

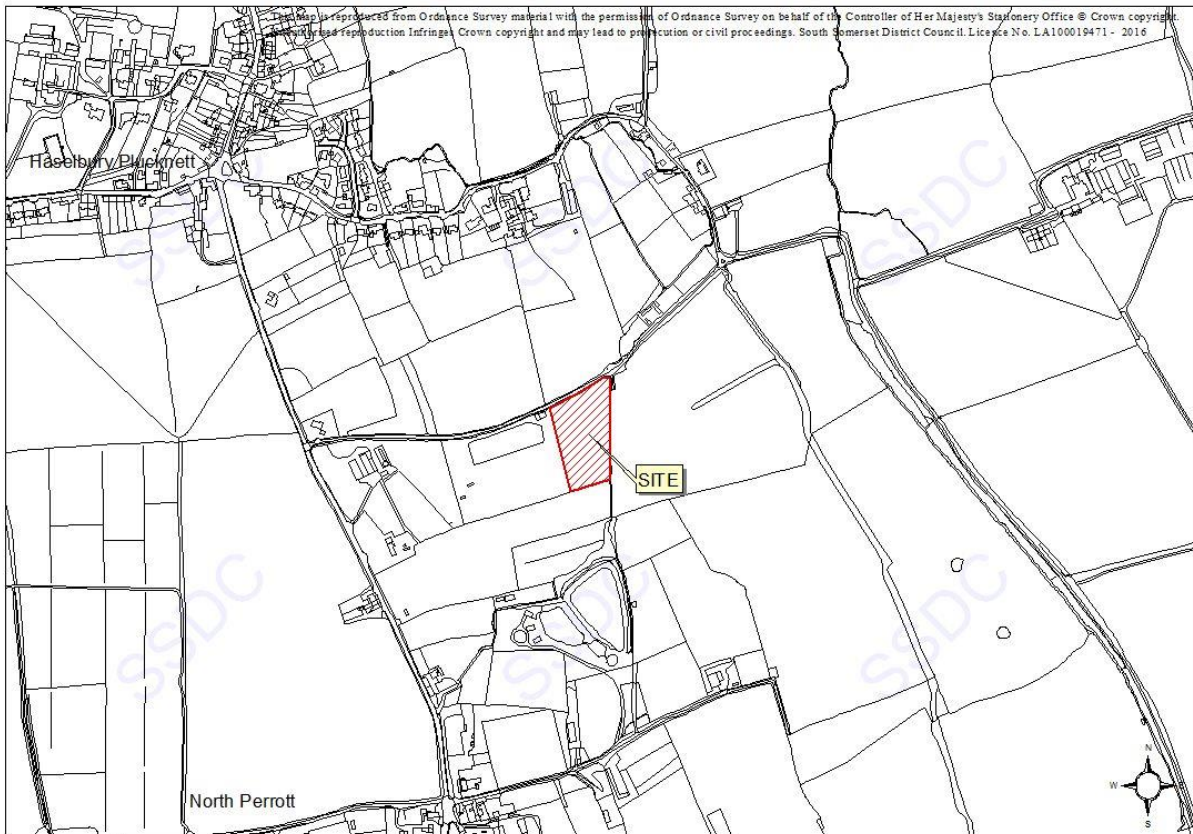
Officer Report On Planning Application: 15/02183/FUL

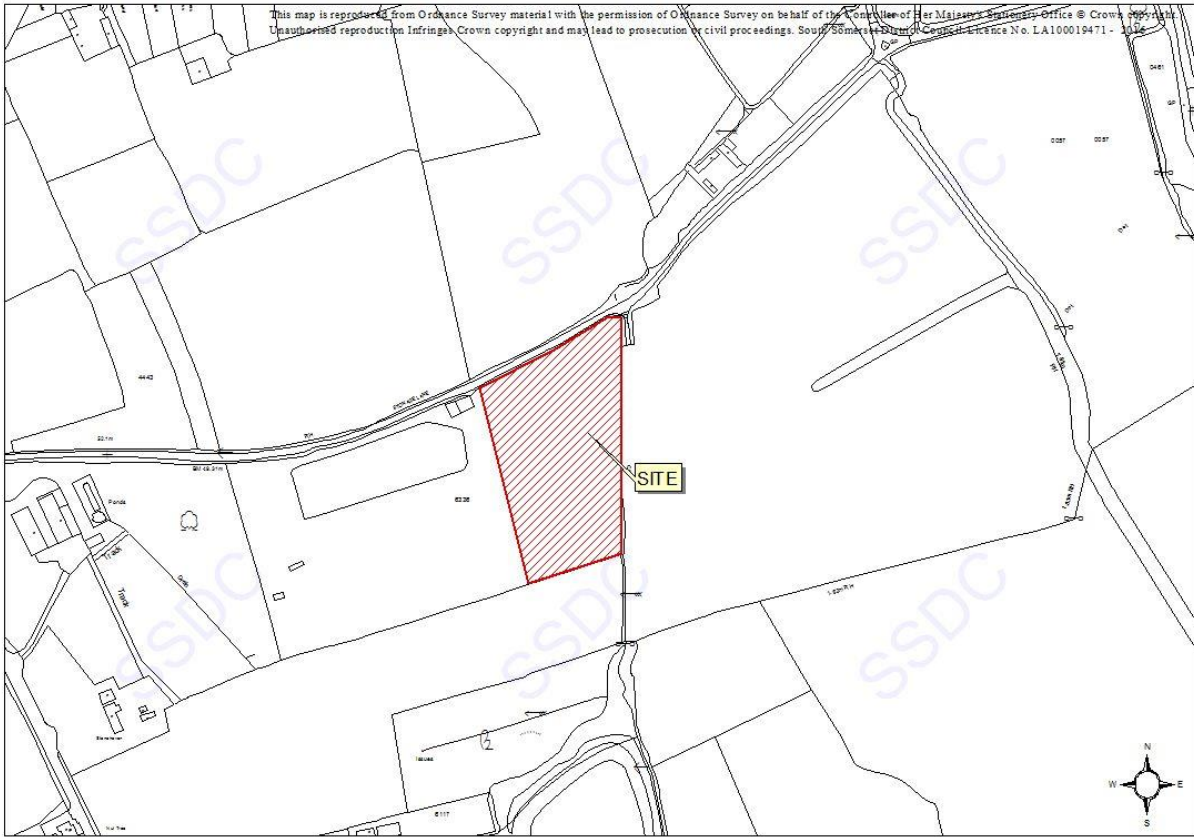
Proposal :	The erection of 1 No. wooden gypsy lodge, toilet and stables/tackroom (Part Retrospective Application). (GR 347716/110462)
Site Address:	Half Pennyfield Stonage Lane Haselbury Plucknett
Parish:	North Perrott
PARRETT Ward (SSDC Member)	Cllr R Pallister
Recommending Case Officer:	Andrew Gunn Tel: (01935) 462192 Email: andrew.gunn@southsomerset.gov.uk
Target date :	7th July 2015
Applicant :	Miss Lovie Hughes
Agent: (no agent if blank)	
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The application is referred to committee at the request of the Ward Member and in agreement with the Chair to consider and discuss the cumulative highway and landscape impact of the proposal.

SITE DESCRIPTION AND PROPOSAL





The application site is located on the southern side of Stonage Lane, approximately 0.5 km to the south of Haselbury Plucknett. The application site is located 300 metres from the junction of Stonage Lane with North Perrott Road. The surroundings are predominantly rural with small holdings located to the north. The application site comprises a rectangular shaped field, bounded by hedgerows. A wooden residential lodge structure is located towards the south western part of the site along with a wooden compost toilet. Vehicular access is gained via an existing pull in area from Stonage Lane, in the north west corner of the site.

The application, as amended, seeks consent for 1 gypsy pitch and has been submitted by Miss Lovie Hughes, a Romany gypsy. The application includes retention of the existing toilet and lodge, along with an area for a caravan, parking provision and stabling. The existing access from Stonage Lane will be used to serve this development.

The application is accompanied by a supporting letter which outlines that the applicant is a Romany gypsy and from a well known gypsy family in the area. She travels to many horse fairs selling horse and gypsy related items. The applicant was made homeless when the family were evicted from the site at Gawbridge and has been living in her car. She is seeking permission for this site in order to gain a safe and secure site on which to live.

Following advice from the Council's Highway Consultant, the applicant commissioned a traffic survey to be undertaken to ascertain the level of use of the junction of Stonage Lane with the A3066 and general use of the A3066.

HISTORY

No relevant planning application history on this site.

A complaint was received in 2014 regarding alleged residential occupation of the site. Upon

investigating the complaint, a mobile caravan was found along with the wooden lodge and toilet structure. No-one was found living on site at the time of the site visit, although it was very likely that some form of residential occupation had taken place in the wooden lodge. The previous owner of the site confirmed in writing that the wooden lodge was constructed in 2008. No planning permission was sought for the lodge and there is no record of any complaint being made at the time. The mobile caravan has since been removed from the site. In addition, as the building has been on site for more than 4 years, it would be immune from enforcement action. However, following the investigation into the site and identifying the owner, this has resulted in the submission of the current application.

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

South Somerset Local Plan (adopted April 2015)
SD1 - Sustainable Development
HG7 - Gypsies, Travellers and Travelling Showpeople.
TA5 - Transport Impact of New Development

Other Relevant Policy Considerations:
Planning Policy for Traveller Sites.

CONSULTATIONS

Haselbury Plucknett Parish Council:

Officer comment:

Clarke Willmott (solicitors) were instructed by Haselbury Plucknett Parish Council to object to the proposed gypsy site. An 8 page letter was received from Clarke Willmott. The full response is attached at the end of this report (Appendix A). A summary of the main points are outlined below:

Haselbury Plucknett Parish Council object to the application. Reference is made to the statutory development plan i.e. the South Somerset Local Plan and relevant material consideration documents i.e. the NPPF, Planning Policy for Traveller Sites and a Ministerial Statement of March 2015.

Object to the grant of an unrestricted dwelling in the countryside.

There is a clear division between the 2 villages of Haselbury and North Perrott. Contrary to the North Perrott Village Design Statement which seeks to retain the separation between the 2 villages.

The applicant will need to justify how the application meets Policy SS2 criteria. The view of the Parish Council should carry significant weight in this case. This proposal does not meet Policy SS2.

Brownfield land should be considered - for example extensive opportunities on the edge of Ilminster.

The site is in an unsustainable location, remote from services and thus contrary to national and local policy.

Increased use of the poor Stonage Lane / A3066 junction with an increased risk of accidents. An assessment of the junction should be undertaken to ascertain the risk to highway users. Stonage Lane lacks passing places and becomes congested with agricultural and non-agricultural traffic.

Stables may be used by others, thus increasing vehicle movement along the lane and use of substandard junction.

Proposal would have an adverse impact on the character and appearance of the local area. Contrary to landscape character. Applicant's personal circumstances do not outweigh harm to impact on local landscape.

Over development and setting a precedent. Concern that if this development is allowed, in addition to those already permitted in the area would result in overdevelopment of gypsy sites in the area.

Make a comparison with the appeal decision site also off Stonage Lane, particularly the personal circumstances of the applicant in the appeal case.

No need for additional sites.

Refer to recent statement by the Government that encourages Council's to take enforcement action against those contravening planning regulations.

If the application is approved, would want to see certain conditions imposed including a personal consent, removal of permitted development rights and a limit on vehicles.

North Perrott (Adjacent Parish):

Officer comment: North Perrott Parish Council submitted a detailed response to the application. The full response is attached as Appendix B. A summary of the main points are outlined below:

North Perrott PC object to the application.

Acknowledge the need for the provision of gypsy sites but must have regard to other statutory considerations in the Local Plan and other material consideration policy documents, including the village plan.

Outlines the history behind the Village Plan, its importance in protecting the open space between the 2 villages and importance of Policy SS2.

Refer to the planning history of this field and adjacent land. Have supported horticultural uses in the past but have rejected residential use. The Parish Council's clear position is that this field should be protected from development as per the Village Plan until the community changes its view.

The District Council has now met its quota for pitches, which was not the case when an appeal Inspector considered another gypsy site in Stonage Lane a couple of years ago.

Increase in traffic using Stonage Lane and the substandard junction with the A3066. The speed limit on the A3066 has been reduced from 40mph to 30mph but still remains a

substandard junction.

Strong stance taken to protect the area of open space between the 2 villages. Approval would create a harmful precedent for further development. Fear that the 2 villages would merge into one.

Harmful to the character and appearance of the local landscape. No pressure to allow unplanned or unsuitable sites.

The site is not in a sustainable location and no direct footpath into the village. Applicant retains a nomadic way of life to earn a living - travels to fairs which are not local, thus not sustainable. (Officer comment: The government have recently amended the definition of gypsy/traveller which means that they are expected to maintain some form of nomadic life).

No reference can be found as to what SSDC is doing to address the shortfall in sites. This leads to applications and places pressure in rural areas whereas the Council could be purchasing brownfield sites around our towns to provide sites.

The plans submitted do not reflect accurately the location of the current lodge. Also object to the terms 'lodge' and what it may become in the future. In addition, the existing road gateway not shown in the applicant's ownership and thus the applicant could not upgrade the entrance.

Need to take into account the cumulative impact of this and other gypsy sites in proximity to the application site.

Highway Authority:

I refer to the above mentioned planning application received on 26th May 2015 and following a site visit the Highway Authority has the following observations to make on the highway and transportation aspects of the proposal.

The application relates to the erection of 1 gypsy lodge.

The proposal is unlikely to have a significant traffic impact although it would result in 6-8 additional movements per day on Stonage Lane, which has no white lines or footways with no passing places between the junction with the A3066 and the site. Stonage Lane is subject to a National Speed Limit although due to the nature of road vehicle speeds are much lower. In terms of the junction with the A3066 this is considered to be sub-standard due to visibility. As a consequence any increase in use of this junction would be a cause of concern to the Highway Authority although it is unlikely that it is significant enough to object on traffic impact grounds.

In regards to the site it appears that the proposal will utilise the existing access onto Stonage Lane. Its noted from the site photo's that vegetation either side of the access restricts visibility in either direction. However the main point relates to the section of land between the adopted highway and the site access as it appears that this section of land is outside of the applicant's control. Having viewed the submitted information on line there doesn't appear to be any details that address this. Therefore the Highway Authority would need further information from the applicant relating to the right of access.

Turning to the internal layout from viewing the site plan the Highway Authority is satisfied that there is sufficient space within the site to allow a vehicle to park and turn so they can leave in a forward gear.

To conclude the proposal will result in an increase in vehicle movement and the increase use of the junction with the A3066 is a cause of concern to the Highway Authority however we don't

believe that it is sufficient enough to warrant an objection on traffic impact grounds. The Highway Authority is satisfied that the internal site arrangements are acceptable. However the main concern relates to the section of land between the highway and the site access, which appears to be outside the applicant's control. Therefore before the Highway Authority can make any further observations we will need further details over rights of access.

Officer comment:

In respect of the comment regarding land between the highway and the site access, the applicant has provided a copy of their land registry title deeds that confers full access rights to the applicant from the highway, via the existing gated entrance through to their site.

District Council Highway Consultant:

I refer to the speed survey undertaken by Tracsis on behalf of the applicant.

I visited the site on the afternoon of Tuesday 6th October 2015. The A3066 is subject to a 30mph speed limit at the junction of Stonage Lane with the A3066; however, from observations made on site, I would estimate vehicle speeds on the A3066 are likely to be excess of the speed limit.

I noted that while visibility to the right for and of vehicles emerging from Stonage Lane onto the A3066 at the junction is reasonable, visibility in the other direction is severely substandard. I measured a splay of just 2.4m x 12m. To comply with national standards, the splay should measure a minimum of 2.4m x 43m, and that is if the 85thile speeds are 30mph.

I have read the attached appeal decision letter in respect of a similar development proposal on Stonage Lane. The inspector has stated some reasonable (supportive) arguments in respect of the junction, but I note that one of the concluding remarks was that 'From the evidence before me, I am satisfied that the appeal development would result in only a small increase in daily vehicular movements over and above those associated with the lawful use of the land, were the appellant to be living elsewhere, given that he and his family regularly visit the site to attend to their livestock.' I am unsure if this applies to the current application.

The traffic survey revealed some 89 vehicle movements exiting Stonage Lane onto the A3066 and some 95 movements entering Stonage Lane over a 12 hour period on the day of the survey, i.e. an average of about seven to eight turning movements in both directions per hour. The traffic survey data is a little difficult to interpret but from what I can see the majority of exiting movements onto the A3066 appear to be to the south (some 72%). I would question if that is correct as I would expect most vehicles would travel northwards towards Hazelbury Plucknett and the A30, but I may be wrong. The volume of traffic likely to be generated by the proposed development is unlikely to be significant, but as a pitch (with the potential to generate traffic akin to that of a residential property) there could be an increase. I cannot comment as to whether or not the same argument made above by the inspector would apply to the current planning application, but either way, in my opinion there would inevitably be an increase in use of the junction. Whether or not the increase in use would result in a 'severe' impact (particularly if most movements are to the south) is open to debate but given what I saw on site and the two occasions I exited Stonage Lane onto the A3066 (turning right) I cannot support the planning application, despite the Planning Inspectorates previous decision.

Landscape officer:

No objection to the application.

REPRESENTATIONS

1 letter has been received objecting to the application. The writer states that they objected to

the application for a gypsy site in Stonage Lane on another site in Stonage Lane. They are concerned that there were breaches of control in relation to that site and the same could happen in this case.

Officer comment: Whilst there were some breaches of planning control in respect of this other site, this is not relevant to the consideration of this application.

3 emails/letters have been received in support of the application. One writer has known the applicant (Miss Lovie Hughes) for 20 years and would be very concerned about her welfare (ie living on the side of the road) should the application fail. Everyone is entitled to a place to live and the site is close to an existing gypsy site.

The second writer is concerned about the way that the applicant has had to live since being evicted from an unauthorised site and the impact on her health and wellbeing. The applicant completed her education, went into full time work and is hardworking. It is a basic human right to have a home - without such, there is an increased risk of poor health and its impact on their overall quality of life. The application site would provide the safety and stability that is needed for her. The 3rd writer makes similar comments.

CONSIDERATIONS

Gypsy status:

The applicant is a Romany gypsy and from a gypsy family with long established ties in the area. The Council accepts the applicant's gypsy status.

Need:

Whilst the number of gypsy pitches approved over the last 5 years exceeded the number required up to 2015 (as outlined in the Gypsy and Traveller Accommodation GTAA), the adopted South Somerset Local Plan outlines a need for 23 pitches for the plan period. Thus, there is still a need for additional pitches. Moreover, the local plan does not phase delivery of sites over the plan period. On this basis, the Council accepts that a need for pitches exists - this application would make a contribution towards meeting that need.

On the matter of need, in their consultation response, North Perrott PC referenced a Council document (Housing Strategy Implementation Plan 2104) and made a point about the Council being under no pressure to provide additional sites. However, this refers to the requirement for the Council to provide sites to meet need rather than the pressure to approve any private site applications that may come forward. As mentioned above, whilst a number of private sites have been approved, there is still a need for sites. Moreover, the fact that the current applicant has made this application, is further proof in itself that a site is required.

Highways

The site will be accessed off Stonage Lane which is a fairly typical rural lane in terms of its width and alignment. The development will use the existing access from Stonage Lane. The Highway Authority and North Perrott PC have queried whether the applicant has control of the piece of land between Stonage Lane and the applicant's site. Following this query, the applicant provided their land registry documents which confirms that the applicant has full access rights from their site, across the 'pull-in area' and onto Stonage Lane. The access onto Stonage Lane is well established and in addition to the applicant is used by other land owners. Given that the applicant has lawful access rights to enter/exit their land, and in the absence of any objection to the access from either the Highway Authority or the Council's Highway Consultant, it is not considered that there are any highway grounds on which to refuse the application on the basis of the current access arrangements.

With regard to the wider highway network, concerns have been raised about the level of visibility when looking to the left (south), at the junction of Stonage Lane with the A3066. The Highway Authority previously objected to an earlier gypsy site application on the other side of Stonage Lane but this reason for refusal was overturned at appeal. In this current case, the Highway Authority have raised this as a concern but do not consider the harm to be significant enough to warrant refusal. The Council's Highway Consultant is not able to support the application due to the level of visibility at the junction but has queried whether the increase in level of use would result in a severe impact, the test required by the NPPF.

It is acknowledged that the development would result in an increase in the level of traffic, however, the key point is whether this would result in a significant increase which would result in a severe impact to warrant refusal of the application. The traffic survey that was submitted shows a reasonable amount of vehicular traffic over a 12 hour period both entering and exiting Stonage Lane from and to the A3066 (89 exiting and 95 entering). This would appear to reflect comments from both Parish Council's about the reasonable level of use of the lane. Given this application is for one pitch and that the applicant could make regular visits to the site throughout the day without the need for planning permission, it is considered that the development would result in only a small increase in daily movements. Whilst it is acknowledged that the visibility to the left at the junction does not meet highway standards, it is not considered that the impact of the development would result in a severe highway impact.

Landscape impact

Both the Parish Council and neighbouring North Perrott have raised concerns about the landscape impact of the proposal. Government policy allows gypsy sites to be located in rural areas within the countryside provided they respect the scale of and do not dominate the nearest settled community. It is considered that the introduction of 1 pitch on this site is of an appropriate scale and would not dominate the local community. The caravan and parking area would be located next to the existing lodge and compost toilet structure, thus reducing its visual impact. The stabling would be located in the far south east corner of the site, set against the mature boundary hedgerow.

Given that the site is well screened, the pitch will be located around 100 metres from the road, and the caravans will be located adjacent to the current lodge, it is considered that the development would not be sufficiently visually harmful to warrant refusal. Concern has been raised that the development would harmfully erode the rural and largely undeveloped area of land between 2 villages of Haselbury and North Perrott. Whilst it is acknowledged that the site would create development form within this green area between the 2 villages, it is considered that the area would still remain strongly rural in character and not result in a physical merging of the 2 villages. Moreover, conditions will be attached to any consent to control/limit the use of the site and to seek the removal of structures/buildings once the use ceases.

Residential amenity

The site does not adjoin and is distant from any other residential dwellings/land. Therefore, it is not considered that the development would harm any residential amenity.

Other issues

In response to comments from North Perrott PC, the Council were asked to investigate an allegation of residential occupation of the site. The site visit was undertaken shortly after this was raised. As mentioned under the planning history section of this report, it was very likely that residential occupation had taken place in the wooden lodge. However, the officer has never stated that the current applicant lived or was living on site. No one was found living on the site during those investigations. As a result of investigations into the site, the applicant was identified as the owner and the current application submitted.

Concern has been used about the possible use of the stables other than by the current applicant. A condition will be attached to any consent to restrict use of the stables for the personal use only of the current applicant and for no commercial use. In respect of the existing building on site, the application has been amended to provide a pitch for a caravan and to use the wooden lodge as a day room, the latter being a common building found on gypsy sites. The use of the lodge can be conditioned accordingly.

In terms of the Village Design Statement, only limited weight can be attached to this document as it does not form part of the Development Plan nor is it a Neighbourhood Plan. However, this does not devalue or down play the local importance that the two villages attach to protecting the land that physically separates them. In this case, a careful assessment has been made of the visual impact of the proposed development. For the reasons given above, it is not considered that the development would result in adverse landscape harm.

CONCLUSION

The Council accepts that there is a need for gypsy sites in the district and that this application would make a contribution to meeting that need. It is considered that the development would not give rise to any harmful landscape or amenity impact. It is accepted that the junction of Stoneage Lane with the main road does not provide the required visibility to the left. However, the Highway Authority has not raised an objection and it is considered that the application would not give rise to any significant increase in highway traffic. On this basis, the application is considered acceptable.

SECTION 106 PLANNING OBLIGATION/UNILATERAL UNDERTAKING

Not applicable to this application.

RECOMMENDATION

Grant permission.

01. The proposed development by reason of its scale, design, siting and layout will cause no harm to residential amenity, would not cause any detrimental harm to the character and appearance of the area nor create any severe highway impact. The development would also contribute to meeting the Council's gypsy pitch target as outlined in the adopted local plan. The proposal is therefore in accord with Policies SD1, HG7 and TA5 of the South Somerset Local Plan and guidance in Planning Policy for Traveller Sites.

SUBJECT TO THE FOLLOWING:

01. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of the Planning policy for traveller sites.

Reason: To accord with Policy HG7 of the South Somerset Local Plan

02. The occupation of the site hereby permitted shall be carried on only by the following and their resident dependants: Miss Lovie Hughes.

Reason: To accord with Policy HG7 of the South Somerset Local Plan

03. When the land ceases to be occupied by the named in condition 2 above the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to or erected on the land, or works undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place.

Reason: In the interests of visual amenity to accord with Policy EQ2 of the South Somerset Local Plan

04. There shall be no more than 1 pitch on the site. On the pitch hereby approved no more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, shall be stationed at any time, of which only 1 caravan shall be a static caravan.

Reason: In the interests of visual amenity to accord with Policy EQ2 of the South Somerset Local Plan

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

Reason: To protect the amenities of the area and in the interests of highway safety to accord with Policy EQ2 and TP5 of the South Somerset Local Plan

06. The development hereby permitted shall be carried out in accordance with the following approved plans: Site layout plan, stable elevations, floor and elevation plans of the lodge building, all received 12th May 2015.

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

07. No external lighting shall be installed within the application site unless the details have first been submitted to and approved in writing by the Local Planning Authority. Once approved, any lighting installed shall not be altered without the written consent of the Local Planning Authority.

Reason: To protect the amenity of the area to accord with Policy EQ2 of the South Somerset Local Plan

08. No internal access track shall be laid until full details of the materials to be used have first been submitted to and approved in writing by the Local Planning Authority. Once approved, the access track shall not be altered without the written approval of the Local Planning Authority.

Reason: To protect the visual amenity of the area to accord with Policy EQ2 of the South Somerset Local Plan

09. No occupation of the site shall take place until details of the means of foul and surface water disposal have first been submitted to and approved in writing by the Local Planning Authority. Once the details have been approved, the means of foul and surface water disposal shall be fully installed prior to the occupation of the site.

Reason: To ensure that the site is adequately drained to accord with the NPPF
