Item: **02**

Reference: **11/00815/FUL**

Applicant: **Mr John Price**

Location: **Pinehollow Barn Stoke Lane Higham On The Hill**

Proposal: **USE OF LAND AS A RESIDENTIAL CARAVAN SITE FOR FOUR GYPSY FAMILIES WITH 8 CARAVANS INCLUDING LAYING AND ADDITIONAL HARD STANDING**

Target Date: **21 December 2011**

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as objections have been received from more than 5 addresses.

Application Proposal

This application is for the change of use of land to a residential caravan site for four Gypsy families with 4 pitches and 8 caravans. For clarity, the site will also store a touring caravan, however this does not form part of the accommodation applied for. Seven of the caravans will be sited adjacent to the north western boundary of the site. The remaining caravan will be sited immediately north of the access, adjacent to the eastern boundary. Two parking spaces are proposed for each pitch.

For the avoidance of doubt the existing outbuilding does not form part of this application.

The majority of the site is finished in a light coloured stone gravel, however to accommodate the caravans to be sited along the north western boundary, an existing area of vegetation will be removed and additional hardsurfacing will be added.

This application comprises a re-submission of a previously withdrawn application. This application sought to vary condition 12 of planning permission 08/00891/FUL. This application was for the change of use of land to the keeping of horses and a residential caravan site for one Gypsy family with two caravans and formation of an access. This condition restricted occupation of the site as outlined above.

Application 08/00891/FUL was approved by Planning Committee on the 21 October 2008.

The Site and Surrounding Area

The application site comprises a narrow strip of land along the western side of Stoke Lane, Higham on the Hill. The site has an area of approximately 2,576 square metres. A close boarded timber fence encloses the site. There is landscaping to the front of this along the front boundary. Towards the southern end of the front boundary is the site access, which has been enclosed by wrought iron gates. This has been constructed in accordance with the conditions on application 08/00891/FUL. Along

the front boundary is a close boarded timber fence, with landscaping to the front. The majority of the site has been laid with stone. There is a small vegetated area in the southern corner of the site and an unmaintained strip of vegetation parallel to the north western boundary. At the northern end of the site is the existing mobile home with adjacent lawn area. Opposite the mobile home is the existing amenity building and to the south of the mobile home is the vehicular turning head, as required by the previous application. The land slopes to the south east.

To the north, south and west, the site bounds agricultural land. Public footpath T47 crosses the land to the west of the site in a south westerly direction. The village of Higham is further south west of the site.

The site extends parallel to Stoke Lane to the north east. On the opposite side of the road is Vale Farm and its outbuildings which provide bed and breakfast facilities. Further north of this is a residential barn conversion, Elm Barn.

Technical Document submitted with application

The application has been accompanied by a planning statement. This makes reference to the fact that the site already has planning permission as a residential caravan site for one Gypsy family with two caravans and that essentially, the use of the land as a residential caravan site would remain the lawful use of the land, and this application only seeks to increase the intensity of that use. The site will accommodate 3 additional households related to the applicant. The application is justified in line with local planning policy 18. It states that the Council has already accepted that the site is within a reasonable distance from local services and facilities, has met highway requirements and provides sufficient screening. It goes on to state that the site does not have an unacceptably harmful impact on the character or appearance of the surrounding area. The statement goes on to identify that there is an unmet need to provide an additional 28 residential pitches in the borough. The final paragraph states that amenity facilities for the residents of the site are to be provided in the existing barn and that this building would not require a change of use, nor would comprise a material change to the external appearance of the building, and thus the changes proposed can be undertaken without planning approval.

Following further requests from the Local Planning Authority an Ecology Survey has been conducted, and additional personal information on the proposed occupants of the site has been provided.

Relevant Planning History:-

11/00475/CONDIT	Variation of condition No. 12 of Planning Permission 08/00891/FUL to allow Occupation of the site with 8 caravans of which no more than 4 would be Static Caravans	Withdrawn	09.08.11
08/00891/FUL	Change of use of land to the keeping of horses and a residential caravan site for one gypsy family with two caravans	Approved	23.10.08
08/00117/COU	Change of use of land to the keeping	Refused	12.03.08

	of horses and a residential caravan site for one gypsy family with two caravans		
06/00326/FUL	Change of use of land from agriculture to the keeping of horses, creation of a ménage and erection of stables	Approved	11.07.06
05/01029/FUL	Change of use of land from agriculture to the keeping of horses and erection of stables	Withdrawn	06.01.06



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Consultations:-

No objection has been received from:-

Director of Corporate Resources (Gypsy and Traveller multi-agency co-ordinator)
Director of Environment and Transport (Rights of Way)
Head of Community Services (Land Drainage)
Head of Community Services (Pollution).

No objection subject to conditions have been received from Director of Environment and Transport (Highways).

The Council for the Protection of Rural England object to the application on the following grounds:-

a) overdevelopment of the site
b) further hard standing would urbanise the site
c) no consideration given to the sites proximity to the Conservation Area
d) little concern given to the rural area and will not enhance the area.

David Tredinnick MP has objected to the application on the following grounds:- over intensive use of the site, out of character in the rural setting, detrimental to nearby businesses, contrary to aims to boost tourism and the economy in rural areas, contrary to the interests of highway safety, impact of significant additional traffic at this site and as a result of the proposed expansion of the nearby MIRA site. Over reliance on car use, unsustainable location for additional dwellings, harmful impact on community cohesion.

Stoke Golding Parish Council has objected to the application on the grounds that the original condition attached to the 08/00891/FUL restricting the use of the site to one gypsy family should be retained. Further development of this site is not appropriate and would create an unacceptable precedent and open the way for even more development.

Site notice was displayed and neighbours notified.

14 letters of representation have been received, these raise the following issues:-

a) intrusion into the countryside which does not enhance the area – harm to its character and appearance
b) too many travellers in the Higham area
c) over-intensive use of site
d) non-compliance with conditions on historic applications relating to the site
e) e) road safety concerns, in respect of the access, additional pressures on the highway network and turning facilities – mitigation solution, upgrade of footpath T47 is not an appropriate solution
f) detrimental impact on local wildlife
g) will encourage further applications for similar developments
h) detrimental to nearby B&B and aims to boost tourism in area
i) adverse impacts on nearby Conservation Area and is out of character in the area
j) development of Green Belt land, Brownfield sites should be developed first
k) insufficient space for associated vehicles to park
l) once the site is established it may grow out of proportion
m) the old cart hovel (barn) is of single brick construction and would not be habitable without major construction work, planning permission for this should not be considered without detailed plans
n) impacts on horses and cyclists which use the local roads
o) unfair process – policies more favourable for gypsies. Council housing policy prohibits non gypsies from building new homes in the countryside.
p) discrepancies with the planning statement, namely that the applicants children do not attend the local schools and there are no horses on site
q) preferential treatment towards Gypsy and Travellers
r) light pollution from the existing caravans/mobile home
s) inadequate landscaping
t) statement that site allocation DPD, and all Gypsy and Traveller allocations have been withdrawn
u) loss and damage to the trees and hedges

v) discrepancies within the Ecology Survey
w) site too small for scale of development proposed.

Two letters of objection have been received from Marrons who are instructed by three residents

The first letter raised the following issues:-

a) the lawfulness of the existing stable block
b) inadequacy of the submitted plans
c) ecology issues and requirements of the EC Habitats Directive
d) impact on the Conservation Area
e) lack of lighting assessment
f) lack of structural survey
g) drainage issues
h) tree and hedging issues
i) regional and local planning policy issues
j) sustainability
k) Highway Safety
l) assimilation into surrounding landscape
m) Health and Safety of residents
n) requirements of the DCLG Good Practice Guide
o) need for Gypsy Pitches
p) recent delivery of Gypsy Pitches
q) queries over the history of the site.

The subsequent letter raised the following issues:-

a) as per the re-scanned plan, the distance between the proposed caravans is less than the 6 metres required by the Good Practice Guide: Designing Gypsy Traveller Sites
b) the submitted ecology survey fails to assess the potential impact of the proposed development on protected species
c) a bat and barn owl survey is required for the existing brick outbuilding
d) the survey for Great Crested Newts has been conducted at the wrong time of the year
e) failure to survey all ponds within 150 metres of the site
f) failure to detail suitability index.

At the time of writing the report comments have not been received from Ramblers Association.

Policy:-

<u>National Policy Guidance</u>

Planning Policy Statement 3: Housing (PPS3) sets out the Government's national planning policy framework for delivering its housing objectives. Paragraphs 12-19 of PPS3 stress the importance of good design in developing high quality new housing and identify the key issues which must be considered to achieve this. Paragraphs 20 to 24 identify the key characteristics of a mixed community and make it clear that this can only be secured by achieving a good mix of housing, including accommodation for Gypsies and Travellers.

Planning Policy Guidance Note 13: 'Transport' seeks to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices.

Circular 01/2006 - Planning for Gypsy and Traveller Sites replaces Circular 01/94. Its main intentions are:-

To significantly increase the number of Gypsy and Traveller sites with planning permission in order to address under-provision:-

a) recognise, protect and facilitate the traditional lifestyle of Gypsies and Travellers
b) identify and make provision for the resultant land and accommodation requirements
c) help or avoid Gypsies and Travellers becoming unintentionally homeless reflect the status of Gypsy and Traveller accommodation as a part of wider housing provision
d) create and support sustainable, integrated communities where Gypsies and Travellers have equality of access to suitable accommodation, education, health and welfare provision, and where there is mutual respect between all communities for the rights and responsibilities of each community and individual
e) promote more private Gypsy and Traveller site provision in appropriate locations through the planning system, while recognising that there will always be those who cannot provide their own sites
f) underline the importance of assessing needs at regional and sub-regional level and for local authorities to develop strategies to ensure that needs are dealt with fairly and effectively
g) ensure that Development Plan Documents include fair, realistic and inclusive policies to ensure identified need is dealt with fairly and effectively
h) reduce the number of un-authorised encampments and developments and the conflict and controversy they cause and to make enforcement more effective where local authorities have complied with the guidance in this circular.

<u>Circular 01/2006 position</u>

In two recent planning appeal decisions, namely APP/F4410/A/10/2142715 and APP/C3105A/11/2144721, consideration was given to the impact on the provisions of 01/2006 by the Secretary of State's publication of a consultation paper dealing with his intention to replace Circular 01/2006, and which contained a draft PPS. The inspector in one of the decisions above noted that whilst the consultation paper and the draft PPS3 indicated the intended direction of national policy, it could, nevertheless, be subject to amendment.

As a result, at this stage of the process, the inspector accorded only limited weight to the emerging PPS.

The emerging PPS, in light of the CALA case, is a material planning consideration, but the weight to be given to it is a matter for the committee as the decision-maker and the inspector's comments are also material in coming to a view on the weight to be given both to the existing circular and the emerging PPS.

The Housing Act requires Local Authorities to take account of the accommodation needs of Gypsies and Travellers and to create strategies for meeting those needs in the same way as they do for the settled community.

The Community Infrastructure Levy (CIL) Regulations 2010, Part 11, Regulation 122 provides a statutory duty in respect of planning obligations and requires them to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed. The Regulation does not replace Circular 05/2005 but gives it a statutory foothold in planning legislation.

Government Circular 05/2005: Sets out the Secretary of State's policy on Planning Obligations, and should be given significant weight in decision making and developer contributions.

The National Planning Policy Framework (Draft)

The draft National Planning Policy Framework was published for consultation on 25 July 2011. The Government's intention is to reduce the current 1,000 pages of national planning policy [some of which are referred to above] into a 'clearer, simpler, more coherent framework, easier to understand and easier to put into practice'. The Inspector in a recent inquiry considered that although the draft was a material consideration he gave it little weight because it is a consultation and subject to change. This approach was accepted by the Secretary of State in a letter of 24 October 2011, in his consideration of the inspector's report. The current national policies therefore continue to apply with significant weight. Officers will continue to advise on the progress of this consultation and update members on that progress.

Regional Policy Guidance

The Localism Act received the Royal Assent on 15 November 2011 and part 6 is the key section referring to regional strategies. In so far as Hinckley and Bosworth Borough Council is concerned, it should be noted that the Secretary of State has power by Order to revoke existing regional strategies, in Hinckley's case, the East Midlands Regional Plan 2009. That power is effective from the date of Royal Assent, but the specific proposals and timing of a revocation order are not yet known.

Until that revocation the East Midlands Regional Plan remains a material planning consideration but the weight to be given to its provisions is as always a matter for the committee. However, the coming into force of the Act, the power given to the Secretary of State to revoke the Plan, and the government's `Environmental report on the revocation of the East Midlands Regional Plan` published in October 2011 obviously have an impact on the weight to be given to the Plan.

That said, members should be aware of proposals set out in the Environment report in relation to which documents would form the relevant development plan for Hinckley if the regional strategy and saved structure plan policies were revoked.

These are the following:-

a) Hinckley and Bosworth Core Strategy
b) Hinckley Town Centre Action Plan
c) Hinckley and Bosworth Local Plan (with the annotation in the report that until all elements of the LDF are adopted some of the policies `saved` from the Local Plans by the Secretary of State remain extant for determining applications).

East Midlands Regional Plan 2009

This is the Regional Spatial Strategy for the East Midlands and provides a broad development strategy for the East Midlands. The following relevant policies apply to this proposal: -

Policy 2 promotes better design including highway and parking design that improves community safety.

Policy 3 directs development towards urban areas with priority being given to making the best use of previously developed land.

Policy 16: Regional Priorities for Provision for Gypsies, Travellers and Travelling Showpeople suggests that Local Authorities should identify land for additional pitch provision based on clearly evidenced assessments of need and that Local Development Frameworks should make provision for the minimum additional pitch requirements set out in Appendix 2, taking account of the need arising from future growth beyond 2012. Appendix 2 identifies that Hinckley and Bosworth Borough Council should provide a minimum of 26 pitches for Gypsies and Travellers plus 5 transit pitches and 2 plots for showpeople.

Local Development Framework Core Strategy 2009

Policy 18: Provision of Sites for Gypsies, Travellers and Travelling Show People states that the council will allocate land for 42 residential pitches, and planning permission for sites will be granted where certain criteria are met including siting adjacent to the settlement boundary of any Key Rural Centre or Rural Village or the site is located within a reasonable distance of local services and has safe highway access.

Hinckley and Bosworth Local Plan 2001

Policy NE5: 'Development in the Countryside' states that the countryside will be protected for its own sake. Planning permission will be granted provided that the development is important to the local economy and cannot be provided within or adjacent to an existing settlement and where the proposal does not have an adverse effect on the character and appearance of the landscape; is in keeping with the scale and character of existing buildings and the general surroundings, is effectively screened by landscaping and will not generate traffic likely to exceed the capacity of the highway network or impair road safety.

Policy T5: 'Highway Design and Vehicle Parking Standards' refers to the application of appropriate standards for highway design and parking targets for new developments. Leicestershire County Council's document 'Highways, Transportation and Development' provides further highway design guidance and parking targets. The policy states development that involves the creation of a new access will be subject to the highway design standards.

Other Material Policy Guidance

Designing Gypsy and Traveller Sites: Good Practice Guide, produced by the Department for Communities and Local Government is primarily intended to cover social site provision and states that there is no single, appropriate design for sites, and that it is important to ensure that sites.

a) are sustainable, safe and easy to manage and maintain
b) are of a decent standard, equitable to that which would be expected for social housing in the settled community
c) support harmonious relations between Gypsies and Travellers and the settled community.

The Guide states that it will not be possible to meet all aspects of this guidance in every respect on every site.

Local authorities and registered social landlords will need to take decisions on design on a case by case basis, taking into account local circumstances such as the size, geographical and other characteristics of the site or prospective site and the particular needs of the prospective residents and their families. In the case of small private site development there will be similarities but it should be recognised that those sites are designed to meet the individual and personal preferences of the owner and may contain elements which are not
appropriate or popular for wider application in respect of social provision. It would not therefore be appropriate to use the good practice guidance in isolation to decide whether a private application for site development should or should not be given planning permission.

The Leicestershire, Leicester and Rutland Gypsies and Travellers Accommodation Needs Assessment 2006

2016 identifies the needs for gypsy and travellers within the Borough up until 2016.

The Black and Minority Ethnic Communities Housing in the East Midlands: A Strategy for the Region, recommendation 8 states that ' It is imperative that local authorities make immediate progress in site identification to meet the needs of Gypsies and Travellers rather than relying on the development of policies through the local development framework. 'Supplementary Planning Guidance: 'New Residential Development' provides a series of standards that new residential development should achieve in respect of design, layout, impact on neighbours and amenity space. It specifically states that the appropriate density of the development will be determined by the general character of the surrounding area.

Appraisal:-

Definition of Gypsy within Circular 01/2006

"Persons of Nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their families 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 showpeople or circus people travelling together as such".

To ensure that all proposed occupants of the site meet the above definition, additional personal information on the health and educational needs of the occupants has been requested. Due to the personal nature of this information, specific details will not be included within this report. The detail provided has been considered by the County Council Gypsy Liaison Officer who has confirmed that the proposed occupants do fall within the above definition.

Therefore the issues for consideration are whether the needs of the gypsy families and the development satisfies the criteria of adopted Core Strategy Policy 18, the

principle of development, effect on the countryside, neighbour issues, highway safety and other issues.

Principle and Policy Considerations

The site proposed is situated within the open countryside. Accordingly a proposal for further development within this area would normally be contrary to policy NE5 of the adopted Local Plan and unacceptable in principle. However, as the application is to provide residential accommodation for persons who meet the definition of Gypsy and Travellers in Circular 01/2006, consideration must be given to the relevant provisions of 01/2006 and in particular paragraphs 47 and 48, and should also be given to the comments of the inspector in the `Good Friday Site` appeal [refAPP/K2420/C/09/2105369] when he stated that `Circular 01/2006 accepts that the location of gypsy sites in rural areas, not subject to special planning constraints, is acceptable `in principle`. It is therefore necessary to assess the impact of the development on the character and appearance of the countryside against this context`.

The draft PPS, which is currently out to consultation, contains proposals relating to sites in rural areas and the countryside and whilst it proposes that, when assessing the suitability of sites in rural settings LPAs should ensure that the scale of such sites does not dominate the nearest settled community, it nevertheless appears to continue the acceptability `in principle` of gypsy suites in rural locations. The weight to be given to this has been discussed earlier in this report.

Gypsy and Traveller Need

The Leicestershire, Leicester and Rutland Gypsies and Travellers Accommodation Needs Assessment 2006-2016 identified a need for 42 residential pitches for the period up until 2016 to be provided within the Borough. This figure has been adopted within the Core Strategy. Since the Accommodation Needs Assessment was adopted in April 2007, a total of four sites have received permanent planning permission within the Borough, two pitches at The Paddock, Higham on the Hill, one pitch at Stoke Lane, Higham on the Hill, three permanent pitches and eight transit caravans at Hydes Lane, Hinckley and one pitch at Heath Road, Bagworth (allowed on appeal). Accordingly, the approval of these pitches has reduced the Borough Council's requirements to 35 permanent pitches. Furthermore, 10 temporary pitches have been allowed on appeal at the Good Friday site at Barlestone.

The nearby Aston Firs Caravan Site, which is owned and managed by the County Council and provides accommodation for Gypsies and Travellers is currently full, with an extensive waiting list of 16 families. In addition, there are a number of families living on this site whom have grown up children who would like to start their own families with no where to move to.

Approval of the site under consideration for four families would go towards meeting the current shortfall in permanent sites.

Policy 18 of the Core Strategy seeks to permit sites for Gypsy and Travellers subject to compliance with a number of criteria;

Proximity to Settlement/Services (sustainability)

It is a requirement of policy 18 that sites are located either adjacent to existing settlements or within a 'reasonable' distance. Circular 01/2006 is also supportive of

this, stating that the acceptability of sites should be based on a number of criteria including the sustainability of the site, which includes the integration between the site and the local community, access to health and GP services, children attending school on a regular basis, and the provision of a settled base that reduces the need for long distance travelling. It goes on to state that priority should be given to locations in or near existing settlements that have access to local services.

The application site is on Stoke Lane, which is situated approximately 400m from the Post Office in Higham on the Hill, 1.7 km from Stoke Golding and approximately 4 km from both the centre of Hinckley and Nuneaton. These distances are considered to be 'reasonable' and will provide accessibility to local services and facilities as required by the policy. This was accepted in the original approval of the site for accommodation for a gypsy and traveller family (08/00891/FUL).

Scale

Another consideration is the scale of the site, and that it is acceptable in relation to the level of provision of local services and infrastructure. The application proposes to accommodate a total of four Gypsy and Traveller families. It is considered that although the level of service provision in the village of Higham is limited, due to the sites proximity to the urban areas of Hinckley and Nuneaton, the scale of site proposed is appropriate to the scale of the settlement and local services. Accordingly, its scale is considered acceptable given its proposed location.

Highway Safety

Criteria 4 of Policy 18 of the Core Strategy requires gypsy and traveller sites to have a safe highway access as well as provision for parking and servicing.

The Director of Environment and Transport (Highways) has appraised the site. The appraisal identifies various highway safety concerns; the site is situated on the outskirts of Higham on the Hill, which benefits from few services, the local highway is unlit, lacks footways and scores low from a sustainability standpoint. However it continues that the application must be considered in light of Circular 01/06 which specifically relates to Gypsy and Traveller Development. This advises that applications which only give rise to a modest increase in traffic should not be refused. However, in April 2011 the DCLG published its Draft Circular ‘Planning for Traveller Sites’. The intention of this document is to align Gypsy and Traveller planning policy more closely with that applied to other forms of housing. This is cited as currently Gypsy and Traveller sites are more likely to receive no objections in terms of highway safety due to the “modest traffic” clause in Circular 01/06.

For purposes of the current application, although the draft document can be given some limited weight, the decision for this application must be made in line with the current circular. On this basis, the Highway Authority considers that an increase from 2 to 8 caravans will have a material impact on the amount of traffic, including pedestrians using the access and Stoke Lane, and this increase can not be considered as “modest”. This said, it must be considered whether any mitigation could overcome the highway safety and sustainability objections to the proposal. The principle concern from the Highways Authority is the increased use of the access and the lack of pedestrian facilities along Stoke Road. Ordinarily this could be overcome through the provision of a footway, however due to the limited width of this stretch of road and its junction with Hinckley Road, this would not be possible in this case.

Accordingly it has been suggested by The Director of Environment and Transport (Highways) that the Public Footpaths, T47 and T48 be upgraded. These footpaths abut the southern boundary of the site and run in a south-west direction to the centre of the village, where the church, primary school, post office and bus stops are located. However, to be a valid condition, the condition should amongst other things, fairly and reasonably relate to the development and serve some useful planning purpose. The highway concerns stem from the sustainability of the site and the nature of the highway outside the site. Upgrading the footpaths would not address these concerns as it would not facilitate further use of the footpath. As part of the 2008 permission a requirement was placed upon the applicant to pay for improvements to the bus stops. This work was undertaken and the site now benefits from access by public transport to the services within Higham-on-the-Hill and Hinckley. It is considered that the suggested condition is unreasonable, further discussion has since taken place with the Local Highway Authority who has confirmed that they could not sustain a reason for refusal if the condition was not imposed.

Residential Amenity

Policy 18 of the Core Strategy suggests that sites should not cause an unacceptable nuisance to existing neighbours by virtue of noise or other disturbance caused by vehicle movements. Currently the application site accommodates one family. As the proposal will result in a total of four families, there will be increased activity on site resulting in additional noise and more vehicle movements. The closest residential properties to the site are situated on the opposite side of the road, and are: - Vale Farm, which is approximately 10m from the front boundary of the site, 23m from the nearest proposed caravan and 53m from the site entrance, and Elm Barn which is 15m from the boundary of the site and 43m from the closest proposed caravan. Whist it is accepted that there will be additional noise and disturbance; by virtue of the separation distances and the road between the site and the properties in question, these impacts are and will not have a detrimental impact on the residential amenity of surrounding properties.

Safe and Healthy Environment of Residents

Policy 18 requires the proposal to be considered in line with the design guidelines detailed in the National Guidance (Designing Gypsy & Traveller Sites, Good Practice Guide). This states that many Gypsies and Travellers express a preference for a rural location which is on the edge of or closely located to a large town or city consistent with traditional lifestyles and means of employment. This site would meet this aspiration. It goes on to say that sites should not be situated near refuse sites, industrial processes or other hazardous places, as this will have a detrimental effect on the general health and well-being of the residents and pose particular safety risks for young children. There are no known hazardous places as highlighted. The site is not exposed and not situated on contaminated land. Nor is it within an area of flood risk. It is not considered that a separate vehicular and pedestrian access can be achieved but this is not considered necessary in this case. Emergency vehicles could access the site.

The guide stipulates that essential services (mains water, electricity, drainage and sanitation) should be available. Although the provision of the above services has not been specifically identified within the application, there is the capacity to provide these services within the site. Further, if approved, a condition will be imposed requiring the submission of foul drainage details.

Design and Layout

The guide goes on to say that sites of various sizes, layouts and pitch numbers operate successfully and work best when they take account of the size of the site and the needs and demographics of the families resident on them with the safety and protection of children in mind. The site has clear demarcation of its boundaries and has a gate to the access with Stoke Road. The permanent pitches proposed on this site are for extended family members and the guide makes reference to this as a positive approach and can be advantageous in making good use of small plots of land.

When assessing the proposal against the guide criteria, with reference to size and layout of sites, it suggests that consultation with the gypsy and traveller community should be undertaken. In this case this is a private site. The design of the site affords amenity space and some degree of privacy for the individual pitches whilst providing natural surveillance. The guidance suggests that smaller permanent pitches should have sufficient space for one large trailer, an amenity building, drying space and parking for at least one vehicle and goes on to say that amenity buildings for each pitch are essential. The 6 metre separation between each pitch is met on the current plan, as advised within the policy. The proposal will require a separate site licence issued by Head of Community Services (Pollution) which will deal with this issue. The licence is an appropriate mechanism to secure satisfactory internal arrangements. No amenity building has been applied for as part of this application. Despite the recommendations within the Good Practice Guide that such facilities should be provided, this is not considered essential, and the lack of such a building would not justify refusal of the scheme.

Character of the Countryside

As discussed above, the principle of this development within the countryside, by virtue of the specific needs of the end users is considered acceptable. Notwithstanding this, Policy NE5 states that where a development is considered acceptable in principle, that the following criteria should be met:-

a) the development should not have an adverse effect on the appearance or character of the landscape
b) it is in keeping with the scale and character of the existing buildings and the general surroundings
c) where necessary, it is effectively screened by landscaping or other methods.

The site is enclosed by a close boarded fence, and whilst this offers some screening, as the site rises to the north, the proposed caravans will be visible from the south and east. The site is visually prominent within what is a predominately undeveloped rural landscape that is very much characterised by rolling fields with low hedgerows and few hedgerow trees.

The advice contained within Circular 01/2006 makes specific reference to the provision of sites within rural areas and suggests that landscape concerns and designations are not sufficient by themselves to refuse any application. Whilst this guidance is available, consideration of the requirements of the development plan must be weighted proportionally and any planning application must be determined on its own merits, and all relevant planning matters appropriately considered. In this case the impact the proposal will have on the character and appearance of the countryside is material in this determination for the reasons discussed above.

Policy 18 makes reference to the fact that Gypsy sites should be capable of sympathetic assimilation in to their surrounds and Policy NE5 states that where necessary, sites should be effectively screened by landscaping or other methods. As the caravans proposed will have a stark utilitarian urbanising impact on this rural landscape, additional landscaping along the eastern and south eastern boundary of the site is considered necessary. The intention of this will not be to completely screen the site, but to soften the appearance of the development within its rural landscape and this approach is consistent with the guidance within circular 01/2006. This will be requested by way of condition.

In addition, the need to protect the Countryside must be weighed against the need to provide additional Gypsies and Travellers Accommodation. As identified by the figures included above, there is clearly a need for additional pitches within the borough. In respect of the site in question, the County Council Gypsy Liaison Officer has confirmed who the end users of the site will be, has undertaken an assessment of their personal circumstances and confirmed that they have a specific need for the site under consideration. The end users constitute family members of the existing residents of the site, including the elderly, disabled parents of the applicant and young nieces and nephews. It is also confirmed that the children attend school and have achieved 'Good Attendance' awards. There is no evidence to dispute this.

On balance, it is considered that the need for the pitches provided by this site, in this rural location, is justified, and the development can, with mitigation, be assimilated within its setting and thus will not have a detrimental impact on the character of the countryside or in terms of visual amenity.

Conservation Area

The Conservation Area abuts the southern boundary of the site, with the nearest caravan being 34 metres from the boundary. The land which abuts the Conservation Area boundary comprises an area of grassed amenity land. The land within the Conservation Area, which abuts the site comprises an moan and maintained landscaping area in conjunction with 117 Main Street Higham. An extensive landscaped boundary runs along the Conservation Area boundary. Accordingly the adjoining areas of land are considered compatible in terms of their land use and character, and a neutral position will be maintained. Accordingly the character of the Conservation Area is considered preserved.

Other Considerations

Objector Concerns

Issues which have not been addressed within the main body of the report will now be considered.

Concern has been raised that there is an over-concentration of travellers in the Higham Area. There is a requirement within Hinckley and Bosworth borough to provide 42 residential pitches for the period up until 2016 within the Borough. In the absence of available allocated sites, any application must be determined on its merits. For the reasons set out in this report this proposal is considered to satisfy the point within Policy 18 of the adopted Core Strategy.

Comments have been received in respect of conditions on previous applications not being complied with. Whilst this is not a consideration of this application, it has been

confirmed by the Councils Planning Enforcement officer that there are no outstanding enforcement issues on the site.

It has been suggested that planning policies are more favourable towards Gypsies. In respect of this, gypsies and travellers have specific national and local policies which relate to their social group, based upon their unique cultural practices and way of life. Accordingly, applications for Gypsies and Traveller sites are considered against these specific policies. The decision could be considered unlawful if it was not fully assessed against these policies.

Concern has been raised that the application will have a detrimental impact on local wildlife. The Directorate of Chief Executive, LCC Ecology have raised no objections to the application and thus it is considered that there will be no material impacts on local wildlife.

Concerns have been raised that the site will have an adverse impact on the Green Belt. There is no Green Belt land within the Borough of Hinckley and Bosworth. Green Belt is a specific national and local designation with its own set of policies.

Concern has been raised that the proposal will be detrimental to the nearby B&B and aims to boost tourism in area. Impacts on neighbours have been considered in the main body of the report. There is no evidence to suggest that the development will have any adverse impact on tourism in the area.

It has been stated that Brownfield sites should be considered before greenfield sites. As this application proposes an extension to an existing site, the development is on already developed land.

Concerns have been raised that the site if approved will continue to grow. If approved it is recommended that a condition be placed on the application to restrict the number of pitches/caravans. Further, due to the size of the site and the number of pitches proposed, it would be difficult for the site to increase in size and comply with the relevant legislation.

There are concerns that there is insufficient space on the site for associated vehicles to park. The number of vehicles that each caravan can have has been restricted to one by way of condition.

There are concerns that the additional hard standing will urbanise the site. In response to this, the additional hard standing proposed is of a minimal scale and when viewed in relation to the existing extensive area of hard standing. Accordingly it is not considered that the additional area proposed will materially alter the character of the existing site to a detrimental level that would justify refusal of the scheme.

Concerns have been raised stating that the old cart hovel (barn) cannot be made habitable without major construction works and planning permission for this should not be considered without detailed plans. The building in question is to be used to provide ancillary accommodation, internal changes have already taken place as the building has been used in association with the already approved use of the site as a Gypsy and Traveller site for one family. To clarify, the application does not propose any external changes to the building and the plans submitted are for illustrative purposes only, to indicate the facilities it provides.

Issues raised within Marrons letter one (not previously addressed within the report):-

The lawfulness of the existing stable block has been queried. The building is mentioned within the Planning Statement as being an amenity building is association with the development, however inadequate details have been provided in respect of the proposed use of the building and the applicant has chosen to omit the proposed use of this building from the current application. Accordingly, it does not form part of the application and therefore points raised in respect of it will not be appraised or discussed within this report. Issues raised in respect of this building will be investigated.

It has been identified that the plans submitted are not to scale and consequently that the application is invalid and the scheme can not be properly considered. This issue has been investigated. The submitted plans are to scale, the scale was not however visible on the plans displayed on the Councils public access site. Accordingly the plan referred to has been re-scanned and the scale is now visible.

It has been stated that the application should have been accompanied by an ecology survey. As the stable building does not form part of the site, there is no requirement for an ecology survey to be conducted for this. A survey for Great Crested Newts has, however, now been submitted.

As mentioned previously within the report, the application site does not fall within the Conservation Area, and there will be no material impact as a result of the application on the character and appearance of the Conservation Area.

There is no requirement for a lighting assessment to be submitted with the application. This is based on the fact that the current application includes no lighting proposals.

No structural survey is required for the conversion of the stable building as it does not form part of the application.

It has been stated that no details have been submitted in respect of the location or the capacity of the package sewage treatment plant or for the location or capacity of the soakaway. This matter is subject to further investigation with consultees and will be reported as a late item.

It has been suggested that a tree survey would be required as there are trees on, and adjacent to the site. The Council are of the opinion that the vegetation on site to be removed is a hedgerow, rather than trees, and there is considered to be no justification to require a tree survey in respect of these works. There are trees on land surrounding the site; however the development proposed is not considered to have any material impacts on these.
The objection has made reference to the figures for Gypsy and Traveller sites included in the East Midlands Regional Plan, which inform figures within the Core Strategy. The Core Strategy is an adopted development plan document and there are no alternative figures in respect of Gypsy and Traveller pitches which are material planning considerations.

For clarification, the site is to be provided for extended family members of the applicant and will be a private site. A condition is to be imposed restricting occupancy of the site in accordance with the need justified within this application. The provision of any Gypsy site, whether restricted or not, contribute towards the Gypsy and Traveller figures adopted within the Core Strategy.

It has been stated that the site does not comply with various requirements outlined within the Good Practice Guide: Designing Gypsy Traveller Sites. This is a guidance document and does not constitute and adopted development plan document.

Issues raised within the Marrons letter two (not previously addressed within the report):-

Concerns have been raised that the distance between the proposed caravans is not in accordance with the Good Practice Guide: Designing Gypsy Traveller Sites. This is discussed above. Notwithstanding this however, the distance between the groups of caravans (pitches) is either 6 metres or over. Accordingly the site will be developed in accordance with the guidance contained within the Good Practice Guide.

It has been suggested that the submitted Ecology Survey fails to assess the potential impact of the proposed development on protected species. In respect of this, the sites suitability as a habitat for Great Crested Newts was assessed as was the nearest pond, 50 metres from the site. The Directorate of Chief Executive, LCC Ecology has confirmed that the survey method is appropriate, its timing is acceptable and has stated that there will be no adverse impacts on any protected species. This said, the applicant's attention will be drawn to the recommendations in the mitigation/recommendations section of the report regarding nesting birds.

It has been stated that a bat and barn owl survey is required for the existing brick outbuilding. The building referred to does not form part of the current application and therefore no survey for the above is required.

Conclusion

On balance based on the identified need for the site, which has been confirmed by the County Councils Gypsy Liaison Officer and the requirement to provide Gypsy & Traveller Sites as identified within Policy 18 of the Core Strategy and Circular 01/2006, the 'need' for the site in question is considered to be justified. The condition suggested by the Local Highway Authority, which requires upgrading of the adjacent footpaths, for the reasons outlined above is not considered reasonable, and it has been confirmed that this condition is not considered essential to make the development acceptable. Accordingly there are no highway grounds to justify refusal of the application. Finally, the scheme is not considered to have any adverse impacts in terms of residential amenity and there are considered to be no material impacts on the character of the countryside. Therefore the proposal is compliant with both national and local policy and the change of use of the site to provide Gypsy /Traveller accommodation is considered acceptable.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan and Circular 01/2006. Based on the confirmed, specific need for the site, and the requirement to provide Gypsy & Traveller Sites as identified within Policy 18 of the Core Strategy and Circular 1/2006, the 'need' for the site in question is considered to be justified and thus overrides the need to protect the countryside from further

development. Therefore in principal, the development is considered acceptable. Further, the proposal will not have a detrimental impact upon residential amenity or highway safety and is considered to meet the criteria of Policy 18 of the Core Strategy and be acceptable in terms of all other material considerations. The proposal goes some way to meet an established need for transit and permanent provision within the Borough and is in line with the aims of Circular 01/2006.

Hinckley and Bosworth Borough Council Local Development Framework: Core Strategy (2009):- Policy 18.
Hinckley and Bosworth Borough Council Local Plan (2001):- Policies NE5, T5, and BE1.

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

2 No additional caravans and/or mobile homes, as defined by the Caravan Sites and Control of development Act 1960 and the Caravan Sites Act 1968, other than those approved by this permission, whether for storage or human habitation shall be placed onto the land whether for temporary or permanent purpose without the prior written approval of the Local Planning Authority.

3 There shall be no trade or business use carried out on the caravan site hereby permitted, in particular no trading in breaking of or similar operation to scrap metal, timber, motor vehicles or other waste materials.

4 The occupation of the site hereby permitted shall be carried on only by Mr John Price, his parents, his sibling and their resident dependants. When the land ceases to be occupied by those named 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.

5 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site location plan (drawing number P092005.2.) and Site Layout received 26 October 2011.

6 No vehicle over 3.5 tonnes shall be stationed, parked, or stored on this site.

7 No development shall take place until details of soft landscape works along the eastern and south eastern boundary of the site have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:-

a) car parking layouts
b) planting plans
c) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
d) implementation programme.

8 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously

diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

9 Before any development commences, a representative sample of the hardsurfacing to be used shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

Reasons:-

1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2 For the avoidance of doubt and in the interests of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

3 To protect the character and appearance of the countryside to accord with policies BE1 and NE5 of the adopted Hinckley and Bosworth Local Plan.

4 It is only because of the personal justification supplied in respect of the needs of the proposed occupants of the site, who fall within the definition of gypsies and travellers and the guidance contained in circular 01/2006, that the planning permission has been granted for this use.

5 For the avoidance of doubt and in the interests of proper planning.

6 To prevent unnecessary vehicle storage, to the detriment of visual amenity and the character and appearance of the countryside and the intentions of Policy NE5 of the Adopted Hinckley and Bosworth Local Plan.

7 In the interests of visual amenity and the character of the area, in accordance with Policies BE1 and NE5 of the adopted Hinckley and Bosworth Local Plan.

8 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policies BE1 and NE5 of the adopted Hinckley & Bosworth Local Plan.

9 In the interests of visual amenity in accordance with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force

on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

Contact Officer:- Eleanor Shaw Ext 5680