

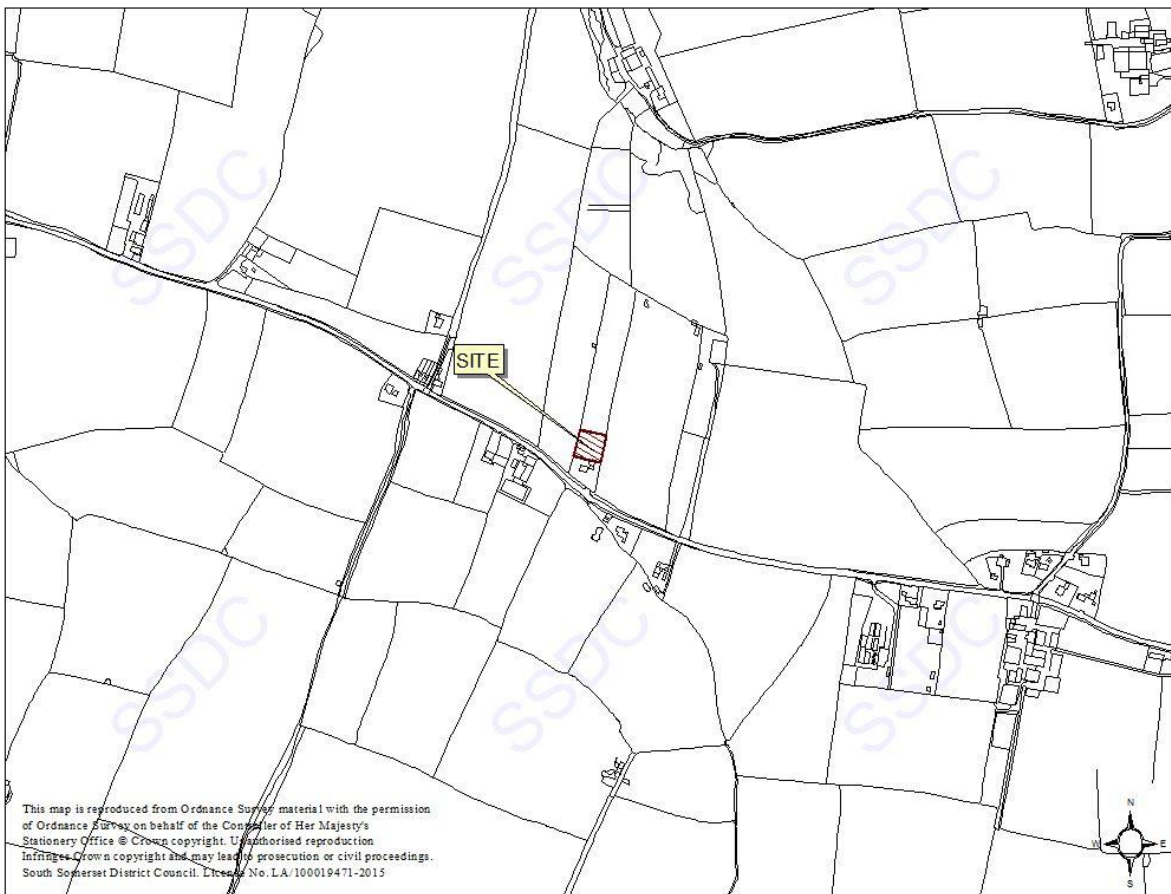
Officer Report On Planning Application: 17/00813/FUL

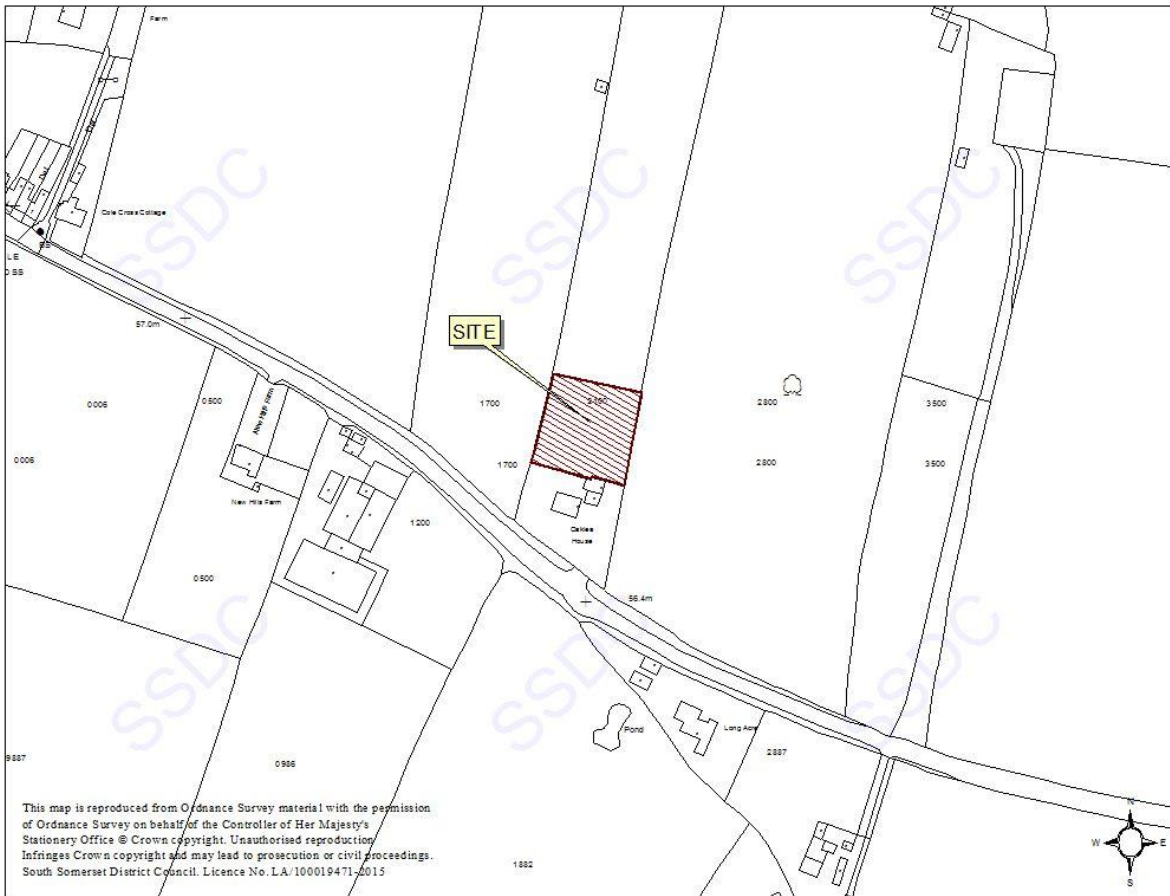
Proposal :	The use of land to form 2 No. pitches for mobile homes and the erection of 1 No. utility/washroom block per pitch
Site Address:	Oaklea Tintinhull Road Chilthorne Domer
Parish:	Chilthorne Domer
ST MICHAELS Ward (SSDC Member)	Cllr Jo Roundell Greene
Recommending Case Officer:	Jane Green Tel: 01935 462079 Email: jane.green@southsomerset.gov.uk
Target date :	13th April 2017
Applicant :	Mr David Lamb
Agent: (no agent if blank)	
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to the ward member as the parish council comments are contrary to the officer recommendation.

SITE DESCRIPTION AND PROPOSAL





The site is an area of extended garden to the rear of the dwellinghouse known as Oaklea. Oaklea is a two storey detached dwellinghouse located in a semi-rural position on the classified, unnumbered Tintinhull Road (also called Yeovil Road). The garden is a square shaped field bounded by native hedging on two sides and to the rear, north boundary, stock proof fencing. The site extends 35 metres wide and 35 metres in length. Beyond this is a large area of land, some 200 metres long within the ownership of the applicant.

The proposal is for the change of use of the extended garden to form 2 No. pitches for mobile homes and the erection of 1 No. utility/washroom block per pitch. The supporting details outline that the pitches are required for the son and daughter-in-law and daughter and son-in-law of the applicant, Mr D Lamb. The occupants of the main house are Mr and Mrs D Lamb. They are Romany gypsies and Mrs Lamb is suffering from poor health.

Currently the applicant's children occupy an existing mobile home and caravan as ancillary accommodation to the main house. This was granted planning permission last year. This application now seeks to provide formal pitches with new residential units and utility blocks each. The extended family assist in the care of the older members of the family that live in the main house.

The proposal has been amended during the course of the application to reduce the number of pitches from 3 to 2 as the personal circumstances of the family have unfortunately changed as Mr Lamb Senior passed away in May.

HISTORY

17/00130/PREAPP - 3 No. gypsy/traveller pitches - January 2017

16/04547/FUL - Change of use of land to residential garden and siting of 1 No. mobile home and 1 No. caravan for ancillary accommodation to the main house plus storage (Retrospective) - Application permitted with conditions - November 2016

16/00278/USE - Enforcement enquiry - December 2016

11/00175/USE - Enforcement enquiry - February 2012

09/00744/PREAPP - Siting of mobile home on land to rear of property - May 2010

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

On the 5th March 2015 the South Somerset Local Plan (2006 - 2028) was adopted. Therefore it is considered that the development plan comprises this plan.

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

SD1 - Sustainable Development

HG7 - Gypsies, Travellers and Travelling Showpeople

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EQ1 - Addressing Climate Change in South Somerset

EQ2 - General Development

EQ7 - Pollution Control

National Planning Policy Framework (March 2012)

Chapter 4 - Promoting Sustainable Transport

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Chapter 8 - Promoting Healthy Communities

Chapter 10 - Climate Change and Flooding

Chapter 11 - Conserving and Enhancing the Natural Environment

Other Relevant Material Considerations:

Planning Policy for Traveller Sites - August 2015

CONSULTATIONS

Chilthorne Domer Parish Council - 17/00813/FUL Oaklea, Tintinhull Road, Chilthorne Domer - the use of land to form 3 no. pitches for mobile homes and the erection of 1 no. utility/washroom block per pitch.

The Parish Council wishes to point out that the application and the plans are misleading. The application form states that permission is sought for 3 No Nomadic/Traveller pitches plus 1 utility/washroom per pitch, however, the supporting statement received from the applicant does not mention the nomadic or traveller lifestyle of the proposed occupants, in fact it emphasises that they are settled and have been since 1997, with the younger family members having been educated in the area and having been gainfully employed by local companies since 2005.

The new guidance, DCLG Planning Policy for Traveller Sites, published in August 2015 redefines who Gypsies and Travellers are for the purposes of planning. In short if a Gypsy or Traveller stops travelling

permanently, even for the reasons of education, health or old age, they will cease to be a Gypsy or Traveller and consequently will not be eligible to apply for planning permission for a Traveller site (annex 1).

Due to details from the supporting statement provided the Parish Council question the validity of the claim for a nomadic habit of life and do not believe that this application should be assessed against the national gypsy/traveller guidance and the SSDC Local Plan policy HG7.

Designing Buildings Wiki website

(https://www.designingbuildings.co.uk/wiki/Revised_planning_policy_for_traveller_sites) summarises the new policy guidelines and states that any application for a permanent site, including caravan sites by someone who does not travel will be considered in the same way as an application from the settled population rather than being considered under policies relating to travellers. It further adds a quote from the then Communities Secretary Greg Clark "I'm determined to ensure fairness in the planning system so everybody abides by the same rules..."

BUT if the Council consider that the application should be assessed under the traveller site criteria the Parish Council wish to draw your attention to the number of traveller sites already permitted by SSDC - 35 pitches since 2006 against a target of 23. An additional 8 are believed to be required by 2020, a period of 3 years, with 12 previously being provided in 2015-16 alone.

The Parish Council also wish to draw your attention to the recent appeal decision, Appeal Ref: APP/R3325/W/16/3158315, as published on the Planning Inspectorate website. Paragraph 10 states that: Government guidance in Planning Policy for Traveller Sites (PPTS) says Councils should 'strictly limit' gypsy and traveller development in the open countryside..... In the South Somerset Local Plan 2006-2028 Policy EQ2 seeks to preserve the character and appearance of the District while Policy HG7, which specifically concerns gypsy and traveller development, states it must not 'have a significant adverse impact on the landscape character and visual amenity of the area'. This policy context does not conflict to any appreciable degree with the National Planning Policy Framework (the Framework).

It is the Parish Council's assertion that the proposed site will adversely affect the landscape, character and visual amenity of the area due to its location within the open countryside, contrary to SSDC policy EQ2.

It is considered that the application is further misleading due to section 11 of the application form stating that foul sewage is to be dealt with by septic tank, however, there are no details regarding an additional septic tank on site and the existing one currently discharges into the ditch alongside Tintinhull road to the front of 'Oaklea' (This has recently been reported to the EA), Section 15 of the form - Trees and hedges the applicant agrees that there are trees/hedges on site but no further detail is provided as required, section 17 - the applicant has declared that there will be no gain, loss or change of residential units - clearly this is incorrect. The location plan provided does not give suitable indication in relation to the main building of where these units are to be sited, or if they are to replace or be in addition to all of the previously granted units in November 2016, particularly the storage caravan. The floor plan and illustrations/photos provided show one design of unit, however, the site plan would seem to show two different sizes and shapes of unit. Again, the floor plan clearly shows the units as having family bathrooms, ensuite bathrooms, kitchens and boilers within the unit, the Parish Council therefore question the need for the additional utility blocks which also seem to have bathrooms and boilers, furthermore the need for separate utility areas rather than one shared facility is questioned, they are family after all.

In the recently granted permission the use of the land was changed to residential with the siting of three units in total - two residential and one storage, for ancillary use to the main dwelling. It is the opinion of the Parish Council that the scale of the proposed development now in front of them no longer qualifies as ancillary or subservient to the main dwelling, with a total of 6 additional double bedrooms in the three units. As noted in the informative on the decision notice for application 16/04547/FUL the change of use does not entitle anyone to permitted development rights on this land, therefore none of the proposed development could be achieved without planning permission.

The addition of these permanent units would be incongruous with the ribbon style development throughout most of Chilthorne Domer, with the two noted exceptions in the middle of the village - Forts Orchard (a previously brown field site) and Little Sammons. It is of great concern to the Parish Council that in allowing this development a precedent may be set for infill development in back gardens.

Highway safety is also of grave concern to the Parish Council. With 6 double bedrooms proposed there is the potential to double the number of vehicles accessing the site from a 60mph road, on a bend and with limited visibility.

For these reasons the Parish Council **STRONGLY OBJECT** to the proposal and urge SSDC to consider their comments carefully.

Later in the application process the following additional comments were received from the Parish Council:

Following comments posted on SSDC planning website, the Parish Council wish to make these further comments in reply:

Highway Comments

SCC Highways have assumed from the application that the occupants will be the same family members as those living on the site as at present. They seem to have ignored the size of the proposed buildings relative to the existing caravans. The proposal is for at least a further three bedrooms, and possibly six, to those existing in the caravans at present. (The proposal could lead to nine further bedrooms in caravans on the site as well as the existing main building) There is therefore the potential for a considerable intensification of the use of the exit and egress onto Tintinhull Road, with no visibility when leaving the site to the left. The comments received confirm that SCC Highways consider this accommodation to be ancillary to the main dwelling, it clearly is not.

Planning Policy Comments

These comments assume the occupants are nomadic. They are quite clearly not, therefore the Gypsy and Traveller Needs Assessment does not apply.

Comments from Mr Lamb Senior

Mr Lamb Senior states that the application is for two mobile homes - the plans show three. He states the floor plans are for reference only - **THIS IS NOT AN OUTLINE APPLICATION**, once granted he could put anything on the site; 1/2/3/4/5/6 bedroom mobile homes if he wished. The application either needs to be outline or, if not, it needs to have exact plans for what is proposed. He further states that other items - boilers, washing machines etc. and therefore the proposed use of the outbuildings are just for reference, again, **THIS IS NOT AN OUTLINE APPLICATION**. He goes on to state that his grandson still regularly travels for work, unfortunately this cannot be a consideration as this happens in many families, no matter what their ethnicity. He further states that just because he no longer travels ('he has lived at Oaklea House for many years') does not mean he is not a Romany - no one is doubting this but the regulations (Department for Communities and Local Government, Planning policy for traveller sites, August 2015) clearly state any application for a permanent site by someone who does not travel will be considered in the same way as an application from the settled population rather than being considered under policies relating to travellers. Far from discriminating the Council should view the application fairly, as it would any application. His aspirations for his family are laudable but they are aspirations shared by many families, Romany or not.

Comments from Mr Lamb Junior

Mr Lamb Junior also confirms they are no longer travelling and have not for quite a number of years. He mentions several functions they would like to travel to, this would seem to be no different from other members of the community visiting friends and relatives, attending events or festivals etc. and, as such, should have no bearing on the application.

Other Parish Council Comments

If granted, in addition to the new buildings there is nothing to restrict other caravans being parked on the site making use of the facilities being provided by the proposed outbuildings or the current caravans making use of these facilities with additional occupants. There is no mention of the timescale for the current caravans to be removed permanently from site.

As with the Council's previous comments, they strongly object to this proposal.

Comments received since the amended plans showing the reduction in pitches:

Chilthorne Domer Parish Council discussed the above application again at their meeting last night. Unfortunately their comments remain the same because the application is essentially unchanged - it is still being made for traveller/nomadic pitches and the applicant does not comply with the regulations or rules applicable to such applications.

Although there is a letter from the applicant stating that the accommodation is solely for family use, this would not be binding should the application, as it stands, be granted.

The Parish Council is at a loss to understand why the application has been made in this manner. Were the application simply for ancillary accommodation to the existing property and NOT for nomadic pitches the Parish Council would possibly be able to withdraw their major objections.

County Highway Authority

"The proposal is for the use of land to form 3 no. pitches for mobile homes and the erection of 1 no. utility / washroom block per pitch. The information submitted with the application states that the additional accommodation is for family members who are already living on site. The planner will be aware of the sites history. A previous permission (16/04547/FUL) was granted in 2016 for 1 no. mobile home and caravan for which the Highway Authority comments were that standing advice applied.

The site itself is located off Yeovil Road which has no posted speed limit past the site. The application proposes to use the existing access with no changes proposed. It is not expected that there will be a material increase in the number of vehicle movements in and out of the site as the proposal is for ancillary accommodation where family members are either already living on the site or could access the property on a day-to-day basis in any event.

Therefore it would be unreasonable for the Highway Authority to object the application due to the existing use and non-material intensification of the site." Two conditions suggested.

SSDC Highways Consultant - No comments received

SSDC Landscape Architect - "The change from the earlier 2016 approval would simply appear to be a consolidation of form within the site, of increased scale and permanence. The earlier consent enabled the change of use, and provision of pitches and ancillary residential form on the site, and given this context, I do not consider the proposal of a heightened presence of structural form on site to be so markedly different as to provide over-riding landscape grounds for refusal."

SSDC Planning Policy - The position is nicely summed up in the Authorities Monitoring Report 2016:

"12.1.3. The Local Plan target has identified 23 pitches, and so in simple terms the Council is currently exceeding this target having realised 35 residential pitches since 2006.

However, looking ahead, the Gypsy and Traveller Needs Assessment shows that over the period 2016 to 2020 the Council will need to deliver a further eight residential pitches, and therefore will still be required to take a proactive stance to continuing to meet needs."

https://www.southsomerset.gov.uk/media/849925/authroity_monitoring_report_final_issue_to_website_090916.pdf

Ministry of Defence - The MOD has no safeguarding objections to this proposal.

REPRESENTATIONS

2 nearest neighbours have been notified and a site notice (general interest) displayed, no representations have been received

CONSIDERATIONS

Principle of Development

The Council are in no doubt as to the heritage of the applicant and his family. The Lamb family are Romany gypsies. Much information, some of which is very personal, has been provided by the applicant to support the application. With the consent of the applicant, this additional information has been made public. Mr Lamb Senior stated "If a Romany gypsy settles it does not mean they are no longer Romany gypsy....only centuries of rich heritage and bloodline can dictate that."

The reason stated for the application is that the son and daughter-in-law and daughter and son-in-law provide care to the older members of the family. This is not a unique situation in the settled community and is a particular trait of a gypsy/traveller family.

The site already has planning permission for the use of the land as a residential garden and for the siting of 1 No. mobile home and 1 No. caravan for ancillary accommodation to the main house. The intention is to make this a more permanent situation by providing larger units of accommodation that allow the two families private space but still provide support on site to their parents in the main house.

It is worth noting that such development would not need planning permission if they were sited in the curtilage of the dwellinghouse and it is only because this land is extended garden with no permitted development rights that permission is required.

Whilst the heritage of the applicant and family has been stated and acknowledged, the Council consider this is one element to the assessment of the proposal only. The applicant has agreed to a 'personal use' consent to allow just family members to occupy the units. Mr Lamb has stated that it is not his wish or intention to make a large traveller site here.

Landscape Impact

The site is located in an extended garden to the rear of a dwellinghouse. The property occupies a semi-rural position on the Tintinhull Road between the villages, Chilthorne Domer and Tintinhull. Whilst it is accepted that this type of development will have a visual and character impact in the countryside, given the context of the residential use of the site, its position to the rear of the property and the established boundary treatments offering good wider screening it is considered that the harm is not significant. The Landscape Architect's views are certainly clear and conclude that in all circumstances of this case a landscape objection does not apply. On this basis the proposal complies with policy EQ2.

Residential Amenity

There is considered no harm to the residential amenity of occupiers of neighbouring properties.

Highway Safety

The current residential property and the existing ancillary accommodation granted permission last year has access from the classified road. The Tintinhull Road is subject to national speed limits and it is a busy route to access the A303 trunk road. The existing access benefits from a good visibility splay being in a position in the road which is relatively straight with good views in both directions.

Given the existing permission for ancillary accommodation and the pitches are for the same members of the family it is considered there will be no more increase in highways movements than exists already. It

is considered that the highway impact would not be severe.

In considering the above, the proposal complies with policy TA5.

Section 106 Planning Obligation/Unilateral Undertaking

The applicant has indicated that he is willing to enter into a legal agreement to ensure that the units are only occupied by the applicant and his family along with a non-fragmentation clause to ensure the units are not sold or let separately to the main dwelling.

Community Infrastructure Levy

Not liable because it's a mobile home.

RECOMMENDATION

Approve subject to the satisfactory completion of

1. Occupation of the units to the applicant or his family
2. Non-fragmentation of the planning unit

Subject to the following conditions:

01. The proposed development, due to its scale, design, siting and layout will cause no harm to residential amenity, would not cause any detrimental harm to the character and appearance of the area nor create any severe highway impact. The development would also represent a suitable site for use by gypsies and travellers in this unique family situation in accordance with Policy HG7 of the South Somerset Local Plan (2006-2028) and the aims and objectives of the NPPF and Planning Policy for Traveller Sites (August 2015).

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 3814-01 A and BADMINTON 4520

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

03. The occupation of the pitches hereby permitted shall be carried on by the immediate family of the applicant, Mr D Lamb, his wife, his children, Bradley Lamb and Bridie Coles and their spouses and resident dependants for the duration of and in connection with the occupation of the main dwelling known as Oaklea.

Reason: The Local Planning Authority would not have granted planning permission except for the need and personal circumstances put forward by the applicant.

04. When the main dwelling ceases to be occupied by those persons stated in condition 03, the use hereby permitted shall cease and all residential units, structures and equipment brought onto the

land, or works undertaken to it in connection with the use, shall be removed and the land restored to its condition before the development took place.

Reason: To protect the character and appearance of the area in accord with Policy EQ2 of the South Somerset Local Plan.

05. This permission only grants consent for 2 pitches in total. There shall be no more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites 1968 as amended, stationed at any one time per pitch, of which only 1 shall be a static caravan.

Reason: To ensure that the number of caravans are controlled on site to protect the character and appearance of the area to accord with Policy EQ2 of the South Somerset Local Plan

06. The area in the south east corner of the site as indicated on the submitted plan, drawing number 3814-01 A shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted and shall be kept clear of obstruction and retained and maintained as such.

Reason: In order to ensure adequate parking and turning is available in the interests of highway safety in accordance with Policy TA5 of the South Somerset Local Plan.

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

Reason: To protect the amenity of the area and in the interests of highway safety to accord with policies EQ2 and TA5 of the South Somerset Local Plan.

08. Before the occupation of any residential unit the septic tank, filter beds and cesspit as detailed on plan (drawing no. 3814-01 A) shall be fully functional, and are retained and are maintained as such.

Reason: To ensure the approved development is properly provided for in terms of foul drainage and to ensure that the amenity of the area is not harmed, to accord with Policy EQ2 and EQ7 of the South Somerset Local Plan.
