

**Committee date 09/07/2024**

**Application No:** 07/23/00014

**Application Type:** Full Planning Permission

**Case Officer:** Liam Evans

**Registered Date:** 07/04/2023

**Expiry Date:** 01/06/2023

**Parish:** Brent Knoll

**Division:** Brent

**Proposal:** Creation of 2no. Traveller and Gypsy caravan pitches together with the formation of hardstanding and the erection of 2no day rooms, barn and stables.

**Site Location:** Land On The West Side Of, Vole Road, Mark, Highbridge, Somerset

**Applicant:** Mr Attwell



**Committee decision required because**

The views of the Parish Council are contrary to the recommendation.

## **Recommendation**

Grant Consent

## **Background**

Consent is sought for the creation of two travellers pitches located to the south west of Brent Knoll and the M5 and to the north of Mark. The site is accessed off Vole Road and is within proximity of a number of residential, agricultural and tourism sites.

The site is laid with permeable stone and enclosed by a close boarded timber fence/5 bar gate. A new access has been created with the existing watercourse culverted.

Inside the site it is proposed to site 2 mobile homes, touring caravans and day rooms.

- The day rooms would be 6.5m x 3.4m and finished in render/clay tiles. Internally a kitchen and bathroom would be provided.
- To the south west corner of the site it is proposed to erect a stable block. The stable would be 21.5m x 3.5m with a height of 2.9m and finished in render and slate tiles above.
- Alongside the stable it is also proposed to erect a barn, which would have a monopitched roof measuring 4.6m and would be 13.2m x 8.5m in area. The barn would be clad in timber cladding on three sides with one side left open for access. The barn would be used for the storage of tack, feed and machinery associated with the use of the stables for the applicant's horses.

## **Relevant History**

None.

## **Supporting information supplied by the applicant**

- Covering Letter
- Flood Risk Assessment

## **Consultation and Representations**

- Date of consultation: 19 May 2023
- Date of revised consultation (if applicable):
- Press Date (if applicable):
- Site Notice Date (if applicable): 28 April 2023

The submitted comments are available in full on the Council's website.

**Consultees** - the following were consulted:

<b>Consultee Name</b>	<b>Summary of Response</b>
Axe Brue Drainage Board	<b>No objection in principle.</b>
Brent Knoll Parish Council	<p><b>Objection.</b></p> <p>The Parish Council object to this proposal on the grounds of</p> <ul style="list-style-type: none"> <li>• In appropriate fencing in a rural location</li> <li>• Concerns on ecology</li> <li>• Noise pollution</li> <li>• Flood risk potential</li> </ul>
Somerset County Council - Civil Contingencies	<b>Recommend flood warning and evacuation plan.</b>
Somerset County Highways	<b>No objection.</b>
Environmental Health	<b>No comment.</b>
Mark Parish Council	<p><b>Objection.</b></p> <ul style="list-style-type: none"> <li>• This site is near the border of Brent Knoll with Mark</li> <li>• Mark Parish Council consider that this is a new development in open countryside.</li> <li>• No established agricultural need has been proven for the construction of a barn and stables at this location. The buildings will be permanent fixtures unlike the mobile homes.</li> <li>• If a permission is granted, it will set a precedent and it will be difficult to resist extensions to the site which would be detrimental to the character and appearance of this rural area.</li> </ul>
Historic Environment Service	<b>No comment.</b>
Environment Agency (drainage/water)	<b>Objection.</b>

**Local representations:**

Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement.

1 representation has been received making the following comments (summarised):

Material Planning Considerations	
Support	Officer comment
Better to be on their own land than car parks/side of road.	Noted.
There is a shortage of sites provided by the Council so the applicants are saving Council money by funding their own site.	Latest Council monitoring figures show residual need for gypsy/traveller pitches taking into account recent consent or current applications.

## **Most Relevant Policies**

### National Planning Policies

#### National Planning Policy Framework

#### Local Plan (2011-2032)

CO1 Countryside

D1 Flood Risk and Surface Water Management

D2 Promoting High Quality and Inclusive Design

D8 Gypsies, Travellers and Travelling Show People

D14 Managing the Transport Impacts of Development

D25 Protecting Residential Amenity

## **Main Issues**

### Principle of Development

### **Identified local need for gypsy and traveller pitches**

The site is in the countryside where Local Plan policies do not support new residential development unless there is a recognised exception. In this case the application would deliver gypsy/traveller pitches to meet an identified local need and for which there is a policy exception. It is accepted that this potentially addresses national and local policy requirements, set out as follows.

The National Planning Policy Framework (NPPF) needs to be read in conjunction with the Governments 'Planning Policy for Traveller Sites' published alongside the original NPPF in March

2012 (both updated in December 2023). The Government's aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life whilst respecting the interests of the settled community.

In determining planning applications for traveller sites, LPAs are required to determine applications in accordance with the development plan unless material considerations indicate otherwise; applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the NPPF and the Planning Policy for Traveller Sites.

For planning purposes, the Planning Practice Guidance provides the following definition of Gypsy and Travellers:

'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 show people or circus people travelling together as such.'

The adopted local plan includes a specific policy (D8) relating to gypsy and traveller sites. This sets out that the identification and delivery of pitches in Sedgemoor is challenging, particularly given the extent of flood risk within the District and the requirement of national policy to demonstrate a five year deliverable supply of sites to meet identified local needs. Policy D8 sets out the intention to produce a Site Allocations Development Plan Document in order to address these challenges. However, as this is yet to happen, the policy sets out criteria against which applications that seek to address outstanding need are to be assessed.

There is currently no active work on a site allocations document based upon the current Gypsy and Traveller Accommodation Assessment (GTAA) and Policy D8. Given the time that has elapsed since the previous GTAA and the need to provide an up to date evidence base for the new Somerset Local Plan, the Council has commissioned a new GTAA . This will provide an updated assessment of

current supply and future demand for new pitches. This evidence will be used to develop updated policy to deliver necessary additional pitches either through a criteria based policy or through specific allocations. It is likely that dependent upon the resultant demand, any allocations would be included in a separate development plan document.

In terms of outstanding need, the Somerset Gypsy and Traveller Accommodation Assessment (GTAA) 2013 update currently provides the most up to date information in respect of local need. In terms of outstanding need, the Somerset Gypsy and Traveller Accommodation Assessment (GTAA) 2013 update advises that 69 pitches are needed up to 2032. Whilst the GTAA update technically covered the period from 2010-2032 (rather from 2011), for simplicity it was considered appropriate to apply the full pitch requirement over this time to the Local Plan 2011-2032 period. This approach was agreed at the Local Plan examination.

As of April 2016, there was a residual need for 45 pitches. Since then, 28 pitches have been granted, leaving a requirement to date of 17 pitches. As of April 2024, a further 9 pitches (including the 3 that development is sought for via this application), which would still leave a requirement of 8 pitches if all of these were consented.

On this basis the Local Planning Authority is unable to demonstrate a suitable supply of pitches and there remains a demonstrable need for pitches, and an exceptional policy justification to meet the need for gypsy/traveller pitches. Accordingly, it is considered that, in principle, two further pitches sought by this application could be supported.

### ***Compliance with Policy D8***

Given the above and the absence of a site allocations development plan document the principle of the site has been assessed against the criteria of policy D8. The assessment of further detailed technical matters such as design and layout, highways, flood risk, landscaping and residential amenity is also included below.

- Are of appropriate size and proportionate in scale to and avoid dominating the nearest settled community in rural/semi-rural areas - The site proposes a modest two pitches on the site which would serve one extended family. Whilst the site is in a countryside location, it is considered to be reasonably well related to existing sites within the immediate area that are used for agricultural and tourism. Brent Knoll and Mark, which are the nearest villages, are not a significant distance away from the site, which is of a scale that is proportionate and is therefore not considered to dominate any nearby settled community. Matters of design and layout are considered in more detail in a subsequent sections of this report.
- Take account of the particular and differing needs of different groups of Gypsies and travellers - The proposal would meet the needs of the gypsy and traveller community in the use of the site for two pitches for one extended family and would provide facilities generally associated with that use.
- Promote and facilitate access to schools and health facilities - It is considered that at approximately 1.5km outside the villages of Brent Knoll and Mark (an identified Tier 3 settlement in the Local Plan) the site is reasonably well related to services and facilities. Inspectors elsewhere have considered distances up to 5km as reasonably accessible. Furthermore the previous applications were not refused on the grounds of accessibility to services and facilities.
- Ensure that the development will not result in severe transport impacts including providing appropriately safe access - Somerset County Council as Highway Authority raise no objections in respect of highway safety subject to conditions being imposed. This is on the basis that the traffic generation associated with the development would not have a severe impact given the adequacy of the existing access arrangements.
- Provide sufficient space within the site for parking and manoeuvring of vehicles, and for transit sites, are located reasonably close to, or easily accessible from the primary or county road network - The site is intended as a permanent site and so reference to the transit site

requirements are irrelevant to this application. The site plan demonstrates adequate parking and turning areas for the two pitches and has not raised any objection from the Highway Authority.

- Provide opportunities where appropriate for travellers to live and work from the same location where this can be sensitively designed to mitigate potential impacts on the site surroundings or other residential uses near to the site - the proposal does not include any specific reference to working on the site although there is sufficient space on site for ancillary activities, e.g. the stabling and management of the applicant's own horses. Both family units work in the local area (Applicant is a landscaper) and travel the country for work purposes (landscaping, horse trading) and as part of their cultural heritage, including to Gypsy horse fairs - the fair season runs from May to October, starting and finishing with the Stow-on-the-Wold horse fairs.
- The site is suitable in flood risk terms for the proposed use - The site is within flood zone 3a where highly vulnerable uses such as residential caravans would not generally be considered appropriate. The Environment Agency object to the application on the basis of this policy principle. Whilst the site is defended the Environment Agency also raise concerns regarding the residual risk should defences fail, and the fluvial risk from adjacent rhynes. However reference to relevant planning decisions and the information submitted within the applicants flood risk assessment suggest that the actual level of harm arising in respect of flood risk (besides a policy principle objection) when weighed against the identified need for the site would not be objectionable.

With regard to the other requirements of Policy D8 the following comments are offered:-

- It is accepted that the applicant is a gypsy/traveller for the purposes of the definition in annex 1 of the Planning Practice Guidance for Gypsies and Travellers. In addition to the description of development which seeks consent for a gypsy/traveller pitch, a condition would be imposed on any permission limiting the occupation of the site to those meeting the definition. In the event of a breach of such restrictions came to the council's attention there are enforcement powers to



address the situation.

- It is not disputed that this site is required to meet the applicant's family needs including the provision of a settled based from which the family's educational and other needs would be met.

On this basis it is considered that the principle of the proposal complies with the requirements of policy D8 and would deliver a further site of three pitches to meet the Council's on-going need for gypsy/traveller sites.

### Flood Risk

The site lies in flood zone 3a which is land at a high risk of flooding. Mobile homes and caravans meant for permanent residential occupation are classed as 'highly vulnerable' and according to Planning Practice Guidance such development should not be allowed in this flood zone. The Environment Agency object to the application on this basis.

Flood risk zoning does not take into account the presence of flood defences. The applicant's submitted Flood Risk Assessment (FRA) sets out the case that the proposed development would be adequately protected by existing tidal defences. When considering the lifetime of the development, the 1 in 200 year and 1 in 1000 year events, the flood depths given by the EA's modelling would be 5.41m AOD and 5.44m AOD respectively.

In their original comments on the application the Environment Agency set out their objection in principle, identifying the conflict with national policy in respect of the incompatibility between flood vulnerability and flood zone 3a.

Following this, a further response was provided by the applicant's flood consultant, confirming that ground levels on site would be 5.20m AOD. Taking into account climate change allowances the site's undefended level (not taking into account existing defences) would be 6.201m AOD with hazard levels defined as low, although this would be a 1 in 1000 year event (2108) and beyond the lifetime of the development.

In response to the above the finished floor levels of the static caravans would be raised 600mm above the site ground level set at 5.80m AOD, 0.39m above the 1 in 200 year event and 0.36 above the 1 in 1000 year event. In respect of the fluvial risk, the consultant sets out that whilst there is a risk, this would unlikely be significant when compared to that from tidal flooding.

In April 2024, the EA responded to these comments reiterating their previous objection however also state "the adequacy and overall suitability of the site is to be determined by the Local Planning Authority (LPA). We defer to their judgement and views on the suitability of the proposal against the constraints of the Sequential Test."

In respect of flood risk and the adequate delivery of traveller sites, the appeal allowed at Withy Road (planning references 25/15/00023 and 25/18/00013) should be considered.

In the case of Withy Road, despite the in principle policy objection the Inspector considered the detail of the applicants FRA and matters including, the lack of historical flooding, the level of protection offered by flood defences and other features (including the railway embankment), proposed mitigation of raising floor levels alongside balancing the level of outstanding need for and the lack of a five year supply of pitches for gypsies and travellers. The Inspector concluded that the use of that site as a gypsy and traveller site would therefore be safe for the site occupiers and for its lifetime. Whilst he acknowledged there is a residual risk, the Inspector considered that risk acceptable given the lack of alternative available sites.

From this it seems that the Environment Agency will not support this application based on the national policy conflict. This is regardless of the case that can be made to the extent of risk arising from the site's nature, standard of tidal defences and distance to any potential breach location. Officers consider that the fact that Withy Road has permission both through an appeal and through the direct grant of consent by the Council, would be material when considering this application. Given the likelihood that a lower residual risk could be demonstrated and there remains an outstanding need for pitches, a refusal on flood risk grounds is considered unreasonable given these circumstances.

Civil Contingencies have advised that a Flood Warning Evacuation Plan is created and maintained, and an informative to this effect will be provided to the applicant.

On the basis of the above no objection on flood risk or drainage grounds is raised and subject to conditions being imposed in respect of finished floor levels, the details are acceptable and no longer are considered to be sustainable reasons for refusal. The proposal is therefore considered to be in accordance with Policy D1 of the adopted Local Plan.

### Design and Layout

The proposed site plan identifies that the site would be laid out to accommodate two static caravans, each with an associated lawn area separated by a gravel access and courtyard area to provide turning and parking areas off a central area within the site. Within close proximity of each static caravan, an day room is to be provided. Access will be via a newly created access from Vole Road. The site layout indicates that landscaping is to be provided around the edges of the site and a condition to secure this will be imposed to ensure that the fencing installed along the boundaries is integrated visually.

It is considered that the layout will provide an appropriate space and living environment for the occupiers of the pitches, providing the level of facilities generally expected on such sites including sufficient space for parking, turning, private amenity and the parking of touring caravans as required. The hard and soft landscaping set out on the amended layout plan will help provide a degree of privacy as well as screening to reduce any visual impact. It is therefore considered that the proposal is acceptable in respect of design and layout and accords with Policy D2 of the adopted Local Plan.

### Residential Amenity

Policy D2 states that development should 'respect the amenity value of the occupiers of nearby

buildings or the wider area' and new development should deliver buildings that are "enjoyable to use". This is further supported by Policy D25 which states that 'Particular consideration will be given to the extent that the proposal could result in unacceptable impacts'. This includes consideration of loss of privacy, overlooking, visual dominance, loss of light, noise/disturbance, odour, fumes, vibration and living conditions of future occupants.

The application site is in an rural location and is at a considerable distance from residential dwelling. Environmental Health have raised no objection and it is considered that on this basis, the application complies with policies D2 and D25 of the Local Plan.

### Highway Safety

Policy D14 of the Local Plan states that managing the transport impacts is essential for creating sustainable communities. The policy sets out that development proposals should seek to manage the transport impacts of development.

The Highways Authority have reviewed the application and have recommended conditions in respect of the vehicular access. It is therefore considered that in this respect, the application complies with policy D14 of the Local Plan.

### Ecology

The site does not fall within any ecological networks or within any band of the Bat Consultation Zone for the North Somerset and Mendip bats SAC, and is not subject to any nature designations. The development of the site would not result in the loss of any existing features that would be considered as habitats with the proposed layout plan indicating the planting of additional trees and hedgerows. It is considered that in the interests of providing biodiversity enhancements that a condition be recommended requiring the installation of bat and bird boxes.

The proposal would comply with Policy D20 of the Local Plan.

## Other Issues

The Parish Council have cited not justification for the erection of barn and stable buildings associated with the development. In this case, it is considered that both structures would be of an appropriate scale that is proportionate to the private needs of the extended family that would reside on the site and would not give rise to commercial or other activities that would have a significant impact on the area. The chosen design and materials are typical for such structure and based on their relatively low height would not result in a detrimental impact on the character of the area. As the use of the buildings would be tied to the use of the site overall there would be no significant increase in activity in its own right.

## Public sector equality duty

The Public Sector Equality Duty is a duty for public bodies to have 'due regard' when carrying out its functions to the need to promote equality for persons with protected characteristics, to eliminate discrimination, and foster good relations between different people when carrying out their activities. The application provides accommodation for gypsies and travellers, a group that has protected characteristics that fall under the Council's duty to be considered as part of the Public Sector Equality Duty. The application provides for two family pitches for the needs of this group and as such will not negatively impact on the traveller community or their protected characteristics as defined in the Equality Act

## Conclusion

The proposal is considered acceptable in principle in light national and local policies with regard to the location and siting of gypsy and traveller sites. It is not considered that it would result in any significant impact on highway safety, visual or landscape impact or on residential amenity. The nature of the site proposals will allow for a good standard of amenity for future occupiers. Although the site is within Flood zone 3a the submitted information identifies that the extent of risk is low given the good standard of the tidal defences and the raising of finished floor levels. This needs to

be balanced with the outstanding levels of need for gypsy and traveller pitches within the District.

As such the proposal is considered to be acceptable and in accordance with the relevant policies of the adopted Local Plan.

## **RECOMMENDATION**

### **GRANT PERMISSION**

- 1 The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule A.

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

- 2 The pitches hereby approved shall not be occupied by any person other than gypsies or travellers, as defined in Annex 1 to Planning Policy for Traveller Sites (December 2023) or any such definition arising from amendments to that document. Each approved pitch shall comprise no more than 2 touring caravan, 1 mobile home and 1 day room at any one time, nor shall it be occupied by more than one family living as a single household at any one time.

Reason: In accordance with national policy on the provision of sites for gypsies and travellers.

- 3 There shall be no obstruction to visibility greater than 600mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side of the access. Such visibility shall be fully provided within 6 months of the date of this decision and shall thereafter be maintained at all times.

Reason: In the interests of highway safety.

- 4 Within 6 months of the date of this decision the access over at least the first 6m of its length, as measured from the nearside edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) including measures to prevent the discharge of surface water onto the highway, and once constructed, shall be maintained and retained in that condition in perpetuity.

Reason: In the interests of highway safety.

- 5 Any entrance gates erected shall be hung to open inwards.

Reason: In the interests of highway safety.

- 6 The finished floor levels of the static vans hereby approved shall be set no lower than 5.8mAOD.

Reason: In the interest of protecting future residents from the risk of flooding as in accordance with policy D1 of the Sedgemoor Local Plan 2011-2032.

- 7 Within 6 months of the date of this decision, a landscaping plan will be submitted to and approved in writing by the local planning authority. The approved plan shall be implemented no later than the end of the first planting season following the approval of the landscaping plan. The landscape scheme shall comprise a landscape masterplan which identifies the trees/hedgerows to be retained, removed and proposed. The proposed planting scheme shall include a detailed scaled drawing which identifies the proposed green infrastructure and includes a plant schedule and planting specification. The planting schedule shall detail the proposed species, quantities, stock sizes, planting densities and spacings. All landscape areas shall be protected and maintained, and any trees or plants which, within a period of five years from the completion of the planting, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

Reason: In the interest of visual amenity and that planting schemes are established and managed into the future as in accordance with policy D2 and D19 of the Sedgemoor Local Plan.

- 8 Within 6 months of the date of this decision measures for the enhancement and protection of biodiversity shall be installed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Such enhancement measures shall include:-

- Bat boxes
- Bird boxes
- Bee bricks

Reason: To enhance biodiversity in accordance with policy D20 of the Sedgemoor Local Plan.

**Schedule A**

Site Location Plan Drg No. 00810439-975D4B

Existing Site Plan Drg No. 4158.PL.02

Proposed Site Plan Drg No. 4158.PL.03 Rev A

Proposed Day Room Drg No. 4158.PL.04

Proposed Stables Drg No. 4158.PL.05 Rev A

Proposed Barn Drg No. 4158.PL.06

**DECISION**

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