



JOINT AREA COMMITTEES IN SOUTH SOMERSET
Officer Report On Planning Application:
09/00178/COU

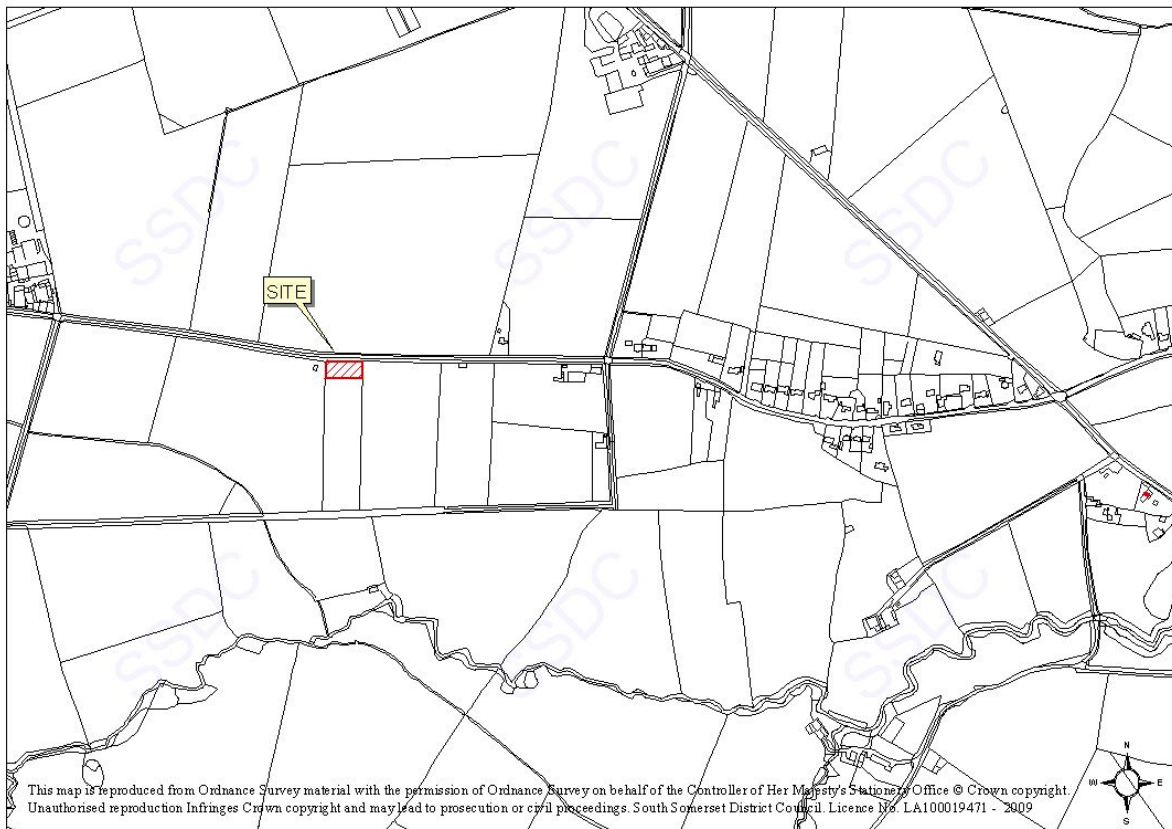


Proposal :	The use of land as a site for one mobile home (private gypsy and traveller caravan site) (GR 330468/115336)
Site Address:	Land OS 4724 Hare Lane Broadway
Parish:	Broadway
Ward : (SSDC Member)	NEROCHE: Linda Vijeh (Cllr)
Division (SCC Member)	CURRY RIVEL: Derek Nelson (Cllr)
Recommending Case Officer:	Andrew Gunn Tel: (01935) 462192 Email: andrew.gunn@southsomerset.gov.uk
Target date :	3rd June 2009
Applicant :	Mr D Whiteway
Agent: (no agent if blank)	Dr A Murdoch Murdoch Planning Assoc PO Box 71 Ilminster Somerset TA19 0WF
Application Type :	Other Change Of Use

REASON FOR REFERRAL TO COMMITTEE

The Ward Member in agreement with the Chair has requested that this application is referred to the Joint Area West Committee to consider the relevant planning issues.

SITE DESCRIPTION AND PROPOSAL



The site is located on the southern side of Hare Lane, approximately 1 km to the west of its junction with Pound Road and Broadway Road. The application site is a flat rectangular site, measuring 51 metres x 20 metres, with an existing vehicular access off Hare Lane. The site currently comprises a mix of grass and hardstanding with a fence running along the rear of the application site - the site has permission for equestrian use. Hedgerows bound its north, west and east boundaries.

The application seeks consent for a private gypsy and traveller site. The applicant, a traveller, wishes to install one residential unit on site for him and his son, along with parking area, a garden and child's play area and waste storage area. The existing access to the site will be used for this proposal.

HISTORY

06/01199/COU - Change of use from agricultural to joint agricultural and equestrian use and retention of hardstanding (approved June 2006). Permission was for private use only and no commercial use.

06/00283/COU - Change of use from agricultural to agricultural and equestrian and retention of hardstanding (approved March 2006). Permission was personal to the applicant.

05/02244/FUL - Proposed erection of building comprising 3 stables and haybarn (retrospective application refused October 2005).

Officer comment:

The following enforcement file has been outlined below as reference has been made to the caravan in correspondence received as part of this application.

An enforcement file was set up in April 2008 following the stationing of a caravan on the site. The enforcement file mentions no apparent use and the caravan was removed in June 2008.

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,

Relevant Development Plan Documents

Regional Spatial Strategy (RSS) for the South West (RPG10) (adopted September 2001)

VIS 1

VIS 2

Somerset and Exmoor National Park Joint Structure Plan (adopted April 2000)

Policy 36 - Sites for Gypsies and Travelling People.

South Somerset Local Plan (adopted April 2006)

ST3- Development Areas

HG11 - Long term / Residential sites for Gypsies /travellers.

PPS's/PPG's

PPS7- Sustainable development in the Countryside.

Other Relevant Documents:

Circular 1/2006 - Planning for Gypsy and Traveller Caravan Sites.

CONSULTATIONS

Broadway Parish Council:

Object

This application was considered by Broadway Parish Council on 11th May 2009. The meeting was attended by over 35 members of the public, all of whom live close to the location. They were unanimously opposed to the proposal and the PC, by a majority of 6 to 1, takes the same view. The main reasons for opposing the application are set out at paragraphs 2-6 below.

The proposal is outside the Broadway Development Zone. Previous applications to put a horse shelter and a caravan on this site have been refused. Further, a recent application - 09/00482/COU, which was for the use of land at Vardens Farm, Broadway, for the siting of a mobile log cabin - was refused permission on these grounds.

Granting this application would set a precedent for similar proposals on many field sites in the district which would be to the detriment of the character of the open countryside.

The proposed development would be inappropriate. It is understood that 'inappropriate development' will only be approved in exceptional circumstances. The applicant has not shown that his proposal meets the 'exceptional circumstances' requirement. The PC noted the applicant's personal circumstances but, as with the application referred to at paragraph 2 above, these cannot be taken into account when deciding on an application.

The applicant has provided no evidence to show that he is not able to take up residence on any of the several sites, which SSDC and SCC already provide for gypsies/travellers.

The application is ambiguous insofar as it states that it is for one mobile home but paragraph 3.4 of the Design and Access Statement refers to landscaping for each pitch. This implies that the applicant plans to have more than one mobile home on the site. Further, the PC challenges the claim that the nearest bus stop is only 0.2 miles from the site. Hare Lane carries a considerable volume of traffic, accordingly, and contrary to what is implied in the Design and Access Statement, the PC does not consider that the site provides ready access by walking or cycling to local facilities, especially for a 5 year old child.

The PC is keen to emphasise that the meeting to discuss this application was not one-sided. A member of the public and a Parish Councillor, both gave positive descriptions of their personal experience of working closely with gypsies/travellers over a number of years.

Highway Authority

The site is located outside of any recognised development limits and remote from the 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 does not directly pass the site. 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.

As a result, under normal circumstances the Highway Authority would recommend the application for refusal on sustainability grounds. However, 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 1.5kms from the centre of Broadway and Horton, which are the nearest settlements with any facilities. I consider that this distance may not be so great as to conflict with Policy 36.

In detail, the access is suitable to cater for the likely traffic associated with the development and with the imposition of a suitable condition an acceptable level of visibility can be achieved.

Therefore, in the event of permission being granted I would recommend that the following conditions be imposed:

1. The proposed access over the first 5.0m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details, which shall have been submitted to and approved by the Local Planning Authority.
2. Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 5.0m from the carriageway edge.
3. The gradient of the proposed access shall not be steeper than 1 in 10.
4. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved by the Local Planning Authority.
5. The development hereby permitted shall not be occupied until the parking and turning space shown on the submitted plan has been properly consolidated and surfaced to the satisfaction of the Local Planning Authority. Such turning space shall be kept clear of obstructions at all times.
6. There shall be no obstruction to visibility greater than 900mm above adjoining road level forward of a line drawn 2.4m back and parallel to the nearside carriageway edge over the entire site frontage. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

Other

Landscape Architect

I note the scope of the application, and have visited the site. It is clear that the site lies outside and to the west of the village of Broadway, and is located in open countryside, which is predominantly mixed farmland. It comprises a rectangular grass paddock with narrow road frontage, defined by hedgerows, the longer of which run south from Hare Lane. The proposal appears to intend a single-storey log cabin parallel with the roadside hedge, circa 15 metres from the road.

The principal landscape issues would appear to be;

- i) the principle of development (SSLP policy ST3) and
- ii) the impact upon local character (SSLP policy ST5 para 4).

Looking at these issues in turn;

1) The site is in open countryside, where 'development will be strictly controlled to that which ... maintains or enhances the environment..' (policy ST3). The proposal intends a mobile home/log cabin, and parking area on existing hardstanding (though block plan and design statement do not appear to be consistent in precisely what is planned). Such use does not inherently add to or sustain the local environment, and the block plan appears to indicate additional hardstanding over that currently on site. Consequently on the basis of the information before us, I do not view the proposed change of use as meeting policy ST3.

2) With regard to landscape character, the site lies outside the core of Broadway village, and to the west of the Hare Lane properties, which is effectively an extension of the Broadway village main-street. Whilst there is a clear movement from the linked frontages of the Hare

Lane properties into an open, enclosure landscape, it can be noted that both individual properties and farm buildings are dotted sporadically along Hare Lane beyond the village edge. In this respect, a simple, singular development would not be wildly at variance with local character, hence if the case for a traveller site in this location is accepted, I would not necessarily raise a landscape character objection, providing (i) some adjustment is made to the plan, to clarify the application proposal, and (ii) these changes provide a landscape-sympathetic proposal; to scale down and move the cabin closer to the north boundary hedge; agree a single storey profile; minimise the hardstanding element within the site; remove the conifers that are currently within the site; and provide additional, local native species planting to both define the site, and as a measure of enhancement, as is sought by policy ST3.

In short, there may be potential for a low impact development here, but the proposal needs the provision of appropriate detail for us to assess if it can work, and this level of information is not yet before us.

Engineer

No comments.

REPRESENTATIONS

64 letters have been received raising objections on the following grounds:

- Site is located outside of development area.
- No residential use should be allowed.
- Previous application for stabling was refused.
- Need to clarify type of accommodation to be provided.
- Are there 4 or 2 parking spaces?
- Distance to Yeovil, Taunton and Ilminster further than stated.
- Equestrian consent prevented buildings being erected.
- No power supply.
- Harm to visual amenity and to AONB.
- Would set a harmful precedent.
- Loss of valuable agricultural land.
- Brownfield sites should be used.
- Applicant has an address in Wellington.
- Application for a mobile home on East Road refused planning permission.
- Site not served by public transport.
- No exceptional circumstance.
- Sites available at Ilton and Tintinhull.
- Should not be allowed on green belt land.
- Applicant can buy/rent locally.
- Next step is to provide a permanent gypsy site on adjacent land.
- Travellers previously set up camp at bottom of field a few years ago.
- Increased volume of traffic.

CONSIDERATIONS

The main considerations with regard to this application are whether the applicant meets the definition of a gypsy/traveller, legal issues relevant to determination of the planning application, suitable alternative sites, the impact of the proposed development on the setting and the wider landscape, highways issues, impact on residential amenity, accessibility to services and facilities and relevance of previous planning applications on the site.

The key government guidance in relation to gypsy and traveller caravan sites is outlined in Circular 1/06. This document provides guidance to Local Planning Authorities in terms of identifying and allocating appropriate sites for gypsies and 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 submitted by private individuals or families.

Legal issues relevant to the determination of the planning application

The following advice has been provided by the Council's legal team.

This application is for the provision of a private site for use by gypsies / travellers. Subject to the proposed development meeting the criteria of SSDC Local Plan Policy HG11, there is a legal presumption in favour of the decision on the application being made in the applicant's favour if it accords with the latter planning policy, unless other identified material planning considerations (including other Local Plan policies) say to the contrary.

Policy HG11 only applies to sites for 'gypsies and travellers' as defined by Circular 01/2006 as follows:

'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such'.

Thus the status of the occupiers of the site is a condition precedent for use of the site pursuant to a grant of permission under Policy HG11. This means that if this application is granted, SSDC will need to ensure that the occupation of the site is only by gypsies / travellers as defined, and no other persons. The Committee is advised that the way to do this is by a robust occupancy condition as set out in the suggested list of conditions within this report.

As the Solicitor to the Council understands it, the planning officer is of the view that the application meets all of the criteria specified in Policy HG11. Whilst the Local Plan policies which seek to protect development in the countryside are a material consideration, the planning officer has concluded that compliance with Policy HG11, along with the acknowledged current shortfall in site provision and the guidance in Circular 01/2006, are all factors which 'tip the scales' in favour of granting permission. Compliance with Policy HG11 should be given significant weight, as it is drafted to create an exception to the general tenor of other policies that strongly militate against permission being granted on this type of site. Weight should also be given to the lack of availability of alternative sites at this current time: if there was a high likelihood of sites being allocated before 2011, this might argue in favour of a temporary permission. However, the current indications are that it will be very difficult for SSDC to allocate the target of 30 transit/stopping/residential pitches within the timescale, and hence the obligation under paragraph 45 of Circular 01/2006 is not triggered.

In most gypsy application cases, the personal circumstances of the applicant and occupiers of the site are a material consideration, both in terms of the planning application and for human rights assessment purposes. This is primarily of relevance where the development is considered to be contrary to the development plan and the application is recommended for refusal and/or the personal circumstances of the applicant/occupiers are being argued as a reason for granting permission, or where a personal permission is being sought. In such a case, personal circumstances may be a material consideration in favour of granting a permission that would otherwise be refused.

Human Rights

In deciding this application, the Committee must consider whether any planning harm caused by the development in question is outweighed by the interference with the applicant(s) human rights and the human rights of other occupiers of the site. Additionally, the Committee must consider the human rights of others (such as local residents) who may be affected by the development and any grant of planning permission.

The Committee's assessment of the human rights issues will need to be based on this legal advice and the evidence presented to the Council in connection with the planning application.

As the Committee will be aware, the Human Rights Act 1998 (HRA) enacted the European Convention on Human Rights into UK domestic law. The Convention imposes duties on public authorities, including local planning authorities, and Section 6 (1) HRA makes it unlawful for an authority to act in a way incompatible with Convention rights, unless specifically mandated to do so by legislation that does not allow the authority to act differently. The most relevant Convention rights with this type of application are Articles 8 and 14, namely, (Article 8) the right to respect for private and family life, home and correspondence and (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. Article 1 of Protocol 1 to the Convention (protection of property) is also relevant, as is Article 2 of Protocol 1 (the right to education). Both Article 8 and Article 1 of Protocol 1 allow proportional interference by the State with the rights expressed for purposes of environmental protection (which includes planning controls) or the control of property in the general interest.

For the purpose of considering Article 8 rights, any decision-maker (such as the Committee) has a duty to carry out an overt and structured assessment of the proportionality of the interference with human rights resulting from the action it proposes by asking itself a series of connected but discrete questions. To this end, the Committee must identify the (perhaps competing) interests that will be interfered with, carry out a balancing exercise of such interests to ensure the proportionality of the interference, decide the matter before it in the light of that balancing exercise and give reasons for its decision, with those reasons being minuted.

In deciding this application, and for the purposes of the required human rights assessment, the Committee should have regard to the following (particularly if minded to go against the officer's recommendation and refuse permission):

- (a) Does the proposed measure constituting the interference with human rights (a decision to refuse planning permission, contrary to officer advice) serve a legitimate aim of upholding planning policy; that is, is the objective sufficiently important to justify limiting a fundamental right under human rights legislation?
- (b) Is the measure proposed (a refusal of permission) rationally connected to that aim of upholding planning policy; that is, can it in fact serve to further that aim?
- (c) Is it the least restrictive way of achieving the aim; that is, are the means used (a refusal of permission) no more than its necessary to accomplish the objective?
- (d) Is it proportionate in the longstop sense that, viewed overall, the measure does not place too great a burden on the individual for the good of the community?

Some important factual matters that are relevant to the Committee's consideration of the human rights issues pertaining to this application include:

1. The seriousness of the impact of the Committee's decision on the applicant(s) and other occupiers basic rights including their security of accommodation, family life, health, children's education and ability to maintain their traditional travelling way of life. Whilst Article 8 does not create a positive obligation on the authority to provide any individual with a home, it is relevant as regards family life and the gypsy way of life. Gypsy status is viewed as a special aspect of private life, and the applicants' private life is lived from their caravan.
2. The availability of an alternative site, including its suitability for the individuals particular needs, the financial circumstances of those affected, and the efforts made to find an alternative site.
3. Whether there has been a full and fair opportunity for the applicant(s) and other occupiers of the site to make their case for respecting their Article 8(1) rights, including those arising from their gypsy status, before the relevant administrative authorities, including a planning inspector;
4. The strength of reasons justifying an interference with human rights;

5. The views and rights of others such as third party objectors and any other persons who may be affected by the development.
6. What planning conditions can be imposed?
7. What provision for housing homeless persons can be made if this application is refused?
8. Whether a decision to grant permission could arguably amount to a precedent for the district and whether it is desirable or undesirable in planning terms.

The above does not purport to be an exhaustive list. It will also be relevant to some of the material planning considerations to be considered in connection with this application, such as the availability of alternative sites.

Race Relations Act 1976 ('RRA')

Members need to have regard to the legal obligation imposed on SSDC under the RRA when exercising its planning functions. Such considerations are also relevant to ensuring that there is no breach of Article 14 referred to above.

The RRA provides so far as material:

"71(1) Every body or other person specified in Schedule 1A or of a description falling within that Schedule shall, in carrying out its functions, have due regard to the need-

- (a) to eliminate unlawful racial discrimination; and
- (b) to promote equality of opportunity and good race relations between persons of different racial groups."

Circular 1/2006 also touches on this issue in the following paragraphs:

"71. Section 19A of the Race Relations Act 1976 (RRA 1976) prohibits racial discrimination by planning authorities in carrying out their planning functions. In addition, the majority of public authorities, including local authorities, have a general duty under the RRA 1976 as amended by the Race Relations (Amendment) Act 2000 to actively seek to eliminate unlawful discrimination and to promote equality of opportunity and good race relations in all they do. The duty on local authorities to actively seek to eliminate unlawful discrimination, and promote good race relations does not give gypsies and travellers a right to establish sites in contravention of planning control. In line with their race equality scheme (legally required under the RRA 1976 (Statutory Duties) Order 2001) local authorities should assess which of their functions are relevant to race equality and monitor these functions and policies to see how they impact on different racial groups. The SCI [Statement of Community Involvement] is particularly important in this regard.

72. When policies are changed or new ones introduced, authorities should assess and consult on their likely impact, and where an adverse impact is identified which cannot be justified, changes should be made. It is particularly important that authorities consider all the racial groups served by the authority in order to assess the impact of their policies on those groups. Romany Gypsies and Irish Travellers have been recognised by the courts as being distinct ethnic groups covered by the RRA 1976. Under the general duty mentioned above, there is a requirement that local authorities seek to promote good race relations between Gypsies and Travellers and the settled community. This is important in the context of gypsy and traveller site planning."

Planning Considerations

Does the applicant satisfy the definition of a gypsy/traveller?

The Council's Community Liaison Officer is satisfied that the applicant meets the definition of a gypsy and traveller as defined in Circular 01/2006. The supporting documents submitted with the application, states that the applicant has travelled nomadically to make his living for 20 years, with statements from those who know and have worked with the applicant. The

applicant's work has involved the erection of stages at festivals, marshalling and working on a trampoline roadshow. The applicant now wishes to settle on a site because of the educational needs of his son who is now of school age.

Alternative Sites

There are 2 existing public gypsy and 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 gypsy or 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 for 20 permanent pitches. Current work is being undertaken to produce an up to date and robust Gypsy and Traveller Accommodation Assessment (GTAA). An earlier GTAA produced in 2006 outlined a need for 17 pitches but this has now been accepted as only a partial assessment. It is considered by the Council's Community Liaison Officer that a new GTAA will only show an increased need for pitches.

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). In addition, based on the evidence given and conclusions of the appeal Inspector in relation to a Public Inquiry for a gypsy site at Fivehead, held in December 2008, 'there is no reasonable expectation that enough sites will become available within either a reasonable timescale or the 5 year period promoted for a temporary planning permission'.

Based on this current assessment of availability of sites and the projected shortfall over the next 5 years, 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 guidance in Circular 1/06.

Assessment of the application site

Both Policy HG11 and C1/06 make it clear that gypsy and 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.

With regard to highway issues, the Highway Authority has not raised an objection to the application. Appropriate levels of visibility can be achieved and an area for the parking of vehicles has been shown on the submitted plan. Furthermore, it is not considered that a serious highway problem would result from the development nor would the level of traffic movement associated with the applicant's use of the site cause any harm to the amenity of the area.

In sustainability terms, the site is considered to be within a reasonable distance from services and facilities. It is noted that the distances quoted by the agent in the Design and Access statement are not accurate. The case officer has checked the distances and the site is approximately 1.6km from Horton and Broadway and 6km from Ilminster. It is not considered that these are unreasonable distances to travel in a rural area to access schools, health and other services and facilities. Indeed, the appeal Inspector for the Fivehead appeal, concluded that distances of up to 10km are not great in a rural location. It is important to note that assessment of sustainability issues as outlined in circular 1/06, 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 when assessing whether there is an alternative to the private car. It is therefore concluded that the site is acceptable on sustainability grounds.

In terms of impact of the proposed development on the site and wider landscape setting, it is not considered that the proposed development would harm the character of the area. The site

is reasonably well defined by hedgerow at present and the applicant is agreeable to a landscape condition seeking to strengthen the current landscape coverage. Moreover, the agent has stated that his client is agreeable to make the changes to the layout as outlined by the Council's Landscape architect.

In addition, built form currently exists along Hare Lane beyond the village edge, and thus, it is not considered that the development would be contrary to local landscape character.

It should be noted that the site does not occupy green belt land - this designation does not exist in this district. However, it is located in open countryside and is located approximately 1km from the eastern boundary of the Blackdown Hills Area of Outstanding Natural Beauty (AONB). Guidance in c1/06 does not preclude gypsy and traveller sites within AONB's, although careful consideration would have to be given as to whether the policies that seek to protect the AONB would be breached. However, the site is located 1km from the AONB and no objection is raised in terms of its impact on the setting of the AONB.

In terms of impact on residential amenity, the site is located over 200 metres from the nearest residential property. In addition, no business activity is proposed on site. Therefore, it is not considered that the proposed use would cause any harmful impact to residential amenity of local residents.

Several comments have been made about previous planning applications both on this site and local to the site. The point made is that those planning applications rejected development on the application site as well as a log cabin at Vardens Farm. The application referred to by the Parish council at Vardens Farm was for a residential log cabin. Vardens Farm is located on the north western edge of Broadway. However, there are significant differences between that case and the current proposal. The Vardens Farm proposal was not for a gypsy or traveller. The log cabin was intended to be used by the occupiers of Vardens Farm as the main home had to be sold. Importantly, no sufficient justification was provided for the log cabin for its proposed residential use. Therefore, it was refused.

In terms of the application site, the previous applications have been listed in the history section above. The site does currently have the benefit of private equestrian use. A condition was attached to that consent requiring the written consent of the Local Planning Authority with regard to any equestrian paraphernalia. However, it does not necessarily preclude built form, but seeks to control any structures that may wish to be erected on the site.

Planning permission was refused in 2005 for retrospective consent for 3 stables and a barn. The following reason for refusal was given:

The proposed development is unacceptable by virtue of the isolated location of the site away from existing settlements or groups of buildings contrary to Policy CR6 of the South Somerset Local Plan (as modified) 2004.

It is considered that whilst the refusal for the stable block and haybarn is a material consideration when determining the current application, it is concluded that there are important differences between this and the current application. The stables were refused as Policy CR6 does not support stables in isolated locations. Field shelters are sought in such locations. The reason given for the refusal does not explicitly state that it would have been visually harmful, although it is accepted that the reasoning behind Policy CR6 is to seek to reduce the impact of equestrian related development in the countryside.

Concern has been raised that approval on this site may lead to occupation on to the land to the rear or the east or west of the site. However, this application is only for the applicant and his son. Any unauthorised occupation of this or any adjacent sites would be investigated and consideration given to the appropriate action. With regard to this site, conditions shall be attached to any consent to ensure the Local Planning Authority has control in relation to this application site.

Whilst the visual impact of the development, along with the other concerns raised by local residents have been carefully considered, when taking into account the fact that both local and national policies and guidance support the principle of gypsy/traveller caravan sites in the countryside, the lack of alternative sites and taking into account guidance in circular 1/06 and Policy HG11, it is concluded that all of those factors outweigh the concerns raised. It is considered that the site meets the requirements of Circular 1/06 and is in accordance with Policy HG11. On the basis of a lack of alternative sites and the small likelihood of meeting the target of 30 residential pitches by 2011, a permanent permission is considered to be acceptable.

SECTION 106 PLANNING OBLIGATION/UNILATERAL UNDERTAKING

Not applicable to this application.

RECOMMENDATION

Grant consent.

Notwithstanding the concerns raised about the visual impact of the proposed development on the setting, highway concerns, lack of public transport serving the site and that the site is located in the countryside, in the absence of an alternative site the proposed development will meet a required need for gypsy and travellers in the district, it would not cause harm to residential amenity, will provide a safe means of access, would not harm the character and appearance of the area and will therefore accord with Policy HG11 of the South Somerset Local Plan and guidance in Circular 1/2006 - Planning for Gypsy and Traveller Caravan Sites.

SUBJECT TO THE FOLLOWING:

1. 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: To ensure that residential use of this site is restricted only to gypsies and travellers to accord with Policy HG11 of the South Somerset Local Plan.

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

3. No residential occupation of the site shall take place until the following details have been submitted:

- i) details of the mobile home to be located on the site.
- ii) a revised layout plan to include the area allocated for a mobile home, a garden and child's play area, parking and turning provision, vehicular access and an area to be used for the provision of waste storage and refuse bins.

Once agreed, no material change shall be made to the above details without the written approval of the Local Planning Authority.

Reason: In the interests of visual amenity to accord with Policy ST5 and ST6 of the South Somerset Local Plan.

4. No commercial activities, including the storage of materials, shall take place on the land.

Reason: To protect the amenities of the area in accordance with Policy ST5 and ST6 of the South Somerset Local Plan.

5. The proposed access over the first 5.0m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details, which shall have been submitted to and approved by the Local Planning Authority.

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

6. Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 5.0m from the carriageway edge.

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

7. The gradient of the proposed access shall not be steeper than 1 in 10.

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

8. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved by the Local Planning Authority.

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

9. The development hereby permitted shall not be occupied until the parking and turning space shown on the submitted plan has been properly consolidated and surfaced to the satisfaction of the Local Planning Authority. Such turning space shall be kept clear of obstructions at all times.

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

10. There shall be no obstruction to visibility greater than 900mm above adjoining road level forward of a line drawn 2.4m back and parallel to the nearside carriageway edge over the entire site frontage. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interest of highway safety in accordance with Policy 49 of the Somerset and Exmoor National park Joint Structure Plan Review.

11. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity of the area in accordance with Policy ST5 and ST6 of the South Somerset Local Plan.

12. There shall be no external lighting on the site unless the details of any external lighting has been first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the area and to control light pollution in accordance with Policy ST5, ST6 and EP3 of the South Somerset Local Plan.

13. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To ensure satisfactory means of foul and surface water drainage and disposal are undertaken on site.

14. There shall be no more than 1 pitch on the whole of the application site. On the pitch hereby approved, no more than 2 caravans shall be stationed at any time, of which no more than one caravan shall be a residential mobile home and no more than one caravan shall be a touring caravan.

Reason: To ensure that the Local Planning Authority have control with regard to the number and type of caravans on the site.

15. No buildings or structures other than those approved by this permission shall be constructed on site without the written permission of the Local Planning Authority.

Reason: To protect the character and appearance of the area in accordance with Policy ST5 and ST6 of the South Somerset Local Plan.