

**PLANNING COMMITTEE – 16 October 2018**

**APPLICATION NO DC/18/3413/COU**

**8**

**LOCATION**

Windy Acres  
Mutfordwood Lane  
Mutford  
Lowestoft  
Suffolk  
NR33 8HD

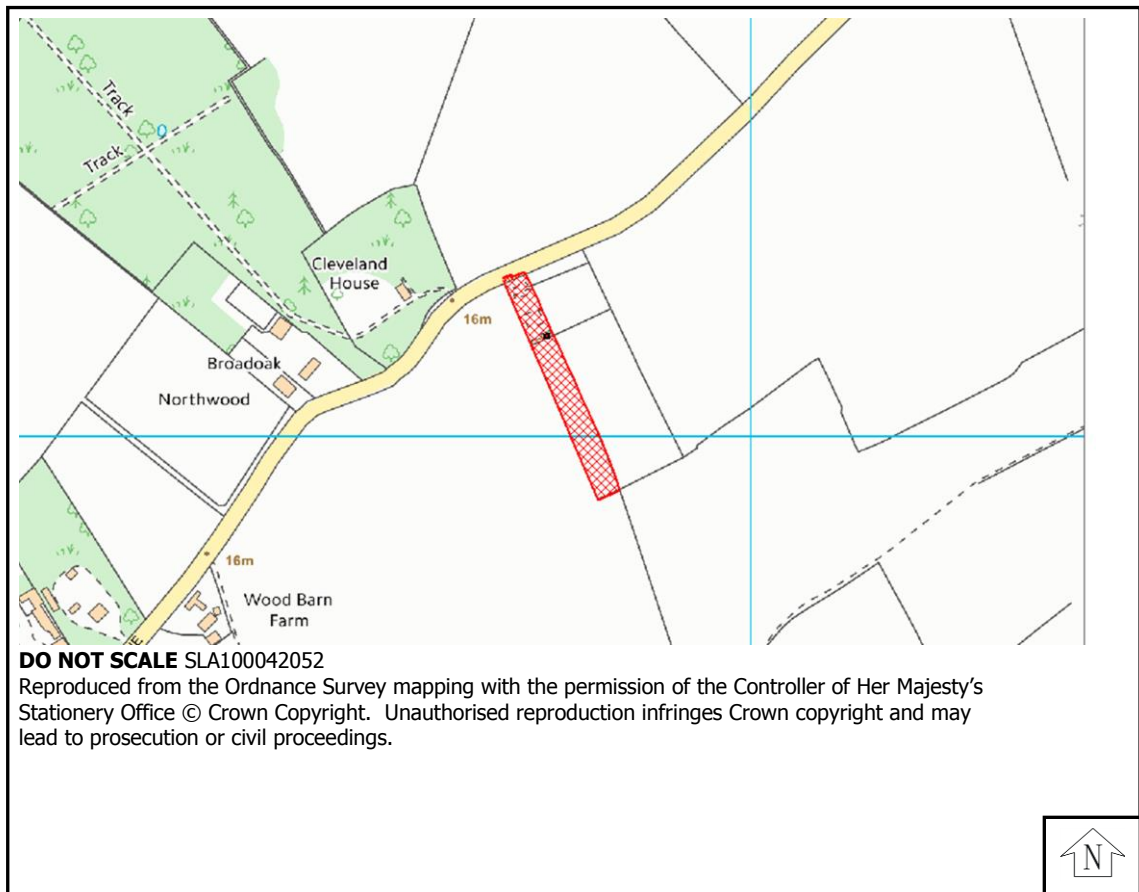
**EXPIRY DATE** 31 October 2018

**APPLICATION TYPE** Change of Use

**APPLICANT** Mr D Rooney

**PARISH** Mutford

**PROPOSAL** Change of use of site from named occupiers to general gypsy and traveller site for five pitches



**1 SUMMARY**

1.1 This application proposes a change of use of land from named occupiers to general gypsy and traveller use for five pitches. 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 application 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, a wooden boundary fence that was previously on the site is in the process of being removed.
- 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 Approvals DC/12/0193/VOC and DC/18/0102/COU.
- 2.3 The site already has planning approval (DC/12/0193/VOC and DC/18/0102/COU) for five mobile homes for the use by Mr Rooney and his extended family, all of which identify as gypsies and travellers in accordance with Annex 1 of Central Government's Guidance "Planning Policy for Travellers Sites" (PPTS).
- 2.4 The site was first occupied in 2010 and the applicant moved onto the site in 2012, and has resided in compliance with the personal occupancy conditions attached to the previous planning permissions.

## 3 PROPOSAL

- 3.1 The proposal is for the Change of use of site from named occupiers to general gypsy and traveller site for 5 pitches.

## 4 CONSULTATIONS/COMMENTS

- 4.1 **Neighbour consultation/representations** - there has been four letters of objection from a local resident. This response is summarised below:

- An increase in crime rates
- Increased traffic
- Alternative sites nearby
- Proposal will have a detrimental effect and not in keeping with the village
- No pavements or street lighting
- Increase in fly tipping
- Flawed argument in relation to gypsy pitch allocation
- Contrary WDC Planning Policy
- Contrary to National Planning Policy
- No justification for a general/open gypsy and traveller site

#### **4.2 Parish/Town Council Comments**

**4.3 Carlton Colville Parish Council** – make the following comments “The town council have considered this application and have recommended refusal with the following reason: The agent has not answered previous application questions around the needs of named family members on the site and that this application to become a general gypsy/traveller site is realised and heavily supported by the Gypsy Council rather than the requirements as specified in the applications. The council considers that the current permission with conditions fulfils the asked for requirements of the applicant Mr Rooney.”

**4.4 Mutford Parish Council** – makes the following comments “The Parish Council has considered at length this application and notes that, as was the case for planning application DC/18/0102/COU. Change of Use of Land (retrospective) to provide four additional mobile homes for Gypsy/ Travellers, the title of the application has been changed. Council further notes that the reason for the change was to clearly identify that this application refers specifically to the 5 pitches already in use on the site (1 pitch permitted in DC/10/0604/COU and four additional pitches permitted by DC/18/0102/COU). The change and reasons for it have been confirmed by email from the case officer to the Parish Council.

The Council was concerned that the title could be interpreted as an application for five additional pitches at this site.

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

The Parish Council has considered the contents of the Planning Statement from the agent of the applicant and cites the following in support of its decision to recommend refusal.

The issues cited in the planning statement refer to the history of planning applications for this site. The agent has been selective in quotes from the first application in 2010 (DC/10/0604/COU). A key reason for that application was that the applicant Mr John Leveridge and his family were not able to reside at the Kessingland Gypsy/Traveller site because of personal differences with other persons at the site. It is therefore clear that the granting of permission was based on the ‘personal circumstances of the applicant’.

In 2012 Mr Rooney applied for variation condition no 2 (DC/12/0193/VOC) Change name from Leveridge family to Rooney Family. This application clearly identified that Mr Rooney was happy with the remainder of the conditions associated with this application and that there was no personal request from Mr Rooney to remove the conditions relating to named occupancy and therefore his acceptance of the ‘personal circumstances of the applicant that were part of the granting of permission to Mr Leveridge in 2010

It appears to the Parish Council that the issue of this site becoming a general gypsy/traveller site is raised and heavily supported by the Gypsy Council rather than by the requirements as specified in the planning applications made by Mr Leveridge and Mr Rooney.

The Parish Council fully understands the issues surrounding the provision of sites for Gypsy Travellers that Waveney District Council is required to provide but considers that this is a matter for the Gypsy Council and Waveney District Council to resolve rather than the interpretation of these planning applications being such as to resolve the problem.

The Parish Council is concerned about the inclusion in the planning statement of conversations with officers and changes made by the applicant as a result. There is no supporting evidence of the content of these which the Parish Council could take into account in determining its response.

Considering the current application, it is very clear to the Parish Council that the need for the additional mobile homes applied for in DC/18/0102/COU was based on Mr Rooney's need for additional accommodation for members of his family who were homeless and needing a settled environment which he was able to provide. Mr Rooney provided detailed confidential information confirming their individual needs. The planning statement says that granting named occupancy is unnecessary, temporary and restrictive. On page 5 the statement says 'that there clearly no grounds whatsoever for restricting this permission to a named family'. As the site is owned by Mr Rooney and he stated strongly that he needed the additional accommodation for members of his family who he proved to be desperate for it, it clearly demonstrated a need for that to be reflected in the permission. This is further referred to on page 7 of the statement where it states "but the reason for the condition, (named occupancy) Given the personal circumstances of the applicants' is vague, unclear and also unreasonable" does not reflect the strength of evidence that Mr Rooney made in support of his application for the additional accommodation. Reference is also made of the 'temporary' nature of the 'named occupants' condition. It can be counter argued that the pitches that are the subject of this condition are permanent for those given permission to occupy them.

The applicant, through his agent, has offered no indication of the current occupancy of the additional mobile homes in order to confirm that the relatives are currently living at Windy Acres.

The Parish Council considers that the applicant through his agent has not provided sufficient evidence and information for the Council to support the application. In recommending refusal, the Parish Council considers that the current permission with conditions fulfils the asked for requirements for Mr Rooney. It further draws attention to the fact that if this application were to be approved the balance of provision of sites in Waveney would be concentrated in the north east of the district with no provision in the rest of the area. That would of course include the 4 pitches at Kessingland which, at the time of the previous application for the additional mobile homes, were occupied by non-travellers."

- 4.5 Suffolk Fire And Rescue Service** No comments received
- 4.6 Suffolk County Council Planning Officer** No comments received
- 4.7 Environment Agency** - were consulted on the 20 August 2018. No comments to make.
- 4.8 WDC Environmental Health** - have no objection to the application.

**4.9 WDC Private Sector Housing (Internal)** were consulted on the 20 August 2018. Comments awaited. Any comments received will be reported to Members prior to the meeting.

**4.10 Suffolk County Council - Gypsy And Traveller Liaison Officer** No comments received

**4.11 Suffolk County - Highways Department** No objection

**4.12 WDC - Community Development Team** No comments received

#### **4.13 PUBLICITY**

None

#### **4.14 SITE NOTICES**

The following site notices have been displayed:

General Site Notice	Reason for site notice: General Site Notice, Date posted 22.08.2018 Expiry date 13.09.2018
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#### **4.15 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
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
DC/18/0102/COU	Change of Use of Land (retrospective) to provide four additional mobile homes for Gypsy/ Travellers	APP	26.04.18

## 5. PLANNING POLICY

NPPF

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

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

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

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) which was revised on 24 July 2018 is therefore a material consideration when determining applications.

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

*(i) Paragraph 11 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 five 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).
- 6.7 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.
- 6.8 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.

6.9 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.

6.10 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

6.11 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.

6.12 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.



## Housing Need

- 6.13 This proposal seeks to remove the restriction of the site only being used for 'named' gypsy and travellers and instead argues that the site should be available for any gypsy and traveller.
- 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 While previous applications have been personal to the applicants and their relatives, the site has in the past been deemed suitable to be occupied by a family who complies with the definition of a gypsy and traveller in accordance with Annex 1 of PPTS.
- 6.16 This application now asks the Council to consider whether the site can be occupied by 'any' gypsy and traveller who would comply with the definition in 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 5 pitches towards meeting the identified need. The ANA identifies very little in terms of available local provision and alternatives. 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.

## Location

- 6.19 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 which was later increased by another 4 pitches in April 2018. The application does not propose any increase on the number of pitches than is currently available on the private site which would total 5.

- 6.20 The suitability for the site to be a general gypsy and traveller site as opposed to a 'private' gypsy and traveller 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. Members are also requested to note that the site benefits from previous consents for a single mobile home and four additional mobiles homes, which were approved under the same policy framework as that in place for this application.
- 6.22 In terms of onsite 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 on a previous occasion informed the Council 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.

#### Visual Impact

- 6.24 The site has until recently been surrounded by a close boarded fence which was deemed to have a significant adverse impact upon the open countryside. A recent inspection of the site has shown that a vast majority of the fence has been dismantled. However, this in turn now creates a different kind of problem in that part of the site is now visually exposed within the countryside.
- 6.25 The applicant has stated that they intend to keep all existing healthy trees and hedging and plant new hedging around the site. Although they haven't stated exactly where this new hedging would be planted. The applicant has stated that they would be prepared to plant new hedging to comprise of a double staggered row at 500mm centres, which would be 5 plants per metre. Planted as 60-90cm whips, comprising of 70 % hawthorn, 15% Dogwood and 15% Beech.

- 6.26 The Council's Arboriculture and Landscape Officer has confirmed the hedging mix would be acceptable, however the 15% Beech element should be changed to Field Maple as this is deemed to be more in keeping with the local landscape. New plants should also be protected by rabbit proof fencing to ensure their survival and should be planted outside of the current fence line.

#### Human Rights Act

- 6.27 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 5 pitches at this site, those pitches will enable the district wide shortfall to be reduced.

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 indefinitely unless otherwise approved in writing by the local planning authority.

Reason: To secure a properly planned development.

2. The occupation of the site shall only be by persons who meet the definition of a gypsy/traveller as defined in Annex 1 of the DCLG Planning Policy for Travellers Sites (PPTS) (August 2015) or its equivalent.

Reason: In order to meet the local need for gypsy and traveller pitches.

3. Within two months from the date of this permission any existing boundary fence shall be reduced in height to 2m and located inside the existing hedge line.

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

4. Within two months from the date of this permission a detailed scheme of boundary planting with rabbit proof fencing shall be submitted and approved in writing by the Local Planning Authority. The approved planting scheme consisting of double staggered row at 500mm centres, which would be 5 plants per metre. Planted as 60-90cm whips, comprising of 70% hawthorn (Crateagus Monogyna), 15% Dogwood (Cornus Sanguinea)

and 15% Field Maple (*Acer Campestre*) 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

5. 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.

#### **APPENDICES**

None

#### **ADDITIONAL NOTES**

None

**BACKGROUND INFORMATION:** See application ref: DC/18/3413/COU at [www.eastsuffolk.gov.uk/public-access](http://www.eastsuffolk.gov.uk/public-access)

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