

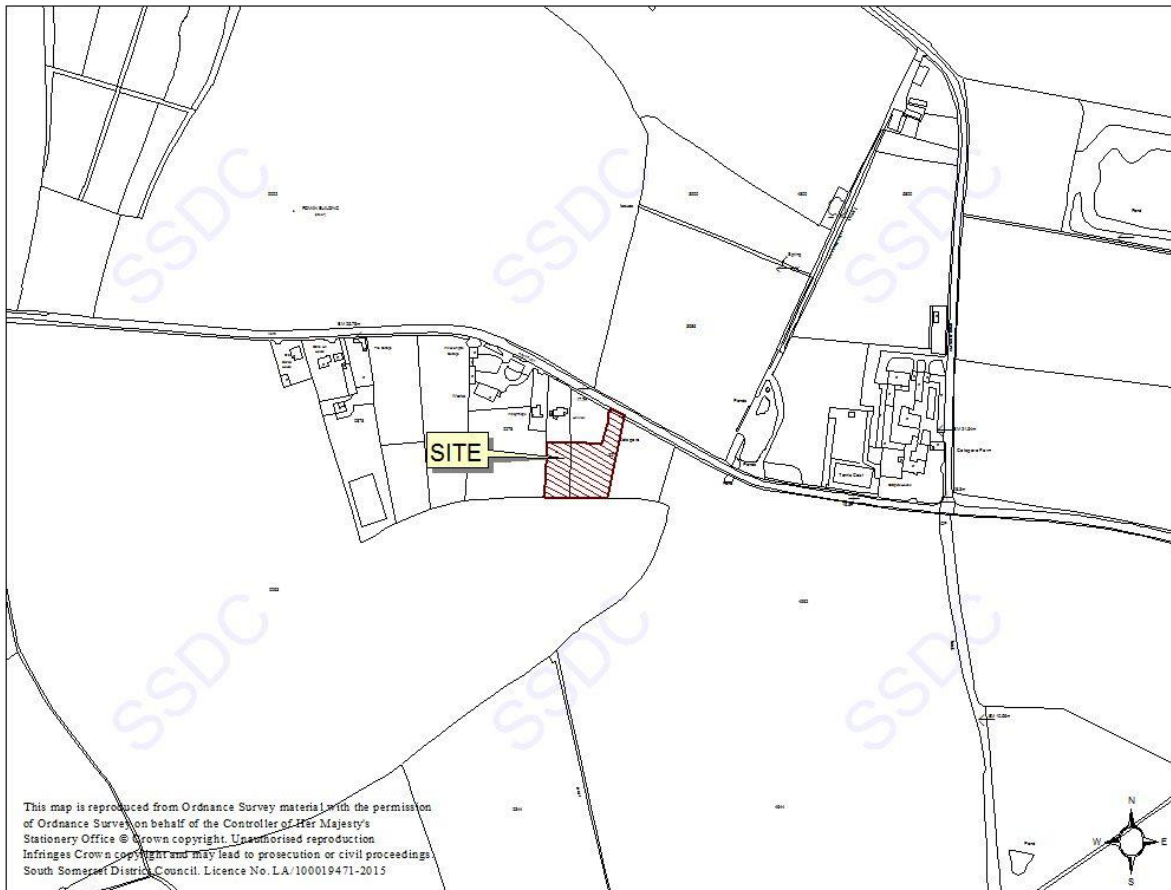
Officer Report On Planning Application: 17/03952/FUL

Proposal :	Change of use of land to 2 no. Gypsy / Traveller pitches comprising 2 no. mobile homes, 2 no. touring caravans, and associated works.
Site Address:	Land OS 3276, Langport Road, Catsgore.
Parish:	Somerton
WESSEX Ward (SSDC Members)	Cllr Stephen Page Cllr Dean Ruddle
Recommending Case Officer:	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date :	24th November 2017
Applicant :	Mr G Davis
Agent: (no agent if blank)	Dr Simon Ruston, Ruston Planning Limited, The Picton Street Centre, 10-12 Picton Street, Montpelier, Bristol BS6 5QA
Application Type :	Other Change Of Use

REASON FOR REFERRAL TO COMMITTEE

The report is referred to Committee at the request of a Ward Member to enable a full discussion of the relevant issues, including those raised by local residents and the Town Council.

SITE DESCRIPTION AND PROPOSAL





The site is located in the countryside to the South of the main road that runs between Langport and the Podimore roundabout (A372). To the West is a short stretch of roadside development that centres on the former petrol filling station, including separate traveller pitches immediately north and east of this site (i.e. two existing pitches).

The site is an open paddock, measuring approx. 2700 sq m. It is bordered on all sides by mature hedges, with an access gate at the north-eastern corner, taking access off the shared track to the highway used by the existing two pitches. The site slopes gently from north to south.

Application is made for the establishment of two pitches for travellers, with a mobile home and a touring caravan on each pitch.

HISTORY

On the site (1 Pitch) to the east of the application site (Little Riata):

16/03250/FUL - Relocation of mobile home on site and construction of day room - refused

10/02427/FUL - Change of use of land for siting of one mobile home and one touring caravan for one traveller pitch, erection of utility/dayroom and formation of hardstanding - Application permitted with conditions

08/04487/COU - The use of land as a site for two mobile homes (Retrospective application) - Application refused

History on the pitch immediately north of the site:

15/04616/FUL - Erection of a garage/store room (Retrospective) - permitted with conditions

12/04328/FUL - Change of use of land for the siting of one touring caravan and one mobile home and associated ground works - Application permitted with conditions

12/02308/FUL - Change of use of land for siting of one touring caravan and the erection of one garden shed as ancillary - Application refused

11/03041/FUL - Change of use of land for siting of one mobile home, one touring caravan and the erection of utility/dayroom - Application withdrawn

11/02024/FUL - Change of use of land for siting of one mobile home, one touring caravan and the erection of utility/dayroom - Application withdrawn

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
HG7 Gypsies, Travellers and Travelling Showpeople
TA5 Transport Impact of New Development
TA6 Parking Standards
EQ2 General Development
EQ4 Biodiversity

National Planning Policy Framework (March 2012)

National Planning Practice Guidance - Department of Communities and Local Government, 2014.

Planning Policy for Traveller Sites Department of Communities and Local Government August 2015.

Policy-related Material Considerations

Somerset County Council Parking Strategy, March 2012 and September 2013.

Somerset County Council Highways Standing Advice, June 2013.

CONSULTATIONS

Somerton Town Council: *Application not supported due to Over development of the site.*

Highways Authority: No objection. Subject to conditions.

SSDC Landscape Officer: *I note that the site area is located within the existing field that is host to two current pitches. As such, this landscape parcel is already characterised by traveller accommodation, albeit this additional accommodation will represent an extension of structural form toward the open*

countryside, and south of the existing development line. I view this as an adverse landscape effect of development/change of use, but no more than minor/moderate at an immediately local level only. If there is a positive planning case for the pitches, then I do not consider the landscape impact to be of sufficient weight to tell against the proposal.

SSDC Housing and Welfare Officer: *All of our sites (Ilton - 6 plots, Tintinhull - 8 plots, and Pitney) are fully occupied, with no known prospect of any becoming vacant in the near future.*

Wessex Water: There is a water main crossing the site. No development to be placed within 6m of the pipeline without agreement from WW.

REPRESENTATIONS

Two letters of objection (including one letter representing 6 residents) have been received, making the following main points:

- the proposal represents unacceptable proliferation of sites and/or intensification, given that the initial approvals were made with the understanding that there would not be more sites
- the proposal is out of character with the setting along the A372 which is linear with no rear infill
- there are highway safety concerns
- the proposal is an overdevelopment of the site, extending into open countryside
- there will be a negative impact on neighbouring residential property

CONSIDERATIONS

Principle of Development: Relevant Policy

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 and gypsies.

'Planning Policy for Traveller Sites' (August 2015) sets out Government guidance on consideration of traveller applications. Apart from setting out the need for Planning Authorities to make long term provision for traveller sites, guidance is also given for the determination of planning applications:

Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- 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*

Policy HG7 of the Local Plan supports traveller sites in rural locations provided that:

- 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.
- 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.

The application falls to be determined in accordance with this policy guidance, the main considerations being:

- Whether the applicant meets the definition of a gypsy/ traveller (Annex 1 to the guidance),
- The need for sites
- Alternative sites
- Impact on residential amenity
- Impact on the setting: Character and appearance
- Accessibility to services and facilities
- Highway issues,

Applicants' Circumstances: Compliance with Guidance

Application has been made by the current occupant/owner of the pitch immediately north of the site, who lives on the site in a single static caravan. The pitches are to accommodate direct relatives of the applicant, living in two units of accommodation. They are of nomadic lifestyle, and Gypsy status, and are considered to comply with the relevant Government guidance in this respect. There is a demonstrable need for appropriate sites for these family members, and locating them adjacent to other family-members existing would also meet the need for family support.

Need for Sites

The Local Plan sets minimum targets for provision of traveller sites, of which the Local Authority needs to demonstrate an adequate supply. The current monitoring report, as informed by the Gypsy and Traveller Accommodation Assessment, shows that a total number of 18 pitches has have been created since 2013, as against the requirement under Policy HG7 of the Local Plan to provide at least 23. This is a minimum, not a maximum requirement, and at the time of writing, the Authority falls short of the minimum, even if good progress has thus far been made.

Aside from the minimum requirement stated in the Local Plan, Planning Inspectors have always taken the approach in dealing with traveller appeals that the application itself is adequate demonstration of a need. This is considered to be relevant in the current case.

The family need is considered to be adequately demonstrated, given the consideration that has been given to alternative sites within Council ownership.

Current Availability of Alternative Sites

The proposal has been discussed with the Council's Housing and Welfare Officer responsible for allocation of pitches within Council's traveller sites. There are currently no available sites, with none likely to become vacant in the near future.

Impact on Residential Amenity

The proposed pitch is well related to the two existing large pitches to north and east, and set a good distance away from both these and the dwellinghouses fronting onto the Langport Road. Adequate space exists to place mobile home, touring caravan, etc. and make provisions for the necessary requirements of the layout, without causing any overlooking or other harmful amenity impact on the occupiers of residents in the vicinity.

Setting: Visual and Landscape Impact

The development is two pitches, with surrounding fencing, accommodating a total of two static caravans and two touring caravans. These are considered normal arrangements for traveller pitches.

The pitches are within a paddock well surrounded by mature hedges, well related to the pattern of development and field boundaries in the vicinity. As noted by the landscape officer, although the development would extend beyond the existing pattern of domestic areas, the impact would be minor, and would not sustain a reason for refusal in the case of a justified traveller case for new pitches.

It is not considered that the proposal represents a degree of visual or landscape harm that would warrant a refusal.

Accessibility to Services and Facilities

The establishment of the existing pitches determined that, for purposes of gypsy/traveller sites, the site is within reasonable distance of facilities (e.g. health care, schools) located in nearby villages. Whilst strictly an out-of-settlement locality, the accessibility of the site is considered to be acceptable for this sort of exception site.

Impact on Highway Safety

The site currently operates safely for two pitches, with good visibility on exiting the site. It is not considered that the increase in use represented by two further pitches would create a harmful addition to current traffic generation.

Drainage

It is proposed to make use of the existing on-site septic tank arrangement. If this turns out not to be feasible, the applicant would install a suitable package treatment plant. It is recommended that these arrangements be subject to a pre-commencement condition requiring appropriate finalisation of the system to be used.

Water Main Crossing the Site

There is a water main pipeline crossing the site from north-east to southwest. It has been clearly demarcated on the layout plan, and siting of caravans has deliberately avoided it, with a 6m buffer. This would comply generally with the requirements in Wessex Water's advice, but an informative note is proposed advising the applicant.

Town Council Concerns

The Town Council does not support the application, taking the view that the proposal represents 'over development' of the site. Whilst it is accepted that the proposal represents extension of development into greenfield land, there is not considered to be any demonstrable landscape or amenity harm that would outweigh the positive benefit of the traveller pitches, and meeting the particular need

demonstrated in this case. It is therefore not considered that the two additional pitches, visually away from general public view, would result in 'over development' in a harmful sense.

Neighbour Concerns

The issues raised have been carefully considered and largely dealt with above. Whilst the proposal would double the existing number of pitches, this remains a very small grouping in a layout that relates well to existing development. By definition, traveller sites are countryside based, and it is not considered that these two additional pitches would present an incongruous or harmful intrusion, being well contained by hedges and the existing sites. The highway authority has assessed the application and does not consider that there is any highway safety concern that would sustain a refusal.

Conclusion

The proposal has been made in response to a demonstrable need for two pitches for the Gypsy family currently owning and occupying the site adjacent to this land. No suitable alternative site is available, and the proposed pitches can be accommodated on site without causing demonstrable harm to the setting, residential amenity, highway safety or environmental health. The proposal accords with the aims of the NPPF, Government guidance on traveller sites and the Local Plan, and is recommended for approval.

RECOMMENDATION

Grant permission.

01. The proposed development of two additional pitches adjoining existing gypsy/traveller sites, would meet a recognised need without detriment to visual or residential amenity or highway safety. The site is reasonably well located relative to schools and other community facilities and can provide a refuse point, suitable drinking water supply, sewage 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 plan: the drawing ref. 17120/01.

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: Glossary of the Planning Policy for Traveller Sites, Department for Communities and Local Government, (August 2015).

Reason: In the interests of sustainable development and to comply with the aims of the document Planning Policy for Traveller Sites and Policy HG7 of the South Somerset Local Plan.

04. There shall be no more than 2 pitches on the site, and no more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, shall be stationed at any time on each of the two pitches, of which only 1 caravan in each case shall be a static caravan (residential mobile home).

Reason: In the interests of sustainable development and to accord with the NPPF and Policy HG7 of the South Somerset Local Plan.

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

Reason: In the interests of visual amenity and highway safety in accordance with the NPPF and Policies TA5, TA6 and EQ2 of the South Somerset Local Plan.

06. No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

Reason: In the interests of visual amenity, and to accord with the NPPF and Policy EQ2 of the South Somerset Local Plan.

07. The areas allocated for parking and turning on the approved layout plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby approved.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

08. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To ensure that the development is satisfactorily drained to accord with the NPPF.

09. 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 details of the retention and management of the existing trees and hedgerows on the land, 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.

Reason: To protect the amenity of the area and to retain the integrity of the local ecological network in accord with Policy EQ2 and EQ4 of the South Somerset Local Plan.

10. No external lighting shall be installed within any of the application site unless details of the lighting has first been submitted to and approved in writing by the LPA. Once approved and installed, the lighting shall not be altered without the written consent of the Local Planning Authority.

Reason: To protect the amenity of the area to accord with Policy EQ2 of the South Somerset Local Plan.

11. The driveway between the edge of carriageway and the entrance gate(s) shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety.

12. There shall be no obstruction to visibility greater than 900 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 120m either side of the 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.

Informatives:

01. There is a water main pipeline crossing the site. The applicant's attention is drawn to the advice of Wessex Water which can be viewed in their email letter of 15 November 2017, viewable on the Council's website.
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