

Area North Committee – 24 November 2010

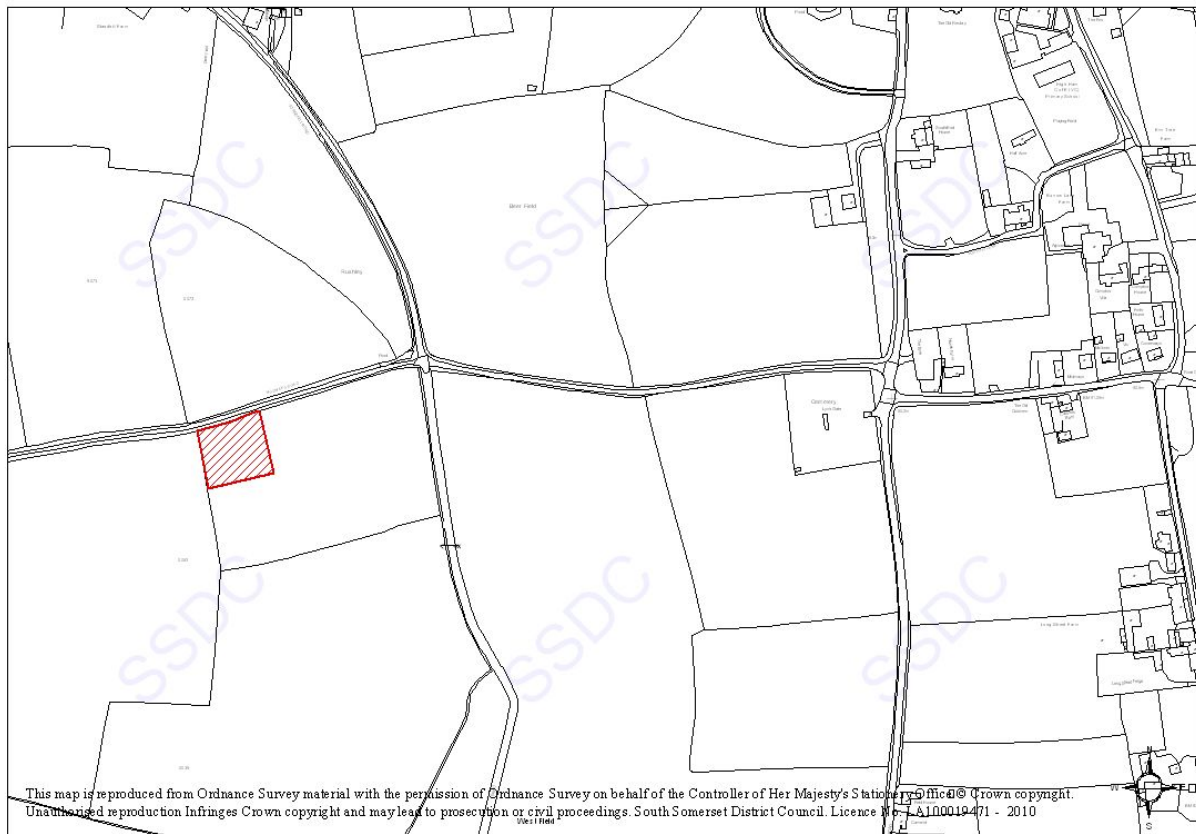
Officer Report On Planning Application: 10/03068/COU

Proposal :	Change of use of land and siting of one mobile home and one touring caravan for one traveller/gypsy residential pitch. (GR: 342092/130602)
Site Address:	OS 0062 Mildmays Road, High Ham
Parish:	High Ham
TURN HILL Ward (SSDC Member)	Mr Rupert Cox (Cllr)
Recommending Case Officer:	Claire Alers-Hankey Tel: 01935 462295 Email: claire.alers-hankey@southsomerset.gov.uk
Target date :	15th September 2010
Applicant :	Mr Arthur Hughes
Agent: (no agent if blank)	Dr Angus Murdoch , Murdoch Planning PO Box 71, Ilminster, Somerset TA19 0WF
Application Type :	Other Change Of Use

REASON FOR REFERRAL TO COMMITTEE

This application is referred to the Area North Committee at the request of the Ward Member and Area Chairman, so that further considerations can be given to the Parish Council and neighbour comments.

SITE DESCRIPTION AND PROPOSAL



The site is located 1km southwest of the village of High Ham. The site is outside defined settlement limits, and is accessed via a no through road access track.

The site is located in the northwest corner of an agricultural field, which is directly adjacent to the junction of Mildmays Road and Standhill Road. The site has an existing gateway to access the site, which is off Mildmays Road.

This application seeks planning permission for the change of use of land and siting of a mobile home and touring caravan for a gypsy/traveller residential pitch. The site is fenced with timber close-board fencing approximately 1.2m high and is also covered with hardstanding.

HISTORY

No planning history for the site.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

The policies of most relevance to the proposal are:

Saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011:

Policy STR1 - Sustainable Development
 Policy STR6 - Development Outside Towns, Rural Centres and Villages
 Policy 5 - Landscape Character
 Policy 36 - Sites for gypsies and Travelling People
 Policy 49 - Transport Requirements of New Development

Saved policies of the South Somerset Local Plan (Adopted April 2006):

Policy ST3 - Development Areas
 Policy ST5 - General Principles of Development
 Policy ST6 - The Quality of Development
 Policy EC3 - Landscape Character
 Policy TP7 - Residential Parking Provision
 Policy HG11 - Long Term/Residential Sites

National Guidance

PPS1 - Sustainable Development
 PPS3 - Housing
 Circular 01/2006

South Somerset Sustainable Community Strategy

Goal 3 - Healthy Environments
 Goal 6 - Learning
 Goal 9 - Homes

Human Rights Act 1998 - European Convention for the Protection of Human Rights and Fundamental Freedoms

CONSULTATIONS

Parish Council - High Ham Parish Council fully considered this application at its meeting. When considering this application due cognisance was taken of the pressures on local Authorities to find suitable sites for the Gypsy/Traveller community along with the views of our parishioners. Additionally, the current national guidance (ODPM Circular 01/2006) was fully appraised in order to seek a good understanding of the recommended standards that should prevail and the policy guidelines that should be met when such applications are received. The approach taken by the Parish Council when appraising the merits of this proposal mirrored that taken with every planning application it receives with a fair and objective, open and honest ethos underpinning the way all planning applications are dealt with. The Parish Council recommends refusal of this application on the following grounds:

1. The site in question is located in a Green Belt area. New Gypsy and Traveller sites in the Green Belt are normally regarded as inappropriate development, as defined in Planning Policy Guidance 2: Green Belts (PPG2). National planning policy of Green Belts applies equally to applications for planning permission from gypsy and travellers and the Parish Council believe alternatives should be explored before the Green Belt area in question is considered.
2. In tandem with reason 1. above, the Parish Council believe that the transit site located at Pitney, currently not being utilised, could be fully commissioned and utilised for the needs of the gypsy/traveller community, as a viable alternative before the Green Belt location in question is considered. It is prudent to note that this site was previously occupied by a gypsy/traveller family for many years with needs being met
3. Issues of sustainability are deemed to be very important by the Parish Council such as access to local services. Whilst High Ham is fortunate to have a very successful Primary School located within its boundary, there are normally more applications for placements than can be accommodated. Additionally, no local shops or GP/health services exist which means that the use of cars etc. are the only alternatives to accessing such services
4. The impact on visual amenity
5. The location of the MOD firing range and exercising area in close proximity to the site in question. Additionally, the Parish Council believe that the MOD should be fully consulted before any decision on this application is made
6. The suitability of the access lane and its potential to flood at its junction with Mildmays Road.

County Highway Authority - The site is located outside recognised development limits and is distant from local services and facilities. As such, the occupants of the site are likely to undertake lengthy journeys to access such facilities. These journeys are likely to be made by the private car, given that a bus service passing the site is infrequent. Consequently, it could be argued that the development would be contrary to Government guidance given within PPG13 and RPG10, and to the provision of policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review, that seeks to minimise the need for journeys particularly by the private car. Notwithstanding the above comments Policy 36 of the Somerset and Exmoor National Park Joint Structure Plan Review states that 'the provision of sites for gypsies and other travelling people should be made where the site is within reasonable distance of a settlement providing local services and facilities'. The site is approximately 1km from the school at High Ham and about 4kms from the centre of Langport, which are the nearest settlements with appropriate ranges of facilities. I consider that this distance may not be so great as to conflict with Policy 36. In detail, there is sufficient room within the site for the parking and turning of vehicles in connection with the unit. The Highway Authority is

also satisfied that although the access is a simple field gate set in a break in the hedge along the 'no through road' (access to MOD estate) length of Mildmays Road to the west of its junction with Standhill Road, the speed of traffic using the land will be very low and the volume of traffic using it minimal. Where Mildmays Road meets Standhill Road there is adequate visibility to access the wider highway network to both north and east. As a result, if the principle of the development is deemed acceptable then from a highway point of view there is no objection to the proposal.

Landscape Architect - I believe the main landscape considerations to be:

1. The principle of development outside development areas (PPS7 and LP policy ST3). PPS7 has amongst its objectives that the countryside should be safeguarded for its own sake and that development, where permitted, should maintain or enhance the environment, similarly so Policy ST3, and
2. The impact of development upon landscape character (PPS7 and LP Policies ST5 para 4 and EC3) which seek to protect the character and respond to the character of the local environment.

Looking at the application with these policies in mind, it is clear that this is not a location characterised by development. The settlement form of High Ham is primarily concentrated on the roads and lanes that converge in the vicinity of the church, with the emphasis on the north-south through route of Main Road. Further intermittent development follows the alignment of Standhill Road to the west, and Long Street to the south, both being slightly detached from the village core, but within close proximity of it. This site lays outside the village of High Ham as described above, and is some distance from settlement form. There is a general lack of development presence in the locality of the application site, and traditional farming is the prime land-use. The application site is not related to the settlement pattern, nor characterised by established development form. The presence of a mobile home, and an area of hardstanding, along with the seasonal presence of a touring caravan, are not elements that are characteristic of this part of the High Ham plateau. Hence I view the proposal as contrary to local landscape character, and thus failing to meet landscape policy objectives. Consequently I offer landscape grounds for refusal based upon policies ST3, ST5 and EC3.

Area Engineer - No comment

REPRESENTATIONS

TWO LETTERS OF OBJECTION - Have been received, raising concerns over the following issues:

- The field has been the subject of misuse in the past, such as a dump abandoned vehicles and caravans
- Buildings have been erected on the site without planning permission, e.g. a toilet shed
- Permission for a caravan has been refused on this site before
- The area is classified as outstanding natural beauty
- Why can agricultural land be used for residential purposes, when there is no intention to farm the land?
- There are no other buildings near this proposal
- This would be a travesty of rights in favour of a political statement if allowed
- The village school is already oversubscribed, and unable to accommodate extra children

CONSIDERATIONS

Principle

The applicant is known to South Somerset District Council to be a person with bona fide gypsy/traveller status, and has long-term, family connections to the area. Policy HG11 of the South Somerset Local Plan steers towards providing sites outside development areas provided there will be no harm to residential amenity, the site is reasonably related to schools and other community facilities, and there would be no serious highway problem as a result of the site. Policy 36 of the Somerset and Exmoor National Park Joint Structure plan Review states sites should be provided within a reasonable distance of a settlement providing local services and facilities. The site is well related to the primary school at High Ham, which is less than one mile away from the site. Other services such as shops, leisure, health and employment are all available in Langport, which is just over 2 miles away from the site.

Circular 01/2006 is aimed at providing more authorised gypsy and traveller sites so that bona fide gypsies and travellers have fair access to suitable accommodation, education, health and welfare provision. The Circular advises Local Planning Authorities to include a rural exception policy for gypsies and travellers within the relevant development plan documents where there the gypsy and traveller sites available fail to meet the local need. Specifically the Circular states, 'Rural settings, where not subject to special planning constraints, are acceptable in principle.

The key issues are therefore considered to be highways, landscape/visual impact and the principle against planning policy and guidance.

Highways

The Highway Authority have not raised an objection to the proposal, on the basis that the site is within reasonable distances of High Ham and Langport where local services and facilities can be found. Furthermore the access, turning and parking arrangement potential within the site is also considered to be acceptable.

Landscape/Visual Impact

While the Landscape Architect has raised an objection to the proposal, paragraph 53 of the 01/06 Circular states that local landscape designations should not be used in themselves to refuse planning permission for gypsy and traveller sites. While the location of the site is at odds with the local settlement pattern, the site is reasonably isolated, and as such would have an extremely limited impact on the visual amenity of the area to nearby residents.

Other Issues

The Parish Council has objected to the proposal on the basis that the site is within a Green Belt, as defined by PPG2. In fact, the South Somerset District does not have any areas that are classified as Green Belt, as defined in PPG2, and therefore this objection is unfounded.

The Parish Council has suggested that a more appropriate site would be a transit site at Pitney. Transit sites are supposed to be used as places where gypsies and travellers can legally stop in the course of travelling, and are not to be used as permanent sites, which is what has been applied for with this application. Paragraph 19 of the 01/06 Circular is supportive of permanent sites and states; 'a more settled existence can prove beneficial to some gypsies and travellers'.

One of the letters of objection that has been received states that the site is in an Area of Outstanding Natural Beauty. The site is not located within an area within any special landscape designations.

The Parish Council has claimed that there are flooding problems at the junction of Mildmays Road. The area in question is not located with a Flood Zone 2 or 3, and no further hardstanding is proposed at this point. Therefore it is considered this application will not worsen any existing flooding problems at the site.

It has been claimed that the area is dangerous due to the close proximity of the nearby MOD firing range. The site has not been identified as being within the danger zone surrounding the firing range.

Conclusion

The proposal would provide a site for a family with bona fide gypsy/traveller status, will cause a modest rise in daily vehicle movements and will have limited impact on the local roads and visual amenity of the rural area. The proposal is considered to be in line with advice contained in Circular 01/2006 and Policy 36 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy HG11 of the South Somerset Local Plan.

RECOMMENDATION

Permission be granted

01. The proposal would provide a site for a family with bona fide gypsy/traveller status, will cause a modest rise in daily vehicle movements and will have limited impact on the local roads and visual amenity of the rural area. The proposal is considered to be in line with advice contained in Circular 01/2006 and Policy 36 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy HG11 of the South Somerset Local Plan.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of one year from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

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

Reason: The Local Planning Authority would not wish to see a caravan site established in this locality except to meet the particular need to provide facilities for gypsies and travellers in accordance with Policy HG11 of the South Somerset Local Plan.

03. The residential use hereby permitted shall be restricted to the stationing of no more than one pitch at any time (one pitch being one mobile home/static caravan and one touring caravan).

Reason: In the interests of visual amenity and highway safety in accordance with Policy EC3 of the South Somerset Local Plan and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

04. No business activities shall be conducted at the site without the express grant of planning permission.

Reason: In the interests of the character and amenities of the locality in accordance with South Somerset Local Plan Policies ST5, ST6 and EC3.

05. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), no gate, fence wall or other means of enclosure shall be erected on the site without the express grant of planning permission.

Reason: The Local Planning Authority wish to exercise control over the matters referred to in the interests of visual amenity in accordance with South Somerset Local Plan Policy EC3 and ST6.

06. (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.

(ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.

(iii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with South Somerset Local Plan Policies ST6 and EC3.

07. The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan and block plan date stamped 21st July 2010.

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