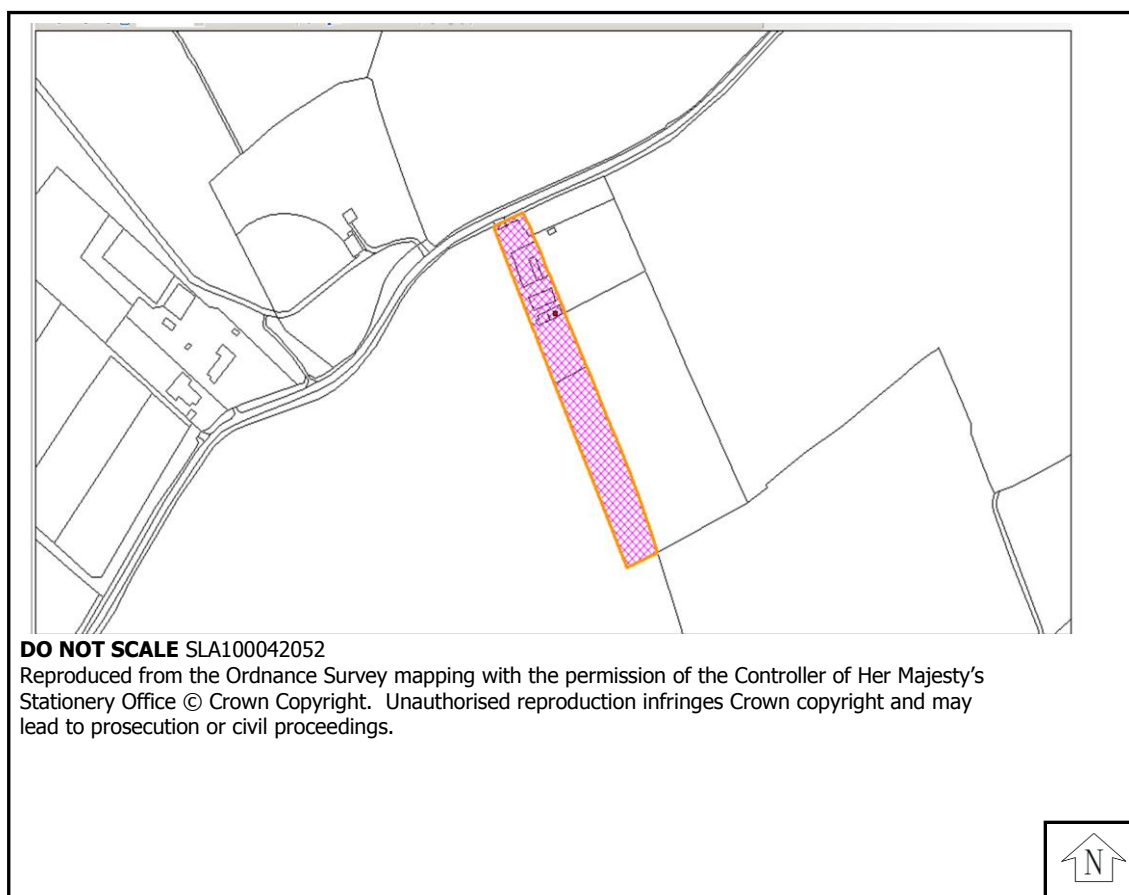


**PLANNING COMMITTEE – 17 APRIL 2018****APPLICATION NO** DC/18/0102/COU**LOCATION**

Windy Acres  
 Mutfordwood Lane  
 Mutford  
 Lowestoft  
 Suffolk  
 NR33 8HD

**EXPIRY DATE** 30<sup>th</sup> April 2018**APPLICATION TYPE** Change of Use**APPLICANT** Mr D Rooney**PARISH** Mutford**PROPOSAL** Change of Use of Land (retrospective) to provide four additional mobile homes for Gypsy/ Travellers**1. SUMMARY**

- 1.1 This retrospective application proposes a change of use of land to provide four additional mobile homes for gypsy/traveller use. The applicant has presented a case based on the

applicants personal need for the four additional mobile homes to be occupied by his extended family. The proposals are considered within the context of current national and local planning policy and is recommended for approval.

## **2. SITE DESCRIPTION**

- 2.1 The site is around 1.44km west of the village hall and 2.12km west of the school in Carlton Colville, the site is also around 1km northwest of Mutford Village. The site measures approximately 230 x 25 metres. It is in an open countryside location surrounded by agricultural land. The site is screened to an extent by trees and established hedges boarding the site, although currently it should be noted that the hedging is obscured by a tall boundary fence.
- 2.2 This area of countryside is not designated as being of special landscape value. There is an existing vehicular access onto the site. The site is already occupied by the applicant and his immediate family in association with previous Planning Approval DC/10/0604/COU.
- 2.3 The site already has planning permission for one gypsy/traveller pitch and associated fencing business in the name of the applicant in association with previous Planning Approval DC/10/0604/COU and a variation of the personal planning permission to now inure for Mr Danny Rooney (DC/12/0193/VOC). The site was first occupied in 2010, the applicant moved onto the site in 2012, and has resided in compliance with the personal occupancy condition attached to the planning permission.

## **3. PROPOSAL**

- 3.1 Proposal is for a Change of Use of Land (retrospective) to provide four additional mobile homes for Gypsy/ Travellers.
- 3.2 The applicant has advised Officers that he would be prepared to lower the existing tall fence to no more than 2m and also to relocate the reduce fence inside the existing hedge line.

## **4. CONSULTATIONS/COMMENTS**

- 4.1 **Neighbour consultation/representations** – there has been one letter of objection from a local resident. This response is summarised below:
  - Information submitted in the application form is incorrect
  - Supporting information quotes out of date planning policy
  - Availability of alternative accommodation
  - Misleading information given at original Planning Committee in 2010
  - Impact on character and appearance of the area
  - Amenity of adjacent land owner
  - Gypsy and traveller status of mobile home occupants
- 4.2 **Parish/Town Council Comments** – **Mutford Parish Council** were consulted on the 23 February 2018 and made the following comments:- The Parish Council has considered carefully this application and the reviews of the title of the application made by Waveney

District Council Planning Department. It has also considered the associated documents that are currently available to it from the WDC Website.

*Following discussion, the Parish Council objects strongly to the application and recommends that it is refused.*

*The Council considers that the title of the application does not reflect fully the reasons given in the access statement which clearly states that the main reason for requesting the siting of an additional four mobile homes on the site is to provide housing for dependents of Mr Rooney who are currently homeless. The Council is also of the opinion that as the site was granted Change of Use from business to private travellers site for 1 no. pitch including hard standing for mobile home, amenity/dayroom block and area for fencing business in 2010 there is no need for a further Change of Use other than to reflect the requirement for the additional four mobile homes from 1No. to 5No. The Council is of the opinion that the current wording of this application does not safeguard the primary request of Mr Rooney, that of providing suitable accommodation for his dependents described in the access statement as homeless and in some cases in need of health care.*

*Given the position of the site, which is in a rural landscape and considered as open countryside, WDC Planning Policy CS01 Spatial Strategy clearly states that 'Outside the larger villages the objective is to safeguard the countryside for its own sake and to protect the existing service provision. Development in these locations is likely to be unsustainable, because of poor levels of public transport and few services and facilities.' Therefore, any application for residential development in this area would be refused unless, in this application, there are any elements of WDC Planning Policy CS12 Gypsy and Traveller Accommodation that would apply. The Parish Council is not aware, from any of the material provided to it relating to this application, that there are valid reasons to not apply the terms of CS01.*

*The Council recognises the issues surrounding the provision of Gypsy/Traveller Transit Accommodation that are the responsibility of Waveney District Council but does not consider that this application is related to any of these issues or that the decision on this application should be influenced by any of those issues.*

*The Parish Council considers the key difficulty it has faced in determining its position, whether to support or oppose this application is that the recognition of this site as a 'private travellers site' has not been included. This fact, in Council's opinion, can cause difficulty in interpretation of the status of this site.*

*The Council has noted that the Waveney District Council Planning Policy Officer, in his response to the application, is querying whether 'change of use is the correct application type given the original permission from 2010 granted change of use planning permission for a private traveller's site with 1no. pitch including hard standing for mobile home'. This lends support to the concerns of the Parish Council stated above.*

*The Parish Council therefore has no alternative but to recommend refusal of this application.*

*Considering the primary reason clearly stated in the access statement, to provide accommodation for dependants of Mr Rooney who are currently homeless, the Parish Council is sympathetic to the provision of the four additional mobile homes to supply that*

*accommodation provided that the designation of this site as a private travellers site is clear and that the occupation of the units is restricted to dependants of Mr Rooney. If the necessary information is stated fully in the granting of permission the Parish Council would recommend approval.*

- 4.3 **Carlton Colville Town Council**:- were consulted on the 23 February 2018 and made the following comments:- Carlton Colville Town Council Planning committee would like to submit the following response on the above proposal.

*It would strongly refuse the application as it is worded in particular the “change of use” as it already has that condition on the site so the application is not specific to what the applicant wishes as observed by Dickon Povey Planning Policy Officer WDC in his report of 08/02/2018. “I would query whether change of use is the correct application type given the original permission from 2010 granted change of use planning permission for a private travellers site with 1no. Pitch Including hardstanding for mobile home, amenity/dayroom block and area for fencing business i.e. a mixed use”*

*It would recommend a “variation of condition” with stringent conditions attached that would see homeless members of the Rooney family only, be able to live in the mobile homes as long as adequate checks are in place to ensure this was strictly adhered to.*

#### 4.4 **Consultees**

- 4.5 **Suffolk Fire And Rescue Service** were consulted on the 23 February 2018 and made the following comments:- “we recommend that consideration be given to providing extra water for firefighting.”

- 4.6 **County Planning Officer** was consulted on the 23 February 2018. Comments awaited, Any comments received will be reported to Members prior to the meeting.

- 4.7 **Environment Agency - HMIP - Pollution** were consulted on the 23 February 2018 – Comments awaited, . Any comments received will be reported to Members prior to the meeting.

- 4.8 **WDC Environmental Health** – made the following comments “The application site was investigated as part of the previous application (DC/10/0604/COU) and found to be suitable for residential end use. As such I have no adverse comments to make with regards to this retrospective application.

- 4.9 **WDC Environmental Health - Private Sector Housing** were consulted on the 23 February 2018 and made the following comments:- “Private Sector Housing are not able to object to the retrospective application as it is proposed as we are bound to provide Site Licences to those sites in the proper ownership with the correct Planning consent, provided that the development is maintained in accordance with the Model Standards 2008 for Caravan Sites in England (attached).

We understand that the regularisation of the amenity block is still to take place, but would add that any Site Licence would not cover this building as it is not considered a caravan within the 1960 definition. We would still encourage that all standard distances etc within

the model conditions should be maintained to ensure fire separation between units is effective.”

4.10 **Suffolk County Council - Gypsy and Traveller Liaison Officer** were consulted on the 23 February 2018. Comments awaited. Any comments received will be reported to Members prior to the meeting.

4.11 **Suffolk County - Highways Department** were consulted on 23<sup>rd</sup> February 2018 and made the following comments:- “No information regarding visibility splays have been submitted.

There is also a lack of information regarding the previous usage of the site and how long the retrospective mobile homes have been situated on-site for.”

4.12 **WDC - Community Development Team** were consulted on the 23 February 2018. Comments awaited, . Any comments received will be reported to Members prior to the meeting.

#### 4.13 **PUBLICITY**

None

#### 4.14 **SITE NOTICES**

4.15 The following site notices have been displayed:

General Site Notice	Reason for site notice: General Site Notice, Date posted 26.02.2018 Expiry date 18.03.2018 – re-issued due to wrong description being entered onto system.
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4.16 The following site notices have been displayed:

General Site Notice	Reason for site notice: General Site Notice, Date posted 18.01.2018 Expiry date 07.02.2018
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#### 4.17 **RELATED APPLICATIONS**

Reference No	Proposal	Decision	Date
DC/10/0604/COU	Change of use of land from business to private traveller’s site for 1no. pitch including hardstanding for mobile home, amenity/dayroom block and area for fencing business	APP	31.08.10
DC/10/1221/AME	Retrospective Non-material Amendment DC/10/0604/COU - Reposition and reduce size of the hardstanding for the mobile home within the boundary of the site	APP	08.12.10

Reference No	Proposal	Decision	Date
DC/12/0193/VOC	Variation of Condition no. 2 of DC/10/0604/COU Change name from Leveridge family to Rooney Family	APP	12.04.12
DC/12/1090/FUL	Increase size of previously approved day room utility block	APP	02.11.12
DC/13/0520/FUL	Alterations to revise previously approved roof design including installation of 6 No. dormer windows	REF	18.07.13

## 5. PLANNING POLICY

5.1 NPPF

5.2 DCLG Planning Policy for Travellers Sites (**PPTS**) (August 2015)

5.3 Gypsy, Traveller, Travelling Showpeople and Boat Dwellers Accommodation Needs Assessment (**ANA**) for Babergh, Ipswich, Mid Suffolk, Suffolk Coastal and Waveney (May 2017)

5.4 WDC Core Strategy Policy – CS12 ‘Gypsy and Traveller Accommodation’ and CS01 ‘Spatial Strategy’.

5.5 WDC Development Management Policies – DM01 – ‘Physical Limits’.

## 6. PLANNING CONSIDERATIONS

6.1 Planning Policy for travellers sites within the Waveney District is concentrated around four key pieces of local and national planning policy, namely the NPPF, DCLG ‘Planning Policy for Travellers Sites (PPTS) (2015), WDC Adopted Core Strategy Policy CS12 ‘Gypsy and Traveller Accommodation’ and the Gypsy, Traveller, Travelling Showpeople and Boat Dwellers Accommodation Needs Assessment (ANA) for Babergh, Ipswich, Mid Suffolk, Suffolk Coastal and Waveney (May 2017).

6.2 The National Planning Policy Framework (NPPF) came into force on the 27<sup>th</sup> March 2012 and is therefore a material consideration when determining applications.

Relevant NPPF extracts with regards to this application are as follows:-

(i) Paragraph 14 states that at the heart of the NPPF is the presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

In August 2015 the DCLG issued the ‘Planning Policy for Travellers Sites’ it’s most current guidance for the consideration of gypsy/traveller sites. .

Policy H, paragraph 21 refers to the NPPF and says that applications should be assessed and determined in accordance with the presumption in favour of sustainable development.

However, paragraph 22 states that Local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlement or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing undue pressure on local infrastructure.

- 6.3 Within Central Government's Guidance "Planning Policy for Travellers Sites" (PPTS), Policy C 'Sites in Rural Areas and the Countryside' states that when assessing the suitability of sites in rural or semi-rural settings, LPAs should ensure that the scale of such sites does not dominate the nearest settled community.
- 6.4 Guidance given within the PPTS indicates that local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.
- 6.5 The PPTS stipulates that when considering applications, local planning authorities should attach weight to the following matters:
  - a) effective use of previously developed (brownfield), untidy or derelict land
  - b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
  - c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
  - d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community
- 6.6 The PPTS states that if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. The exception is where the proposal is on land designated as Green Belt; sites protected under the Birds and Habitats Directives and / or sites designated as Sites of Special Scientific Interest; Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park (or the Broads).

Albeit that the guidance relates to temporary planning permissions it is clear that the current Gypsy, Traveller, Travelling Showpeople and Boat Dwellers Accommodation Needs Assessment (ANA) identifies an under supply of deliverable sites in Waveney District Council. The under supply is currently 8 pitches. This is a key piece of evidence which establishes need for gypsy/traveller sites in the district. The ANA identifies the need of over the period 2016-2021. This need is inclusive of the Kessingland site which is currently fully occupied.

- 6.7 Local planning authorities should consider how they could overcome material planning concerns to particular proposals using planning conditions or planning obligations including:
- a) limiting which parts of a site may be used for any business operations, in order to minimise the visual impact and limit the effect of noise
  - b) specifying the number of days the site can be occupied by more than the allowed number of caravans (which permits visitors and allows attendance at family or community events)
  - c) limiting the maximum number of days for which caravans might be permitted to stay on a transit site.

- 6.8 Within the **Core** Strategy, Policy CS12 deals specifically with gypsy and traveller accommodation, it is a criteria based policy. The criteria run as follows:

*New sites to meet the accommodation needs of gypsies and travellers will be permitted provided that the following criteria are met:*

- *The site will provide accommodation for gypsies and travellers, as defined in Circular 01/2006*
- *Schools, services and shops are within easy travelling distance, preferably by foot, cycle or public transport*
- *The site is (or can be) served by adequate water and sewerage connections*
- *The site is not located within Flood Zones 2 or 3*
- *There will be no adverse impact on the amenity of nearby residents or operations of adjoining land users*
- *The impact on the character and appearance of the countryside is minimised*
- *The development will not have an adverse impact on the objectives of sites designated for their biodiversity, geodiversity or landscape importance*

Officers will demonstrate consideration of the proposals against those criteria later in this report.

- 6.9 In terms of the character and appearance of the landscape as referenced in CS12, The Great Yarmouth & Waveney Settlement Fringe Landscape Sensitivity Study (2016) identifies this area as Low Landscape Sensitivity and Moderate Landscape Value, resulting in a High capacity of the landscape to accommodate development. The Waveney Landscape Character Assessment (2008) identifies the site as being part of H3: Hundred Tributary Valley Farmland. Strategic objectives include:

- Conserving and enhancing the textured landscape quality and the varied land cover elements such as wet meadows, woodland, grazing pasture and hedgerows
- Conserving key views featuring wooded skylines and isolated church towers

- 6.10 The 2008 assessment states that development should be sensitive to the wider rural character of the area. Building styles and uses within rural areas should respect local character.



- 6.11 Mobile homes as unrestricted open market housing would conflict with policies CS01 and DM01 and are not supported. Any approval on the site should be for gypsy/traveller accommodation only.
- 6.12 Housing Need
- 6.13 The applicant's extended family, namely his Mother, Sister, Father in law and Nephew and Niece in law and their 3 children are the occupants of the four additional mobile homes on the site. They all identify as Irish Gypsies.
- 6.14 Policy A of the PPTS states that the evidence base for accommodation needs should inform planning decisions. Policy H states that local provision should consider, need and the availability of alternative accommodation for the applicant(s) should be considered. The starting point for need is the ANA. The overall all need requirement in the district drops to 8 pitches.
- 6.15 The evidence put forward with this application suggests that the current occupants of the four new mobile homes each have a personal need for accommodation in the area either through necessity for health reasons, or in order to raise a family so that the additional children on the site can go to school.
- 6.16 Each of the occupants of the additional mobile homes are closely related to the site owner, Mr Rooney and have provided evidence in support of how they meet the definition of a gypsy and traveller in accordance with Annex 1 of PPTS.
- 6.17 Policy H of PPTS states that LPAs should consider the following issues when considering planning applications:
- The existing level of local provision and need for sites
  - The availability (or lack) of alternative accommodation for the applicants
  - Other personal circumstances of the applicant
  - 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
  - that they should determine applications for sites from any travellers and not just those with local connections
- 6.18 This application would provide 4 pitches towards meeting the identified need. The ANA identifies very little in terms of available local provision and alternatives. Any alternative sites would need to be able to accommodate the occupants of the additional mobile homes and take into account their cultural identity. However, at present no other sites are coming forward through the Local Plan process, as planning applications or even as enquiries. There are currently no other prospects for meeting the need and the Council cannot identify a supply of sites. Policy H in PPTS states that where the LPA cannot demonstrate a 5 year supply of gypsy/traveller sites this should be a significant material consideration when considering applications for temporary permission.

## 6.19 Location

6.20 Planning Site history shows that, since 2010 a change of use of the site was established as a private travellers site to accommodate 1 pitch. The suitability for the proposed intensification of the site will be determined using the same criteria based Core Strategy policy CS12 and the considerations identified in PPTS. Policy CS12 requires that any site is accessible sustainably by foot, cycle or public transport. Access by foot or public transport is limited in this location, with no regular service by bus and no direct footpath from the site to either Carlton Coleville or Mutford. Pedestrians must walk on the highway to access those villages. However, the site is well accessed by the National Cycle Route 517 which passes the site on Mutfordwood Lane.

6.21 With reference to accessibility to local services and facilities, we can confirm that the site is approximately 1.3km from Carlton Colville Primary School, 2km from Gisleham Middle School and 1.6km from local shops in Carlton Colville. These distances are accessible by bicycle, but officers ask members to note that Mutfordwood Lane does not have a footpath. This may make pedestrian access to those services and facilities less attractive. However, the proposals are associated with a defined family need and associated medical requirement. This personal aspect strictly limits the applicants "search for available sites". Members are also requested to note that the site benefits from a previous consent for a single mobile home, which was approved under the same policy framework as that in place for this application.

6.22 In terms of on site servicing the officers can confirm that the site is connected to mains water, surface water is considered to drain to a soakaway on the site, the capacity of the surface water soakaway can be appropriately conditioned to appropriately meet the new demands and also to percolate water at an appropriate rate.

6.23 The site is also connected to mains electricity and sewerage empties into a septic tank on the site. The applicant's agent has informed me that the septic tank has a capacity for 4500 litres which can accommodate up to 13 people. There is no requirement to vary those capacities to serve this application.

## 6.24 Visual Impact

6.25 The existing close boarded fence that surrounds the site has a significant adverse impact upon the open countryside. The fence has been situated outside of the existing hedge line and exceeds the 2m high limit for boundary fences that can be erected under permitted development rights. Anecdotally officers have been made aware that the fence was erected to overcome concerns of an adjacent land owner and was erected by the applicant without knowledge of the planning controls that relate to his site. However, the applicant has indicated that they would be willing to reduce the height of the fence to 2m and also relocate inside the existing hedge line. If reduced in height as suggested then the adverse visual impact will be significantly reduced, and mitigate the significant adverse impact upon the landscape. Additional planting will be required by condition to refresh and bolster the existing boundary planting.

6.26 The Council's Arboriculture and Landscape Manager has confirmed that if the fence was lowered to 2m and re-positioned inside the hedge-line boundary, this would help to mitigate any landscaping objections.

## 6.27 Human Rights Act

The recommendation set out in this report is considered to be compatible with the Human Right Act 1998 and that in reaching this conclusion the requirements of that Act have been fully considered and taken into account.

## 7. CONCLUSION

7.1 There is an identified under supply of pitches for Gypsy and Traveller housing needs in our district, the ANA identifies 8 further pitches are required to meet the identified shortfall. These proposals will create 4 new pitches at this site, those pitches will enable individual housing needs to be met and for the district wide shortfall to be reduced.

The applicants have provided detailed personal evidence of a need to justify the additional mobile homes at this site, and cited the lack of alternative options and allocated sites available as part of that justification. The proposal is assessed against the Core Strategy (inclusive of Policy CS12), the PPTS (2015) the ANA 2017 and is considered to be compliant with those policies. Approval is therefore recommended with appropriate conditions (see below).

## RECOMMENDATION

Approval is recommended. Members may wish to apply some/all of the following conditions:-

1. The Permission hereby approved shall be laid out in accordance with Drawing No 1924/1 and will be retained as such until the land ceases to be occupied by those named in Condition 1 of this Permission.

Reason: To secure a properly planned development.

2. The occupation of the mobile homes hereby permitted shall be carried on only by Mrs Margaret Rooney; Ms. Helen Rooney; Mr Thomas Hanrahan; Mr Patrick and Mrs Brien and their dependants.

Reason: In order to meet the need and the personal circumstances of the occupants of the mobile homes.

3. As each mobile home ceases to be occupied by those named in Condition 2 then the mobile home, any materials and equipment brought onto the land in connection with that mobile home, shall be permanently removed from the site. All actions to be complete in their entirety within 2 months of the mobile home ceasing to be occupied by that named person/s and the land shall be restored to its condition before the use commenced.

Reason: in the interests of the character and appearance of the countryside.

4. Within two months from the date of this permission the existing boundary fence shall be reduced to two metres and located inside the existing hedge line in a position to be agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the countryside

5. Within two months from the date of this permission a detailed scheme of boundary planting shall be submitted and approved in writing by the Local Planning Authority. The approved planting scheme shall be implemented not later than the first planting season following the grant of planning permission (or within such extended period as the local planning authority may allow) and shall thereafter be retained and maintained for a period of 5 years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

Reason: To ensure the submission and implementation of a well-laid out scheme of landscaping in the interest of visual amenity, and ensure compliance with Core strategy policy CS12

6. Within two months from the date of this permission details from a scheme to manage surface water discharge from the 4 units hereby approved shall be submitted to and approved by the Local Planning Authority. The approved scheme shall thereafter be implemented in its entirety thereafter.

Reason: To prevent an increase in the risk of flooding to the proposed development and elsewhere, and ensure a suitable SUDS approach is adopted for the management of surface water, and ensure compliance with Core strategy policy CS12.

**BACKGROUND INFORMATION:** See application ref: DC/18/0102/COU at [www.eastsuffolk.gov.uk/public-access](http://www.eastsuffolk.gov.uk/public-access)

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