

3/08/1100/FP – Use of land as a private Gypsy caravan site (Total of 5 mobile homes and 1 touring caravan) at The Stables, Bayford Lane, Hertford for Mr J. Robb

Date of Receipt: 16.06.08

Type: Full

Parish: BAYFORD

Ward: HERTFORD – RURAL SOUTH

RECOMMENDATION

That planning permission be **GRANTED** subject to the following conditions:-

1. Three year time limit (1T12)
2. Lighting details (2E24)
3. Prior to the first occupation of the development hereby permitted, designated spaces for the parking of vehicles shall be provided within the application site, in accordance with a detailed block plan (scale 1:500) to be submitted to and approved in writing by the Local Planning Authority. Thereafter these parking spaces shall be retained for such use in accordance with the approved details.

Reason: In the interests of highway safety.

4. No mobile homes/caravans permitted under this permission are to be placed on the site until the approved access on drawing XXX001B has been fully completed to the satisfaction of the local planning authority.

Reason: In the interests of highway safety.

5. Unless otherwise agreed in writing by the local planning authority, the mobile homes and touring caravan hereby permitted shall be sited as shown on drawing no. XXX 001B and this layout shall be maintained thereafter to the satisfaction of the local planning authority.

Reason: In the interests of visual amenity in the area in accordance with policies GBC1 and ENV1 of the East Herts Local Plan Second Review April 2007.

6. The site shall not be occupied by any other persons other than gypsies and travellers as defined in Paragraph 15 of the ODPM Circular 01/2006.

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Reason: To comply with the very special circumstances of the permission in accordance with policies GBC1 and HSG10 of the East Herts Local Plan Second Review April 2007.

7. No commercial activities shall take place on the land, including the storage of any plant, equipment or materials.

Reason: To restrict the use of the land to one compatible with the surrounding area in accordance with policies GBC1 and ENV1 of the East Herts Local Plan Second Review April 2007.

8. No more than one commercial vehicle per pitch shall be kept on the land for use by the occupiers of the caravans hereby permitted, and they shall not exceed 3.5 tonnes in weight.

Reason: In the interest of visual amenity in accordance with policies GBC1 and ENV1 of the East Herts Local Plan Second Review April 2007.

9. No more than 5 static caravans or mobile homes, measuring no more than 12 metres x 4 metres x 3 metres high, and no more than one non-residential touring caravan, shall be stationed on the application site at any one time.

Reason: In the interest of visual amenity in accordance with policies GBC1 and ENV1 of the East Herts Local Plan Second Review April 2007 and highway safety.

10. Existing access closure (3V05)

11. Prior to the site works being commenced visibility splays shall be provided at the junction of the access with the public highway, with minimum dimensions to provide the required splay line of 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 43m measured in a southerly direction from the centre line of the proposed access along the line of the channel of Bayford Lane and 10m in a northerly direction toward the junction with Lower Hatfield Road. The required vision splays shall be kept free of any obstruction to visibility between 600mm and 2.0m above the carriageway level.

Reason: To provide adequate visibility between the existing highway and the proposed access, and to make the access safe and convenient for the traffic that is likely to use it.

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12. Hedge retention and protection (4P06)
13. Prior to the commencement of the development hereby permitted, full details of landscape proposals around the altered access, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate: (a) Planting plans (b) Written specifications (including cultivation and other operations associated with plant and grass establishment) (c) Schedules of plants, noting species, planting sizes and proposed numbers/densities (d) Implementation timetables

Reason: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007.

14. Landscape works implementation (4P133)
15. Prior to the commencement of the development hereby permitted, details of all boundary walls, fences or other means of enclosure to be erected at the site and at the altered site access, shall be submitted to and approved in writing by the Local Planning Authority. Such approved means of enclosure shall thereafter be retained to the satisfaction of the Local Planning Authority.

Reason: In the interest of visual amenity in accordance with policies GBC1 and ENV1 of the East Herts Local Plan Second Review April 2007.

Directives

1. Other legislation (010L)
2. No goods, articles, materials or vehicle movement of any kind in connection with the construction works for the development hereby permitted or contractors, workforce and delivery vehicles should be stored or parked outside the application site, in order that the adjoining Ecology Database Sites are not affected.
3. You are advised that where works are required within the public highway, the highway authority require the construction of such works to be undertaken to their specification and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Eastern Herts Highways Area Office (Telephone 01992 526900) for further information and to determine the necessary procedures.

Summary of Reasons for Decision:

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies GBC1, HSG10, TR2, ENV1 and ENV2. The balance of the considerations having regard to those policies, the Regional Spatial Strategy Single Issue Review and guidance within Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites is that permission should be granted.

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1.0 Background

- 1.1 The application site is located approximately 1.5 miles to the south-west of Hertford, located just off the B158, as shown on the attached OS extract.
- 1.2 It comprises a parcel of land of approximately 1300 square metres in area. The B158 forms the north-west boundary of some 28 metres, while the road of Bayford Lane/Broad Green runs along the north-east boundary of some 45 metres, wherein the existing access is formed. Both of these boundaries contain dense hedge planting that currently restricts views from the roadside into the site. The south-west boundary is an open paddock and a paddock and access to a small stable is to the south-east boundary. Both of these paddock areas lie within the applicants ownership. The land slopes up towards the south, wherein there is an existing woodland. The surrounding area is predominately open, rural and agricultural in character and lies within the Metropolitan Green Belt.
- 1.3 The site currently contains one mobile home occupied by Mr Robb and his family. The site area is hard surfaced and level.
- 1.4 The application was initially submitted proposing an additional 4 mobile homes and two touring caravans on the site. However, after concern by highways the proposal has been amended to reduce the number of touring caravans by one and to alter the access point to improve highway safety. Neighbours, previous objectors, Members, the Parish Council and highways have all been re-consulted on these changes.

2.0 Site History

- 2.1 The site lies within the Metropolitan Green Belt and currently has permission for use as a private gypsy caravan site with no more than 1 static caravan or mobile home and no more than 1 non-residential touring

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caravan (granted on appeal in 2003 under ref: 3/02/0941/FP). The previous appeal decision is attached at Appendix 1.

3.0 Consultation Responses

- 3.1 Hertfordshire Highways have commented that the revised access which has been moved into Bayford Lane away from the junction of the Lower Hatfield Road complies with highway requirements for a scheme comprising no more than 5 static homes and the siting of a single touring caravan.
- 3.2 The Council's Planning Policy Section have commented in detail in respect of Local Plan Policy, the Regional Spatial Strategy (RSS) and the Regional Spatial Strategy Single Issue Review (RSS SIR). Their comments have been incorporated into this report within Section 5: Considerations.
- 3.3 Hertfordshire Biological Records Centre comments that the sites are adjacent to two ecology database sites, which may contain features and species of importance for wildlife. They comment that any approval should include a condition for works, materials and waste to be contained within the site curtilage.
- 3.4 CPRE have responded stating that they will not be submitting any comments on the proposals.

4.0 Parish Council Representations

- 4.1 Bayford Parish Council has recommended refusal of the application. They comment that any permission will be with the site and not the applicant and express concern that the site will be unsupervised. They refer to the previous appeal and its costs, and that the Inspector walked the footpath from Hertingfordbury to Roxford. They consider that there is conflict between one part of the Council promoting gypsy accommodation and another trying to preserve the District. The Parish Council consider that a larger mobile home may be acceptable but that the proposal is a commercial venture where pitches may be sold off to other individuals. Further concern is in respect of highway safety from increased traffic movement.

5.0 Other Representations

- 5.1 The application has been advertised by way of press notice, site notice and neighbour notification.

5.2 10 neighbours have submitted letters raising comments as follows:-

- Proposal is unacceptable as the site is within the Green Belt
- Previous approval gave weight to individual circumstances of the applicant
- Previous permission limited approval to just 1 unit
- Could set a precedent
- Poor access and increased traffic will be a highway safety concern
- Change in levels and impact on trees
- Contrary to national and local policies

6.0 Policy

6.1 When considering the application a number of policies contained in the adopted Local Plan must be taken into account. These include GBC1: Appropriate Development in the Green Belt, HSG10: Accommodation for Gypsies, TR2: Access to New Developments, ENV1: Design and Environmental Quality and ENV2: Landscaping.

6.2 Consideration will also need to be had in respect of the Regional Spatial Strategy Single Issue Review and guidance within Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites.

7.0 Considerations

7.1 The main considerations in this case relate to the acceptability of the proposed development within the Metropolitan Green Belt; impact upon openness and visual amenity within the locality; impact upon neighbours amenity; matters relating to trees/landscaping; and highway safety;

Appropriateness of the development within the Metropolitan Green Belt

7.2 The site lies within the Metropolitan Green Belt wherein, in accordance with Policy GBC1, inappropriate development will not be permitted. The provision of accommodation for gypsies does not fall within the set exceptions to this policy and as such is contrary to Green Belt policy. It is therefore for the Council to determine whether there are *very special circumstances* demonstrated in this case that clearly outweigh the harm caused by the inappropriateness of the development, and any other harm.

7.3 ODPM Circular 01/2006 provides guidance on 'Planning for Gypsy and Traveller Caravan Sites'. The general presumption against inappropriate development in the Green Belt, which would normally include Gypsy and

Traveller sites, is reiterated in the Circular. It is noted that in the previous appeal decision, which allowed the initial development, the amount of caravans allowed on the site was particularly limited in order to mitigate the impact on the then designated Landscape Conservation Area (which is no longer extant, having been removed from the Local Plan Second Review April 2007) and the openness of the Green Belt. In the intervening period since the appeal, Green Belt policy in respect of the acceptability of development for the provision of Gypsy and Traveller sites has not materially altered, although it is noted that the site itself has become better screened. The specific impact on the openness of the Green Belt and visual amenity is discussed later in this report.

- 7.4 At the time of the previous appeal, the issue of need for pitch provision for the accommodation of Gypsies and Travellers in the district was raised, but at that time could not be quantified. Significant progress has been made in this area since the appeal in that, in accordance with ODPM Circular 01/2006, the Council (in partnership with Broxbourne Borough, North Hertfordshire District, Stevenage Borough, Welwyn Hatfield Borough and Hertfordshire County Councils) employed consultants, ORS, to carry out a Gypsy and Traveller Accommodation Assessment in the study area. The Northern and Eastern Hertfordshire Gypsy and Traveller Accommodation Assessment was published in June 2006 and identified a need for 45 pitches (35 permanent, 10 transit) to be provided in the overall study area by 2011. The Accommodation Assessment further advises that continuing provision for around 15-20 additional pitches over the five authority area will need to be made every 5 years due to household formation expected over the next 25 years.
- 7.5 The Regional Spatial Strategy Single Issue Review (RSS SIR) is also now of relevance. At its meeting on 6th February 2006, EERA's Regional Planning Panel (RPP) agreed to prepare a single issue revision to the RSS to bring it into line with Government policy in respect of the provision of Gypsy and Traveller caravan sites. Government Circular 01/2006 (para 23) requires the RSS to "identify the number of pitches required (but not their location) for each local planning authority in the light of local authority Gypsy and Traveller Accommodation Assessments (GTAAAs) and a strategic view of needs across the region".
- 7.6 A revised draft policy (H4) "Provision of Pitches for Gypsy and Traveller Caravans" for Submission to the Secretary of State, was published for a 12 week public consultation period which ran from 25th February to 16th May 2008. An Examination in Public on the matter commenced on 21st October 2008. The Submission document stated that the East of England would require 1,187 additional caravan pitches for Gypsies and Travellers to be provided for the period between 2006 and 2011. The level of provision to be made reflects the needs of those currently resident in the East of

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England without planning permission; anticipated natural growth; and net movements between pitches and other forms of accommodation. Further provision beyond 2011 to 2021 is also included in Policy H4 at a rate of 3% per annum based on the total figure allocated to each district as at 2011.

Policy H4 (as submitted to the Secretary of State for Communities and Local Government) would, if adopted, have required East Herts to make provision for an additional 15 permanent Gypsy and Traveller pitches by 2011 (with 3% per annum additional pitches by 2021).

- 7.7 The Council objected to this allocation at the examination in Public considering that, based on EERA's own assessment of need for East Herts following the benchmarking of the region's GTAAs, that the policy should allocate no more than 5 pitches to the district. However, in December 2008 the Report of the Panel into the RSS SIR was published which recommends that the East Herts allocation should be increased from the 15 in the submitted version of policy H4 to 20 pitches. These pitches would be required to be delivered by 2011 with a further regional 3% annual compound growth on the total figure for the district at 2011 (27) beyond that time, with no end date pending a further review of the policy.
- 7.8 The report, including the Panel's recommendation, will now be considered by the Government, who will then publish the Secretary of State's decisions on the Panel's recommendations, along with any proposed changes to the draft policy. The proposed changes will undergo a further 12 week consultation before the finalised plan is published by summer 2009.
- 7.9 Circular 01/2006 states that local authorities must allocate sufficient sites for Gypsy and Travellers in their Site Allocation Development Plan Documents to meet the requirement identified in the Regional Spatial Strategy. Local Authorities have to demonstrate that sites are both suitable and available. While the outcome of the SIR is unlikely to be resolved until it is approved by the Secretary of State for Communities and Local Government in 2009, given that need has clearly been identified in the 2006 Northern and Eastern Hertfordshire GTAA, and the Panel's findings now suggest an increased allocation over that previously proposed, East Herts will undoubtedly be required to make significant additional pitch provision by 2011.
- 7.10 Whatever the final figure allocated to East Herts is, the Council will, as stated above, be required to make provision for the additional pitches specified in the RSS in its Local Development Framework (LDF). In terms of timeframe for East Herts, the LDF is currently at an early stage of preparation. Whilst the matter of Gypsy and Traveller site provision will be identified in the Core Strategy, which is due to have its 'Issues and Options'

stage consultation in autumn 2009, it will be for a Site Allocations Development Plan Document to address site specific allocation issues. The intended consultation on the 'Issues and Options' stage for that document is currently programmed for 2010 at the earliest. It will only be at the stage subsequent to the consideration of the responses to the 'Issues and Options' consultation that the Council will form any view over where any preferred future site location should be. However, it is important to note that any provision made by the Council in the interim will be deducted from the finally approved RSS SIR total. This would therefore reduce the amount of land that the Council would have to allocate in the future via the LDF process.

- 7.11 In summary therefore, if planning permission were to be granted for the additional pitches proposed on this site, the amount of additional land required elsewhere in the district for Gypsy and traveller accommodation will be reduced.
- 7.12 Officers consider therefore that considerable weight should be given to this and to the requirements in Circular 01/2006; the produced Gypsy and Traveller Accommodation Assessment; and the results of the Regional Spatial Strategy Single Issue Review. Whilst other sites may come forward during the course of the LDF process, Members will be aware that such sites are likely also to be within either the Rural Area or the Green Belt. As a result, Officers consider that there are very special circumstances in this case that would outweigh the harm caused by reason of the inappropriateness of the development in the Green Belt.
- 7.13 As it is considered that the principle of additional pitches in the District is acceptable and that there are very special circumstances to outweigh Green Belt policy, it is now necessary to consider whether the very special circumstances also outweigh any other harm caused by the provision of such pitches at this site. Policy HSG10 'Accommodation for Gypsies' in the East Herts Local Plan Second Review, Adopted April 2007 details the current policy stance for the Council in determining applications for new Gypsy and Traveller accommodation. However, as the use of the land in question is already established for that purpose, the determination of this application concerns intensification of the use. There is no specific policy contained within the Adopted Local Plan for this type of proposal but policy HSG10 still provides guidance as to their assessment.
- 7.14 As supported in Circular 01/2006 and in Local Plan Policy HSG10, gypsy sites should be within a reasonable distance of local services. However there are no community facilities nearby, the nearest shops are around 1.5 miles away and the nearest part of the route to them has no footway. Distances to schools, doctors and church are greater. The site is therefore

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not considered close to services and occupiers will be heavily reliant on private cars and as such the site is not sustainable. These points were also noted by the Inspector on the previous allowed appeal but were not considered sufficient to justify the refusal of the planning application at that time. Officers do not therefore consider that this proposal could justifiably be refused on those grounds.

Impact to surrounding Landscape / visual amenity

- 7.15 It is noted that on the previous application in 2002, the site did fall within a Landscape Conservation Area as defined in the then adopted Local Plan. Such designation has now been removed from the Local Plan Second Review April 2007. However it is still necessary to consider the impact of the development on the openness, character and appearance of the Green Belt.
- 7.16 The landscape screening to the two roadside boundaries and gated access, will screen the majority of the site, however the roofs and upper walling of the mobile homes located closest to the Bayford Lane/Broad Green are likely to be seen above such landscaping. The site is also easily seen from a well used bridleway at a higher level across the valley to the north-west.
- 7.17 It is therefore considered that the use of the site would diminish the openness of the Green Belt to some extent and result in harm to the character and appearance of the locality. Such a view was also expressed by the Inspector on the previous appeal. However, it is considered that this impact is relatively limited in this case particularly given the screening around the site and the fact that the proposed site area is no greater than the existing site.

Neighbour amenity

- 7.18 There are no near neighbours to the site, and given the scale of the development and enclosed nature of the site, it is considered that there would be no adverse impact to any neighbours amenity or users of adjoining sites from noise, disturbance or loss of privacy.

Trees/landscaping.

- 7.19 There are no substantial trees or landscaping affected by the proposal. Some limited hedging is proposed to be removed due to the alterations to the site access; however a condition has been imposed to require replacement landscaping.

Highway safety

- 7.20 In respect of highway considerations County Highways have commented that, subject to the re-alignment and widening of the access and introduction of road marking as shown on the plans, the proposal will have adequate visibility splays and the development at the level proposed will not create an adverse highway safety impact.

8.0 Conclusion

- 8.1 To conclude, it is considered that the requirement for additional pitches to be provided for in the District in the Regional Spatial Strategy and in the 2006 Northern and Eastern Hertfordshire GTAA, are very special circumstances in this case, sufficient to outweigh the harm to the Green Belt by reason of inappropriateness. Furthermore, it is also considered that these very special circumstances are also sufficient to outweigh any additional harm caused to the openness, character and appearance of the Green Belt; to highway safety and to amenity in the area.
- 8.2 The impact upon the character of the Green Belt has been considered. However, given that the majority of the District falls within the Green Belt and Rural Area beyond the Green Belt and due to land values within the main villages and towns, it is likely that further gypsy sites will need to be within the Green Belt or Rural Area. It is considered that extending the number of pitches on this site, without increasing the size of the site is preferable to allocating new sites elsewhere within the District.
- 8.3 The proposal has been considered with regard to the policies of the Development Plan (East of England Plan, Hertfordshire County Structure Plan and East Herts Local Plan). The balance of the considerations having regard to those policies and the RSS SIR is that planning permission should be granted subject to the conditions set out at the commencement of this report.