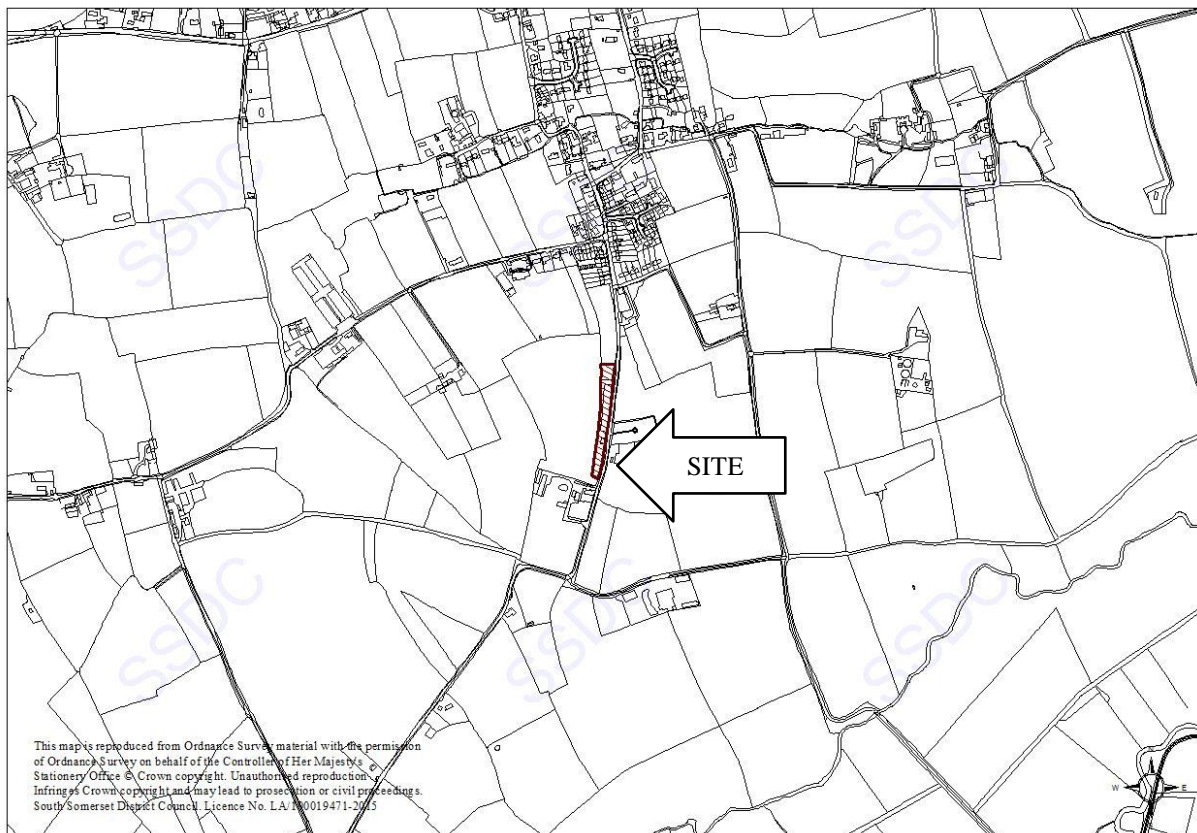
## Officer Report On Planning Application: 15/03045/FUL

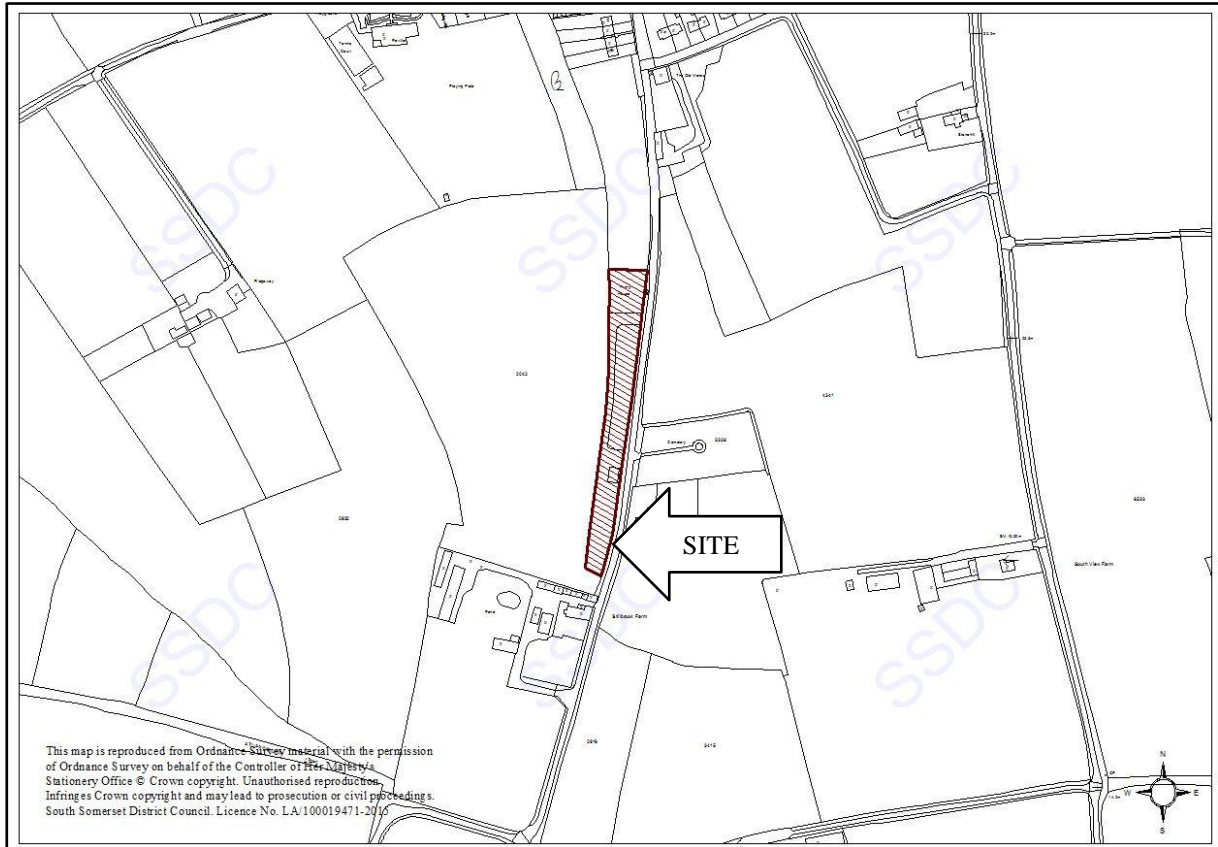
<b>Proposal :</b>	Change of use, retention of existing pitches and second access, addition of 2 pitches and 3 twin utility blocks (GR 335271/122354).
<b>Site Address:</b>	Sunnyside Park, Fivehead, Taunton.
<b>Parish:</b>	Fivehead
<b>ISLEMOOR Ward (SSDC Member)</b>	Cllr Sue Steele
<b>Recommending Case Officer:</b>	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
<b>Target date :</b>	14th September 2015
<b>Applicant :</b>	Mr Billy Tucker
<b>Agent: (no agent if blank)</b>	Mrs S Woodbury, Altona Park, Hillfarrance, Taunton TA4 1AN
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

This application is referred to Committee at the request of the Ward Member to enable the issues raised by the Parish Council to be debated.

### SITE DESCRIPTION AND PROPOSAL





The site is located to the south of Fivehead, beyond the developed edge of the village. Part of the application site has consent for the 4 residential pitches for persons with gypsy and traveller status.

This application is made for the retention of the existing 4 pitches, with the additional of two twin utility blocks to serve the residents of these pitches. It is further proposed to add a further 2 pitches to the paddock area to the north, formalise the use of an existing field access for use in conjunction with the site and provide a third twin utility block for the use of the proposed pitches. The village cemetery is sited directly to the east of the application site and there is residential development to the north and south. The nearest residential dwelling to the south, Stillbrook Farm, lies approximately 25m from the site and the development to the north is separated by an undeveloped gap of approximately 140m.

## HISTORY

- 10/04655/FUL: Siting of two portacabins to contain washing facilities, showers and W.Cs. Application refused on 04/03/11.
- 10/03526/FUL: Alteration to existing access and creation of access track to existing permitted residential caravan site. Application refused on 27/10/2010.
- 07/05377/COU: Change of use of land from paddock to gypsy site for 4 no. pitches. Application refused on 24/06/2008. Allowed on appeal on 06/01/2009.
- 05/02326/FUL: Erection of a stable building. Granted conditional approval on 19/10/2005.

- 05/01015/FUL: Variation of condition 03 of previous application 04/02085/FUL, to change access gradient. Granted conditional approval on 10/06/2005.
- 04/02085/FUL: Installation of new vehicular access point in order to maintain Wessex Water apparatus. Granted conditional approval on 14/09/2004.
- 94/00942/FUL: The erection of a hay/feed store. Granted conditional approval on 29/04/1994.
- 94/00943/FUL: The erection of stable block. Granted conditional approval on 29/04/1994.
- 96155: The development of land for residential purposes and alteration of an existing vehicular access thereto. Application refused on 09/03/1973.

## **POLICY**

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

### **Policies of the South Somerset Local Plan (2006-2028)**

SD1 - Sustainable Development  
SS1 - Settlement Strategy  
SS2 - Development in Rural Settlements  
TA5 - Transport Impact of New Development  
TA6 - Parking Standards  
HG7 - Gypsies, Travellers and Travelling Showpeople  
EQ2 - General Development  
EQ7 - Pollution Control

### **National Planning Policy Framework**

Core Planning Principles - Paragraph 17  
Chapter 4 - Promoting Sustainable Transport  
Chapter 6 - Delivering a Wide Choice of High Quality Homes  
Chapter 7 - Requiring Good Design  
Chapter 11 - Conserving and Enhancing the Natural Environment

### **National Planning Practice Guidance**

Design  
Natural Environment

### **Policy-related Material Considerations**

Planning Policy for Traveller Sites - August 2015  
Policy H - Determining planning applications for traveller sites

Human Rights Act 1998, particularly Article 14

'the right to freedom from discrimination on the grounds of sex, race, colour, language, religion, political or other opinion, national or social origin, association with national minority, property, birth or other status.'

#### Equality Act 2010

Requires the District Council to actively seek to eliminate unlawful discrimination, advance equality of opportunity and promote good race relations.

Somerset County Council Parking Strategy (September 2015)

Somerset County Council Highways Development Control - Standing Advice (June 2015)

## CONSULTATIONS

**Fivehead Parish Council:** The Parish Council met on 11 August 2015 to discuss this application. At public session there were 5 parishioners present.

In constructing this response, the Council notes from the Design and Access Statement that the applicant and his family are covered by Gypsy Status, and understands the duty on local authorities under the provisions of the European Convention on Human Rights to actively seek to eliminate unlawful discrimination, and to promote good race relations. They also understand that the views of the settled community must be reflected.

The comments that follow include the comments and queries from the parishioners present at the meeting on 11 August 2015 together with those of the Parish Council members.

#### 1. Appreciation of work to tidy-up the site

Those parishioners present and Council Members commented favourably on the work that has been completed so far by the applicant to tidy the southern part of the site.

#### 2. Inconsistency and clarity of submitted plans

Whilst the location and extent of the site appears to be clear on the A4-size plan, the 2 larger-scale plans (on A3 sheets) are inconsistent on the proposed northern limit of the site and on the layout of the site and its features. Council needs to have clarity on the detail of the proposal.

#### 3. Conditions in Appeal Decision (2009)

The commentary and Conditions of the 2009 Appeal Decision are noted; in particular, the comment at paragraph 37 relating to the restricted use of the northern end of the site because 'a long ribbon of development would unacceptably harm the area's character'. Council also understand that the northern access was to be retained as field access only.

There is concern that this site is yet to operate in total compliance with the Appeal Decision. In particular, it is questioned whether Condition 4 relating to the northern part of the site has ever been met. Council were made aware by a parishioner of an Injunction Order dated 2011 regarding the 'Northern Area'. The status of this Injunction Order is unknown.

#### 4. Use of existing Stable Block as Utility Block(s)

Whilst appreciating the need for Utility Blocks to complement the mobile living accommodation, there is concern over the 3 proposed permanent structures. It is questioned if the existing Stable Block could be adapted to, at least partially, fulfil this purpose.

In respect to point 2 (inconsistency of plans), the Parish Council note that they have received amended plans to address this issue. No further comments have been received in this respect.

**County Highway Authority:** Standing Advice applies.

**SSDC Highway Consultant:** Consider sustainability issues (transport). Consider the suitability of the approach road to the site. Consider the point of access - a plan should be submitted showing the proposed extent of visibility splays commensurate with vehicle speeds. More details should be submitted for the access (geometry, surfacing, drainage, any gates, etc). On-site parking (in line with the SPS) and turning required.

**SSDC Landscape Architect:** I recollect the site from the initial application and subsequent inquiry. At that time I noted;

*"The site lays outside and to the south of the village of Fivehead, and is located in open countryside, which is predominantly mixed farmland. It comprises a linear, narrow paddock, defined by hedgerows, which run parallel with the Isle Abbots road. The land is currently being used for domestic caravan pitches, with associated hardstanding and feathered timber fencing. The site is in open countryside. The current use does not inherently add to or sustain the local environment, but has resulted in the loss of grassland cover, impacted upon the roadside hedgerow, and brought a level of domestication to this rural location.*

*Government planning guidance commends the approach to the identification of countryside character, originally developed by the Countryside Agency (now Natural England). The guidance suggests that landscape character assessment can assist in accommodating necessary change due to development without sacrifice of local character and distinctiveness. Similarly, an understanding of landscape character is also utilised to help shape a view on what may - or may not be - acceptable in development form. In this instance I am considering if the current site development corresponds to local landscape character.*

*Fivehead village lays to the north of the site, and is primarily nucleated around the church, with a northward extension toward the Taunton-Langport road, whilst to the south, there is relatively open farmland beyond a well-defined village edge. The footprint of this plot lays outside this village edge, and within the rural, agricultural surround. In 'infilling' this linear paddock, the site contributes a form of ribbon development along this rural lane that is external to, and at distance from, and thus contrary to the established settlement pattern. Additionally, the 'domestic' character of caravans, hardstanding and timber fencing is at variance with the character of the agricultural surround."*

Whilst the initial scheme was allowed by the planning inspector, he also recognised a local landscape impact, and advised that the land to the north should be left as pasture, to limit the development footprint, and maintain a degree of separation from Fivehead village. In relation to the current proposal, whilst recognising the site to be visually contained in most part, the landscape view remains as before, and I am unable to support this application, viewing it to erode local character and distinctiveness, contrary to the aims of LP policy EQ2.

## **REPRESENTATIONS**

One letter of objection has been received, with the following main points raised:

- Previous planning applications for the development of the northern part of the site have been refused.
- There is a 2011 injunction against previous unauthorised works that has never been enforced. There is still hardcore and drainage within the north end of the site.
- In determining the 2008 appeal (decision 6th January 2009), the Inspector concluded

- that the northern part of the site should remain a paddock in perpetuity.
- In considering the utility buildings, the contributor asks why additional accommodation is required beyond that provided by caravans.
- It appears that the original consent for the 4 pitches is being breached.
- It is felt that the infrastructure of the village will not be able to cope with additional residents.
- There is no justification in allowing this application.

## **CONSIDERATIONS**

### **Principle of Development**

Policy HG7 is one of a small number of exceptions to address the specific needs of defined sections of the population, which in this case are travellers. 'Planning Policy for Travellers' (August 2015) provides guidance to Local Planning Authorities in terms of identifying and allocating appropriate sites for travellers. Importantly for consideration of this application, whilst Local Planning Authorities are required to allocate sites, it is made explicitly clear that this document can also be used for determining planning applications. It aims to provide more authorised traveller sites to enable fair access to suitable accommodation, education, health and welfare provision. It should be read in conjunction with policy HG7 that, subject to compliance with other relevant policies, supports traveller sites in rural locations.

### **Compliance with Policy HG7**

The aim of policy HG7 is to facilitate the provision of sites for genuine gypsies and travellers to meet an identified need. For the Local Plan period up to 2028, HG7 identifies the need for site allocations to accommodate at least 23 Residential Pitches , 10 Transit Pitches and 6 Travelling Showpeople plots. The written guidance for policy HG7 does however advise that the identified need for residential pitches in South Somerset to 2015 has been exceeded through implemented private planning consents. Therefore any applications coming forward for residential pitches before the end of 2015 will be considered against the criteria set out within HG7. Following this time, the stated policy target will apply. The relevant assessment criteria of Local Plan policy HG7 are:

- Significantly contaminated land should be avoided;
- Development should not result in an adverse impact on internationally and nationally recognised designations (for example: Natura 2000 sites, Sites of Special Scientific Interest and Areas of Outstanding Natural Beauty);
- The development should not have a significant adverse impact on the landscape character and visual amenity of the area;
- The site is reasonably well related to schools and other community facilities;
- The health and safety of occupants and visitors will not be at risk through unsafe access to sites, noise pollution or unacceptable flood risk;
- There should be adequate space for on-site parking, servicing and turning of vehicles;
- The option of mixed residential and business use on sites will be considered where appropriate.

HG7 also specifies that "the number of pitches provided should be appropriate to the size of the site and availability of infrastructure, services and facilities in accordance with the general principles set out in the settlement hierarchy."

Any site accepted under policy HG7 must be for the purposes of occupation by bona fide gypsies and travellers as defined in Annex 1 of Planning policy for traveller sites (August

2015). This applicant and his family are British Romany Gypsies. At present the applicant has lawfully occupied the site under the current permission, with the intention that 3 of his married children and families will occupy the other approved pitches. The additional two pitches proposed are intended for the applicant's youngest daughter and her husband, who are now expecting a child, and for elderly parents. In the event of planning permission being granted, a condition can be used to restrict the occupation of the site to persons with traveller status. Accordingly it is considered that this proposal would meet an identified need for a traveller site. The personal circumstances of the intended users of the proposed pitches, tied in with the occupiers of the approved pitches, is also considered acceptable.

### **Landscape Character/Visual Impact**

The current approved site is located in open countryside, to the south of Fivehead, opposite the cemetery. It is a relatively long and narrow site, with paddock to the north, separated from the developed edge of the village, by a further undeveloped gap. The proposal includes the provision of two more pitches and a children's play area within the existing paddock, retention of an existing field gate and the provision of utility blocks to serve the 4 existing and 2 proposed pitches.

It is noted that there has been a previously refused application for the use of access, which was refused on landscape grounds. Furthermore, when the original change of use to a gypsy/traveller site was considered at appeal, following initial refusal, the Planning Inspector at the time concluded that the north part of the site, which is roughly in line with this proposal, should not be developed in order to preserve local character. The previously proposed linear development and extended domestication of the site, which included a solid fence forming the boundary, was not considered acceptable. As a result of this previous view, the Council's Landscape Architect is not supportive of this latest proposal for the increase in pitches. No formal comment has been made in respect to the utility rooms, however it is noted that in a previous refusal for the provision of more permanent accommodation on site, the Landscape Architect did not raise an objection to the principle of utility buildings subject to their size, scale and design.

It is now noted that since the current occupiers have acquired the site, they have gone to great lengths to tidy up what was a previously untidy site, with lots of waste and materials deposited around it. The applicant has provided solid fencing within the existing roadside hedgerows, which have been allowed to establish further and have been reinforced. As such, the fencing is not clearly visible, with the characteristic roadside hedging retained, which assists in screening the site. The proposed utility buildings to serve the existing pitches, are considered to be acceptable as they will be well screened and are of a size, scale and appearance that is not considered to dominate the site or adversely impact upon local rural character such as to recommend refusal.

In considering the element of the scheme that proposes an extra pitch and retention of the existing access, the assessment of previous applications and decision has been considered, as have the comments of the Council's Landscape Officer, however taking into account the current circumstances of the site, the various improvements that have taken place including the current screening cover around the site and clearing of waste materials, it is not considered that the extension of development further to the north will be so harmful as to warrant refusal. The site will be well enclosed with only limited views of the proposed pitches. In terms of development pattern, while the scheme extends the existing site to the north, there will still be an undeveloped gap of around 140m, which it is felt will retain the local development pattern and allow for adequate separation of built form from the village edge. Therefore, while acknowledging previous objections to the spread of development, it is felt on balance appropriate to make a recommendation of approval.

## **Highways Safety**

The application includes the retention of the northern access. In considering this, the County Highway Authority have referred to their Standing Advice, which requires certain levels of visibility, surfacing of access, width and provision of drainage to avoid discharge of surface water onto the highway. The Council's Highway Consultant has recommended that the suitability of the approach road be considered and that details be agreed in relation to visibility, surfacing, drainage, etc. Previous applications for the provision of a new access and comments made by the Planning Inspector in the original change of use application, do not recommend refusal on safety grounds only visual impact, which in this case is discussed above. In this case, it is simply proposed to retain the access in its current form for emergency purposes only, rather than

It should be noted that the existing field access is currently in place , although the current permission for the 4 pitches, does require all access to be gained from the existing access to the south. It is noted that the northern access is already hard surfaced and of an appropriate width to serve the development, even though it is a little overgrown at present. Due to the presence of Wessex Water paraphernalia to the north, it does not appear possible to make improvements to the northern visibility splay, however noting that this is proposed for emergency use only, it is not considered unacceptable to retain the access subject to appropriate conditions governing its use. In this case, a condition will include a requirement to provide details of a scheme to be agreed for the closure of the access, except for emergency access. On this basis, the proposal is considered to be acceptable and not lead to any significant harm to highway safety.

## **Other Issues**

In commenting on the application, a neighbour and the Parish Council refer to an injunction on the site from 2011, requiring the clearing of the site. It is unclear what this refers to, however it is confirmed that the Local Planning Authority currently have no outstanding enforcement issues in relation to this site. Furthermore, the clearance works carried out by the applicants are noted.

## **Conclusion**

The provision of two additional pitches for use by travellers, subject to the proposed development meeting the criteria of SSDC Local Plan policy HG7 is considered to be acceptable as there is a presumption in favour of the proposal, subject to acceptance by any relevant policy and other material considerations.

## **RECOMMENDATION**

Approve planning permission with conditions

01. The proposed development of an additional two pitches adjoining an existing gypsy/traveller site, would meet a recognised need without detriment to visual or residential amenity or highways safety. The site is reasonably well located relative to schools and other community facilities and can provide a refuse point, suitable drinking water supply, sewerage disposal and other necessary facilities. As such the proposal complies with policies SD1, TA5, TA6 and HG7 of the South Somerset local Plan and the policies contained in the National Planning Policy Framework.



**SUBJECT TO THE FOLLOWING:**

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: 'Drawing number 1181/02A', received 23rd June 2015, 'Location Plan', received 8th July 2015 and '1:1000 Site Layout Plan', received 12th August 2015.

Reason: For the avoidance of doubt and in the interests of proper planning.

03. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Travellers (August 2015).

Reason: To avoid any ambiguity as to who can occupy the site hereby permitted as an exception to policy.

04. There shall be no more than 6 pitches on the whole of the application site contained within the area outlined in red on the submitted location plan, received 8th July 2015. On each of the 6 pitches hereby approved, no more than 2 caravans shall be stationed at any time, of which no more than one caravan shall be a residential mobile home.

Reason: To ensure that the Local Planning Authority have control with regard to the number and type of caravans on the site in the interests of visual amenity and highway safety in accordance with policies TA5, TA6 and EQ2 of the South Somerset Local Plan and the provisions of chapters 4, 7 and 11 of the National Planning Policy Framework.

05. No commercial activities, including the storage of materials, shall take place on the land.

In the interests of visual amenity and highway safety in accordance with policies TA5, TA6 and EQ2 of the South Somerset Local Plan and the provisions of chapters 4, 7 and 11 of the National Planning Policy Framework.

06. No development hereby approved shall be carried out until particulars of details of materials (including the provision of samples where appropriate) to be used for external walls and roofs of the utility rooms hereby permitted have been submitted to and approved in writing by the Local Planning Authority.

In the interests of visual amenity in accordance with policy EQ2 of the South Somerset Local Plan and the provisions of chapter 7 and 11 of the National Planning Policy Framework.

07. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever

is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

In the interests of visual amenity in accordance with policy EQ2 of the South Somerset Local Plan and the provisions of chapter 7 and 11 of the National Planning Policy Framework.

08. No development hereby approved shall be carried out until details of foul and surface water drainage of the site, including provision for the continuing maintenance of the roadside ditch, have been submitted to and approved in writing by the Local Planning Authority. Such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

09. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), all means proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved. Such details, as may be approved, shall be retained and not varied or added to without the prior written consent of the Local Planning Authority.

Reason: In the interests of highway safety, to safeguard the amenities of the area and prevent unnecessary pollution of the night sky in accordance with policies TA5, TA6 and EQ2 of the South Somerset Local Plan and the provisions of chapters 4, 7 and 11 of the National Planning Policy Framework.

10. There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2m back from the carriageway edge on the centre line of the existing southern access and extending to a point on the nearside carriageway edge 33m in each side of that access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

11. The northern access to the site hereby permitted, shall only be used in the event of an emergency. Prior to the development hereby permitted first being brought into use, a scheme for the stopping up of said access in a manner that it is only available for emergency access, shall be submitted to and approved in writing by the Local Planning Authority. Such approved scheme shall thereafter be maintained at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

---