

Area North Committee – 24 October 2012

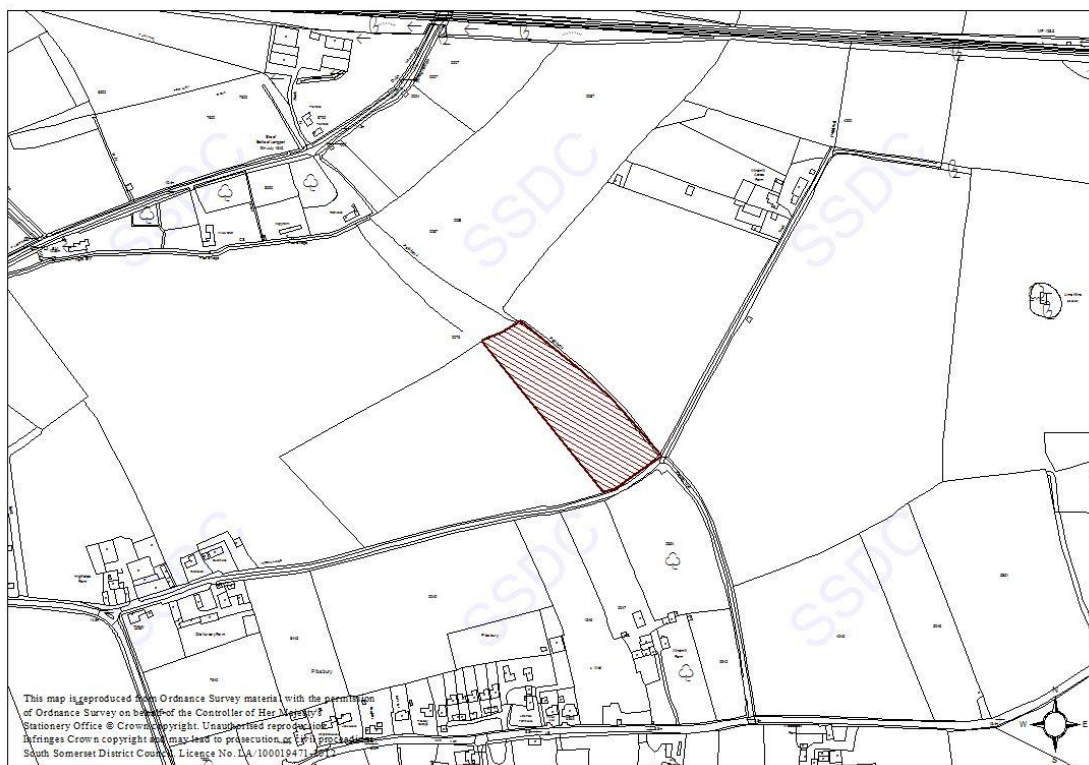
Officer Report on Planning Application: 11/01976/FUL

Proposal :	Change of use of land from agricultural land to mixed use of agriculture and the stationing of two caravans for residential occupation by single Traveller family with associated development (hard standing, cess pit, lorry body for generator shed) (GR 344147/126691)
Site Address:	Land At Windmill Lane, Pibsbury.
Parish:	Huish Episcopi
LANGPORT AND HUISH Ward (SSDC Member)	Mr Roy Mills (Cllr)
Recommending Case Officer:	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
Target date :	11th August 2011
Applicant :	Ms E HODSON
Agent: (no agent if blank)	Mrs Alison Heine, 10 Whitehall Drive, Hartford, Northwich, Cheshire CW8 1SJ
Application Type :	Minor Other less than 1,000 sq.m or 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to Committee at the request of the Development Manager with agreement of the Ward Member and Chair to enable local concerns and the impact on highways safety to be debated

SITE DESCRIPTION AND PROPOSAL



The application site is in open countryside on the north side of Windmill Lane just short of the sharp bend in the road, when approached from the West. Windmill Lane is unclassified, running between two points on the main A372. It is a narrow, single track road, serving seven dwellings (two have recently been allowed following applications for Certificate of Lawfulness) and a travelling showman's site.

The site is 900m west of Huish Episcopi development limits, and set apart from the five dwellings that occupy land nearer Windmill Lane's westerly junction with the main road. Other residential dwellings are located to the south, the nearest being 180m away across the adjacent fields in the form ribbon development along the A372. The sites with Certificates of Lawfulness are located towards the northern end of the non-metalled Windmill Lane track.

The site is part of a large open agricultural field that extends for a considerable distance northwards. A public right of way passes immediately along the eastern boundary, and an un-metalled track extends Windmill Lane north eastwards as a no through road. Hedgerows contain the site alongside the aforementioned public right of way, and at the highway boundary. The land is not of the highest agricultural grade (being grade 3). The applicant has planted on the land to define the boundaries with the adjacent open field, with additional planting on site to provide screening for the proposed residential compound. The site is not occupied.

The proposal is for the stationing of two caravans for residential occupation by a single traveller family with associated development (hard standing, septic tank, lorry body for generator shed). The area of the site measures 75m across the roadside frontage and extends 190m back into the site. The residential compound is located in the southeast corner of the site, towards the roadside, and is set back 18m to give additional roadside screening with a hard standing that extends 40m wide by 20m deep. The applicant claims 'Traveller' status.

Following the highways officer's initial objection the applicant has provided a highways appraisal (01/06/12) responding to concerns raised.

RELEVANT HISTORY

None.

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.

For the purposes of determining current applications the local planning authority considers that the relevant development plan comprises the saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review and the saved policies of the South Somerset Local Plan.

Saved policies of the Somerset and Exmoor National Park Joint Structure Plan (April 2000)

Policy 36 – Sites for Gypsies and Travellers

Policy STR1 - Sustainable Development
 Policy STR6 - Development Outside Towns, Rural Centres and Villages
 Policy 5 – Landscape Character
 Policy 49 - Transport Requirements of New Development

Saved policies of the South Somerset Local Plan

Policy HG11 Long Term/ Residential Sites
 Policy ST3 Development Areas
 Policy ST5 - General Principles of Development
 Policy ST6 - The Quality of Development
 Policy EC3 - Landscape Character
 Policy EC8 - Protected Species
 Policy EU4 – Drainage
 Policy TP7 - Car Parking

National Planning Policy Framework (March 2012)

Chapter 4 Promoting Sustainable Transport
 Chapter 6 Delivering a Wide Choice of High Quality Homes
 Chapter 7 Requiring Good Design
 Chapter 8 Promoting Healthy Communities
 Chapter 9 Conserving and Enhancing the Natural Environment

Planning Policy for Traveller Sites (March 2012)

South Somerset Sustainable Community Strategy
 Goal 3 – Healthy Environments
 Goal 4 – Services and Facilities
 Goal 8 – High Quality Homes
 Goal 9 – A Balanced housing Market

Human Rights Act 1998, particularly Article 14

“the right to freedom from discrimination on the grounds of sex, race, colour, language, religion, political or other opinion, national or social origin, association with national minority, property, birth or other status.”

Equality Act 2010

Requires the District Council to actively seek to eliminate unlawful discrimination, advance equality of opportunity and promote good race relations.

Other Material Considerations

There are two current applications for further residential sites:-

Land at Windmill Lane - retention of mobile home in relation to agricultural enterprise (12/02575/FUL)

Longacre - retention of chalet for occupation by travelling show people (12/03239/FUL)

The highways authority have recommended refusal of both of these applications on the grounds of highways safety due to the nature of Windmill Land and the junctions on the

main road at either end.

CONSULTATIONS

Huish Episcopi Parish Council – Recommends refusal on the grounds that:

“The re-designation of excellent A1 agricultural land for domestic dwelling purposes is considered totally inappropriate in this area of the Parish which is already remote with reduced accessibility to adequate services.

“It is bound to result in an increased need for journeys by private vehicles on which is in reality little more than a single lane farm track with dangerous exits onto the public highway, all of which is non-sustainable and appears in conflict with advice currently adopted by the South Somerset District Council.

“It is not clear what arrangements will be put in place, if approved, with regard to the removal of waste water by way of a septic tank or cesspit. It will also undoubtedly be awkward for recycling and other waste collections to be made.

“Concerns remain over noise levels produced by the proposed generator located on site and its impact on local residents in this very quiet rural area.

“The remoteness and size of this site has led to increased anxiety about the inherent opportunity for further travellers to join the proposed initial development for one family, with or without permission.

The proposal constitutes the unjustified and unsustainable consolidation of development beyond the recognised limits of a designated settlement to the detriment of the character and appearance of the locality.

“Finally, the Council was particularly disappointed that this application should be made for a new traveller site when a designated traveller site, with full facilities and easier access already in place, is currently vacant very nearby in an adjacent parish.”

High Ham Parish Council (neighbouring PC) – recommends REFUSAL as the proposal constitutes the unjustified and unsustainable consolidation of development beyond the recognised limits of a designated settlement to the detriment of the character and appearance of the locality. It is also remote from adequate services and will therefore increase the need for journeys to be made by private vehicles, which is non-sustainable and in conflict with advice given in a range of Policy Documents/Local Plans currently adopted by South Somerset District Council. Concerns are also raised in relation to:-

- The capacity of the access lane to the site as any increase in the use would be prejudicial to highway safety.
- Noise from the proposed generator would impact on local residents.
- Detrimental ‘Visual’ and ‘Residential’ Amenity impacts to the locality.
- What arrangements will be put in place, if approved, with regard to the removal of wastewater etc., from the site. The agent confirms a septic tank or cesspit arrangement will be provided. These arrangements should be made clear before a decision on this application is made.

Highway Authority – initially (29/07/11) objected on basis of the nature of Windmill Lane and poor junction at either end, suggesting 3 reasons for refusal:-

1. The proposed development would be located where it is remote from adequate services, employment, education, public transport, etc, and will therefore increase the need for journeys to be made by private vehicles which is non-sustainable and in conflict with advice given in PPG.13, RPG10 and Policy STR1 and Policy 36 of the Somerset and Exmoor National Park Joint Structure Review Plan (Adopted April 2000) and ST5 of the South Somerset Local Plan.
2. The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000) since the proposed development derives direct access from a National Primary Route/County Route and no overriding special need or benefit has been demonstrated, to warrant an exception for the proposed development on this specific site
3. Windmill Lane by reason of its restricted width, poor alignment and substandard junctions with the A372 is considered unsuitable to serve as a means of access to the proposed development. The proposal is therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review, (Adopted April 2000) and ST5 of the South Somerset Local Plan.

In response (19/09/12) to additional information from the Hurlstone Partnership it is observed that:-

“...that there have been 3 planning applications on land at Longacre, which is located approximately 250m to the north of this site, see 12/03239/FUL (awaiting determination), 12/02095/COL and 11/04510/COL.

“With regard to the history of this site, it is noted that two Certificate of Lawfulness (COL) applications (12/02095/COL & 11/04510/COL) have previously been granted [elsewhere on Windmill Lane]. As the Planning Officer will be aware the process of a COL application, does not enable the Highway Authority to have any input, like that of a typical planning application that seeks permission in advance of the works being carried out, rather than retrospectively after a period of elapsed time.

“The Highway Authority have concerns regarding the increase in any additional traffic along Windmill Lane for the reasons previously set out, and if granted it could set a precedent for further development, which will incrementally increase the risk to the safety of road users in this location using Windmill Lane and the nearby junctions.

“With regard to the reasons for refusal quoted in my letter dated 29 July 2011:

1. It must be a matter for the LPA to decide if this reason for refusal (in light of the existing and the new NPPF Policies), if this is an appropriate reason for refusal that could be upheld at appeal in the event that the application is refused.

2. I accept that access is from/onto Windmill Lane, which is a unclassified highway, however Windmill Lane loops onto/from the A372, and the only way in which vehicles can access the site is from the A372 so it is indirectly onto a County Route. However I am willing to remove this reason for refusal in this particular case.

3. This remains applicable.”

Area Engineer – No comment.

Environmental Protection Officer – recommends conditions to cover mains water/ foul drainage, oil storage and generator noise.

Landscape Officer – I would not necessarily raise a landscape character objection, providing; (i) planting is undertaken as outlined in the applicant's submission, and (ii) the hard-standing area is reduced to a practicable minimum.

Environment Agency – No objections. If planning permission is granted notes should be attached regarding oil and chemical storage, and no discharge of foul or contaminated drainage from the site.

Wessex Water – The Council should be satisfied with any arrangement for the disposal of foul and surface water flows generated by the development. It is noted that there is a water main approximately 190m from the proposal.

Planning Policy Officer – no objection and the following is provided by way of policy context:-

“The specific accommodation needs of Gypsies and Travellers are recognised in Planning Policy for Traveller Sites (March 2012) which requires local authorities to set out in their core strategies the criteria to be used to guide the allocation of Gypsy and Traveller sites in a relevant development plan document. Policy continues to expect local authorities to carry out a Gypsy and Traveller Accommodation Assessment.

“The Secretary of State's proposed changes to the soon to be revoked Regional Spatial Strategy (2008) identifies a need for 30 Gypsy and Traveller pitches in South Somerset by 2011 (20 permanent and 10 transit). Since that time the Somerset Gypsy and Traveller Accommodation Assessment (2010) has been completed and this shows that in South Somerset there is a need for 10 extra residential pitches between 2010 and 2015 with an additional 8 being required by 2020, 10 transit pitches are required.

“Saved South Somerset Local Plan (SSLP) Policy HG11 allows for the development of long term or residential Gypsy and Traveller sites outside of areas of open land that are severely restricted such as AONB's and SSSI's, as long as vehicle noise, movements and fumes do not harm the residential amenities of neighbouring dwellings or the character of the area, the site is reasonably well related to schools and other community facilities, no serious highway problem would result and the site includes a number of facilities. Having examined the submitted documents I am satisfied that the proposal meets the requirements of Policy HG11, it is also recognised that there is an outstanding need for provision of such sites within South Somerset.”

Tree Officer – in relation to the route taken by the mains water supply connecting the site and any resultant effect on the roadside trees suggests that if consent is given, please consider imposing a pre-commencement condition relating to the submission of details and the implementation of measures to preserve the health of the trees and hedges during the installation of below ground services.

REPRESENTATIONS

26 letters have been received: 7 letters support the application to the effect that the applicant is a genuine traveller and has a travelling lifestyle.

19 letters object and raise the following areas of concern:-

- Character and appearance; incongruous, creeping urbanisation, consolidation of development, open countryside, visual appearance, inappropriate to the site, negative impact on area.
- Agricultural land is grade 1
(Officer note: the land is recorded as grade 3)
- Highway safety, narrow lane, agricultural traffic, no footpath, substandard junctions with A372 - lacks visibility.
- Generator noise
- Hasn't investigated alternative sites.
- Connection to the water mains, and dispute as to whether this might be achieved
(Officer note: Grampian condition can be attached requiring supply before first occupation).
- Doesn't own the land (officer note: Evidence of ownership has been submitted)
- Traveller status and personal circumstances questioned.

APPLICANT'S CASE (Summarised from supporting information)

I do not travel as extensively now that I have children and am confined within the bounds of the school calendar. At the start of this period I was travelling all around the country working at festivals. With the birth of my two children, I reduced the amount of festival work I was doing. I found the festival environment unsuitable for such young children. Even so within this limitation, I have continued to travel for the purposes of work for 2 months of the year. Last year I was able to do more travelling:

Summer 2011

Ilminster Fair – selling hair garlands

Green Fair – Saturday, setting up silver workshop stall and Sunday selling smoked mackerel and salads

Bath and West – Selling hair garlands

Sunrise – Selling hair garlands

Glastonbury – selling elder flower champagne

The Shakedown – Serving at the vintage tea stall

Sidmouth Festival – henna tattooing

Gower – Fly pitching henna tattooing and hair wraps

Llangollen – doing the décor for a party

Barmouth – Fly pitching henna tattooing and hair wraps

East Sussex – Fly pitching henna tattooing and hair wraps.

Shambala – Worked on the sham tram and bling bar and fly pitched elderflower champagne.

Summer 2010

Green Fair and Shambala with Lost treasures

Fly pitching around Devon and airbrush tattooing at Brean Holiday camp.

Travelling is a way of life, an approach to life, a community of people. Being a traveller is more than a set of dates. The new traveller community is found all over the UK and Europe. It is like an extended family we travel together, work together and raise our children together. Some of these people are on sites some are settled travellers, but we all know each other or know of each other or have friends in common.

CONSIDERATIONS

'Planning policy for travellers' (March 2012) provides guidance to Local Planning Authorities in terms of identifying and allocating appropriate sites for travellers. Importantly for consideration of this application, whilst Local Planning Authorities are required to allocate sites, it is made explicitly clear that this document can also be used for determining planning applications. It aims to provide more authorised gypsy and traveller sites to enable fair access to suitable accommodation, education, health and welfare provision. It should be read in conjunction with policy HG11 that, subject to compliance with other relevant policies, supports traveller sites in rural locations provided that:

1. Vehicle Movements, noise, fumes or any subsidiary business activities would not harm the residential amenities of neighbouring dwellings or the character of the area.
2. The site is reasonably well related to schools and other community facilities.
3. No serious highway problem would result.
4. The site includes the following facilities:
 - A refuse collection point.
 - Access to a drinking water supply.
 - A satisfactory means of sewage disposal/ management and surface water disposal.
 - Hard-standing for living vehicles and ancillary parking spaces.
 - A defined safe play area for children.

The main considerations are:

- Whether the applicant meets the definition of a gypsy/ traveller (Annex 1 to the new guidance),
- Alternative sites
- Impact on residential amenity,
- Accessibility to services and facilities
- Highway issues,
- On site facilities
- Character and appearance

Applicant's Circumstances

The application is made by the person who intends to occupy the land, and as consent is not sought speculatively for any Gypsy-Traveller it is reasonable, in such circumstances, for the decision maker to be satisfied at this point as to the applicant's status.

The revised planning guidance for travellers 'Planning policy for travellers sites' (March 2012) is inclusive and although this seeks to generalise travellers rather than majors on Romani gypsies who are widely recognised as an ethnic group and Irish travellers who are a traditionally nomadic people with their own culture and language a distinction should be made with New Age travellers.

New Age travellers who live a nomadic lifestyle through personal choice and not on account of being born into any ethnic or cultural group will acquire similar consideration as second and third generation travellers, although first generation travellers need to have established a nomadic habit of life before seeking a permanent site. A nomadic habit can be acquired (and no doubt also lost). The habit is not defined, but there is a need to show a pattern to their sense of journeys and a sense of purpose to their travels. It is also not a determining factor if the travel is from a base to a pre-arranged workplace.

The Planning Inspectorate's standard letter for Gypsy and Traveller appeals seeks information for travelling undertaken for work purposes over the last 10 years. The European Court (2011) judged, in dealing with a New Age Traveller, that there was a difference between 'by birth' and 'by choice' groups. This difference gives rise to the necessity of establishing a longer period of time, reflecting something closer to 'half a lifetime' in dealing with New Age Traveller status. Reference points for this include: travelling needs to be significantly longer than a 'gap year' and given the young age of many New travellers it would certainly constitute more than 'just an interlude' in their lives.

Ms Hodson's early claims (1989-95) of squatting with vacation travels while tied to a University lifestyle attracts no weight given that her status to engage with the exceptions policy requires a nomadic habit, and at best this shows a low impact lifestyle that while not inconsistent with their subsequent travels nevertheless is not a nomadic lifestyle.

Ms Hodson was travelling by 1995 and this has continued to the present time. She continued to travel after establishing a permanent base on an unlawful site in 2004. The amount of travelling might be seen as 'a long vacation' However, the courts (*Madstone v SofS & Dunn*, 1995) in considering a Romani accepted their travelling status to have involved a minimum of two months, and Ms Hodson's travelling between June and September is of longer duration, although reduced due to the needs of young children. Her search for a permanent site simply accords with government policy that seeks to encourage the establishment of permanent sites that incidentally curtails the freedom of the roads by legislating against stopping, as well as coincides with the loss of seasonal work, generally.

Ms Hodson draws attention to New Age travelling as: 'a way of life, an approach to life, a community of people. Being a traveller is more than a set of dates... We travel together; we work together and raise our children together.' While we are not dealing with a group of travellers, that otherwise might be ascribed gypsies for the purpose of considering the application, as a single family the 'togetherness' is watered down, and yet as is apparent from the supporting letters meeting up throughout the year with a changing circle of travellers would maintain this theme.

As a first generation traveller it is about the length of time and the lifestyle, rather than any proven cultural aversion to bricks and mortar, or accepted traditional way of life. Second or third generation New Age travellers will, of course, engage with the same traditional and cultural ways as any Romani or Irish traveller. Given the children's ages, and their experience of the road that is described as more of 'an adventure' the focus is on Ms Hodson's experiences.

In conclusion, everything comes back to the length of time that has been 'banked', by a first generation New Age traveller, rather than engagement with arguments to do with cultural aversion and a traditional way of life. Ms Hodson has shown at least 16 years of travelling that might be described as significantly greater than the 10 years allowed for by the Inspectorate, that is acceptable in dealing with Romani and Irish Travellers and others wherein cultural aversion and traditional ways are engaged.

While 16 years is not quite 'half a lifetime', such a term is helpful but should not be applied rigidly. But for her education, and this should not be held against her, it is likely that there would be half a life time experience of a travelling way of life. As it is, although the squatting years do not attract any weight of themselves, interspersed with travelling that finally got underway for the purposes of this application by 1995, these years do suggest a certain outlook capable of moving the arguments off the fence and on balance the evidence considers Ms Hodson's travellers' status to be legitimate.

Availability of Alternative Sites

There are 2 (existing public traveller sites in the district – Ilton and Tintinhull. At the current time, there are no spare pitches available on either of these sites. In addition there are no allocated traveller caravan sites in the district. The panel report into the Regional Spatial Strategy review of additional pitch requirements recommended that the need in the district is 20 permanent pitches. The most recent Gypsy and Traveller Accommodation Assessment (GTAA) has been completed and this shows that in South Somerset there is a need for 10 extra residential pitches between 2010 and 2015 with an additional 8 being required by 2020, 10 transit pitches are required.

It is therefore clear that there are no available alternative sites for the applicant to occupy. Moreover, there is currently no firm commitment by the Council to include a site allocations' Development Plan Document in the Local Development Scheme (LDS). The Council's position in the emerging Core Strategy is that the aspiration is to encourage private applications and to identify public land to accommodate any shortfall in provision so that need is met without recourse to a further Development Plan Document.

Currently, in terms of hitting this target, 9 pitches have been approved, 7 of which have been implemented. Thus, it is considered that the need for sites will be met through private sites. Accordingly it is unlikely that allocated sites will be identified through a DPD and therefore, it is not considered that a temporary consent is appropriate in this instance. Strong consideration should be given to applications for private sites. An assessment therefore has to be made as to whether the application site meets the criteria as outlined in HG11 and the revised traveller guidance.

Both Policy HG11 and the revised traveller guidance make it clear that traveller caravan sites located in rural locations are acceptable in principle. Therefore, whilst there are other policies that seek to protect against development in the countryside, an application for a private site should not be refused just because it is located in the countryside. However, the impact of the development on its setting and wider landscape impact, along with highway issues and impact on residential amenity still have to be carefully assessed.

Impact on Residential Amenity

The nearest residential property (Windmill Farm) is 180m to the south. Given this degree of separation it is not considered that the impact of the development on residential amenity would such that it warrants the refusal of the application.

Accessibility to Services and Facilities

Notwithstanding the Highway Authority's response that considers the site as remote, being 900m outside development limits and 2.2km from the centre of Langport that is the nearest settlement offering significant services and facilities, Planning Inspectors have previously concluded that distances of up to 10 km are not excessive in a rural locations.

It is important to note that the assessment of sustainability issues involves wider issues than travel mode and distance to facilities. Account needs to be given to achieving the wider benefits of a settled site such as accessibility to health and education. There also has to be realism in assessing whether there is an alternative to the private car, with private car travel an inevitable part of a travellers' application.

The applicant's personal circumstances are detailed and this records that her children attend a local school, and preschool, so that it is clear that there will be a dependence on

private car travel.

Highways

With regard to highway issues, the Highway Authority has raised and maintained their objection following consideration of the additional information. While County Highways have not commented on the immediate site access that is from a non-classified highway, they have sought refusal on highway safety grounds given the approach roads, being predominantly single width, poorly aligned with limited passing spaces and served by junctions considered to be substandard. The junction of A372/Ducks Hill to the south west, with Windmill Lane, is located on the outside of a bend, whereby forward visibility is restricted for vehicles turning into Windmill Lane. The junction of the A372 located to the southeast, has a substandard visibility for vehicles emerging to see and be seen.

The A372 as a local route has a varied speed limit from 40mph to the national speed limit of 60mph, depending which part of Windmill Lane is used. The Highway Authority considers both junctions with Windmill Lane and the A372 are considered to be substandard for any increase in use for the proposed development.

Windmill Lane serves 7 dwellings, including a temporary agricultural workers dwelling (decision pending) and a Showman's site capable of accommodating several pitches, but currently has two. Two of the dwellings have recently been accepted following applications for Certificates of Lawfulness as was the Certificate of Lawfulness (12/02095/COL) for a showman's site.

The application for a permanent dwelling (ref: 03/01911/FUL) to replace the temporary workers dwelling (ref: 98/01359/COU) was withdrawn following concerns raised about the lack of an established agricultural justification rather than the highway concerns.

There were five dwellings, including the temporary agricultural workers dwelling in existence before 2010. Since then three Certificates of Lawfulness have been accepted, over which there was no Highways' involvement in these decisions; namely, two additional dwellings and a showman's site capable of providing several pitches.

Criterion 3 of policy HG11 requires no serious highway problem would result. Paragraph 32 of the National Planning Policy Framework requires a safe and suitable access.

The cumulative impact of this proposal, bearing in mind the residential sites with certificates of lawfulness would bring about a substantial increase in the use of Windmill Lane and its junctions with the main road since 2010 when there were 5 dwellings in Windmill Lane. While the Highways' Authority are clearly concerned about any additional use of the junctions and approach roads and are consistently recommending refusal of any further development at Windmill Lane.

Whilst the applicant's status and the need for additional pitches are accepted it is not considered that this outweighs the highways officer's concerns and it would not therefore be justified to over-ride her concerns.

On Site Facilities

HG11 requires that the application site is capable of addressing drinking water, foul drainage, play area and rubbish collection point. Given the area of land involved such issues could reasonably be dealt with by condition or else easily provided within the residential area of the site.

Concern has been raised locally about the ability to provide mains water. Wessex Water have confirmed that mains water is available in the lane and there is no reason to assume that this could not be conditioned should permission be granted, subject to additional conditions to protect the trees.

The site is not shown to be part of a flood risk location, therefore a septic tank is considered acceptable in this location.

Character and Appearance

The Landscape Officer supports the proposal if it is demonstrated that the occupants have traveller status that engages the gypsy and traveller exceptions policy HG11.

Whilst the site is in open countryside, where ‘development will be strictly controlled to that which ... maintains or enhances the environment...’ (Policy ST3), any adverse impact is upon the immediate plot, with pasture/ arable supplanted by structures and hard-standing. Additional planting to introduce hedgerow and copse are intended to boost landscape interest and carves out this piece of land from a much larger modern agricultural field.

The landscape officer considers the locality is characterised by scattered nodes of development, in the form of singular dwellings, smallholdings, and occasional small field structures. Observations received consider that this character is classic ribbon development settlement with 20 or so houses closely grouped along the A372. However, this ignores the wider area, notably the built form within Windmill Lane, itself. A further development with the support of HG11 is therefore considered not to be at variance with the local settlement character.

Other Issues

Neighbour Comments

All responses have been considered and are mostly covered above although the following are highlighted:

- Neighbour responses have made reference to the loss of quality grade 1 agricultural land. The planning record, however, indicates this to be grade 3, which is the most common.
- The applicant has submitted their Land registry document dated 28 July 2011 that show the applicant to have title absolute.
- The lorry body proposed to house a washing machine, generator and general store will be clad, and this can be conditioned.

Reference is also made to the difference between traveller and visitor to the site resulting in more than one permanent pitch. A condition could limit the pitch to be one mobile and one touring caravan. Considering the number of private traveller sites for which permissions exist this is not a matter that has come to our attention as an issue.

Parish Council comments

Policy HG11 is an exception policy and is no different from the other exception policies whether for local need housing or agricultural workers dwellings. The revised policy guidance for travellers continue to encourage the provision of private gypsy and traveller

sites. By their nature such sites are likely to be within rural locations.

The application seeks use by one family. Any additional occupation requires planning permission with enforcement action capable of dealing with any unlawful occupation should this arise.

Conclusion

This application is for the provision of a private site for use by travellers. Subject to the proposed development meeting the criteria of SSDC Local Plan Policy HG11, there is a presumption in favour of the proposal if it accords with the latter planning policy, unless other identified material planning considerations (including other Local Plan policies) indicate otherwise.

Notwithstanding the additional information provided by the applicant, the Highway Authority maintain their objection, to this and other similar proposals elsewhere on Windmill Lane, on the grounds of highways safety. As such the proposal is considered contrary to criterion 3 of policy HG11 and requirements of policies 49 of the county plan and ST5 of the local plan. Such harm would not be outweighed by the provision of a much needed traveller's site to meet the applicant's accepted need.

RECOMMENDATION

That planning permission be REFUSED

Reason for refusal

1. Windmill Lane by reason of its restricted width, poor alignment and substandard junctions with the A372 is considered unsuitable to serve as a means of access to the proposed development. The proposal is therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review, (Adopted April 2000), HG11 and ST5 of the South Somerset Local Plan and the National Planning Policy Framework.