HINCKLEY AND BOSWORTH BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL UNDER SECTION 78

Hinckley & Bosworth Borough Council

APPEAL BY C PRICE AGAINST THE REFUSAL OF PLANNING PERMISSION FOR A TRAVELLERS SITE FOR TWO PITCHES AND THE ERECTION OF A TOILET /LAUNDRY ROOM AT LAND ADJ. TO HISSAR HOUSE FARM, LEICESTER ROAD, HINCKLEY, LEICESTERSHIRE

HBBC REFERENCE 11/00377/FUL

THE PLANNING INSPECTORATE REFERENCE APP/K2420/A/11/2161662/NWF

STATEMENT BY ELEANOR SHAW BSC (HONS) MASP (DISS)

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1.0 Introduction

1.1 This statement is a written submission in support of the decision by Hinckley and Bosworth Borough Council to refuse full planning permission for a traveller's site for two pitches and the erection of a toilet/laundry room on land adj. to Hissar House Farm, Leicester Road, Hinckley (LPA Planning Application reference number 11/00377/FUL). This statement should be read in conjunction with the information previously supplied as attachments to the Appeal Questionnaire.

1.2 The proposal is for the creation of two pitches and the erection of an amenity block for families that fall under the definition of a Gypsy for the purposes of Circular 01/2006:- Planning for Gypsy and Traveller Caravan Sites. The pitches will be sited fairly centrally within the site and will be set back 23 metres from the highway. They will each have a footprint measuring 7 metres x 12 metres. The amenity block will be situated in the north eastern corner of the site. This will comprise a pitched roofed brick building having a footprint of 3.5 metres x 1.2 metres. Additional planting is proposed to screen and define the site.

2.0 The Appeal Site

2.1 The site is situated within the Green Wedge as identified on the Proposals Map of the Adopted Hinckley and Bosworth Local Plan (2001).

2.2 The site is located on the eastern side of Leicester Road on the outskirts of Hinckley, opposite the Rugby Club. The site is 1.25 hectares and currently comprises part of a larger 7 acre agricultural field also owned by the applicant. The site has a shared access with the adjacent smallholding to the south. The site is bound to the road frontage by dense native hedgerow. Further north east is Hissar House Farm, with agricultural land bounding the site to the remaining elevations.

3.0 Planning History

3.1 The application site has been subject to an earlier application (not the subject of this appeal) for a traveller's site for two mobile homes and two transit caravans and erection of a toilet / laundry room. This application was withdrawn.

4 Central Government Guidance

4.1 Planning Policy Statement 1 (PPS1): 'Delivering Sustainable Development' refers to the delivery of sustainable development through the planning system. It advises that planning policies should protect and enhance the environment, promote high quality design and reinforce local distinctiveness.

4.2 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.

4.3 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.

4.4 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

d) reflect the status of Gypsy and Traveller accommodation as a part of wider housing provision

e) 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

f) 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

g) 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

h) ensure that Development Plan Documents include fair, realistic and inclusive policies to ensure identified need is dealt with fairly and effectively

i) 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.

5.0 East Midlands Regional Plan 2009

5.1 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.

5.2 Paragraph 4.2.18 refers to the Green Wedge and suggests that Green Wedges serve as useful strategic planning functions, in preventing the merging of settlements, guide development form, provide a 'green lung' in urban areas and act as a recreational resource. It states that provision should be made in Green Wedges for the retention or creation of green infrastructure and green links between urban open spaces and the countryside, and for the retention and enhancement of public access facilities, particularly for recreation.

6.0 Development Plan Policies

6.1 The Development Plan policies referred to for the purposes of the application were those provided with the questionnaire, these include:

6.2 Hinckley and Bosworth Borough Council Local Development Framework Core Strategy (adopted December 2009)

6.3 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.

6.4 Policy 6: Hinckley/Barwell/Earl Shilton/Burbage Green Wedge states that the within the Green Wedge, uses will be encouraged that provide appropriate recreational facilities within easy reach of urban residents and promote the positive management of land, to ensure that the Green Wedge remains or is enhanced as an attractive contribution to the quality of life of nearby urban residents. It lists the land uses acceptable in the Green Wedge, which are not considered damaging to its function. These include:-

(a) Agriculture, including allotments and horticulture not accompanied by retail development

(b) Recreation

(c) Forestry

(d) Footpaths, bridleways and cycleways

(e) Burial grounds

(f) Use for nature conservation

6.5 The policy goes on that any land use or associated development in the Green Wedge should:

(a) Retain the function of the Green Wedge

(b) Retain and create green networks between the countryside and open spaces within the urban areas

(c) Retain and enhance public access to the Green Wedge, especially for recreation and

(d) Should retain the visual appearance of the area.

6.6 Policy 20: Green Infrastructure, Hinckley/ Earl Shilton/Burbage Green Wedge seeks to maintain the green wedge between Hinckley and Barwell as it plays an important environmental and landscape protection role. It also looks to develop it into a large scale recreational asset to service the Sustainable Urban Extensions and residents living in North Hinckley.

6.7 Hinckley and Bosworth Local Plan (adopted February 2001) saved policies:-

6.8 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.

6.9 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.

7.0 Other Material Policy Guidance

7.1 Designing Gypsy and Traveller Sites: Good Practice Guide 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.

7.2 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.

7.3 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.

7.4 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.

8.0 The Case for the Local Planning Authority

8.1 On the basis of the reasons set out below, the Council contends that planning permission should be refused.

8.2 Reason for Refusal:

8.3 In the opinion of the Local Planning Authority, the identified need of the proposed end users of the site is not considered to override the need to retain the functional requirements and visual appearance of the Green Wedge. Therefore the proposal represents an unwarranted and unacceptable intrusion of development in the Green Wedge and countryside and is contrary to policies NE5 and RES5 of the adopted Hinckley and Bosworth Local Plan and Policy 6 and Policy 18 of the adopted Core Strategy.

8.4 Whilst policy NE5 (Development within the Countryside) has been referred to within the reason for refusal, as the site is also situated within the Green Wedge, which provides a higher level of protection than policy NE5, policy NE5 will not be specifically appraised in respect of the development under consideration.

8.5 The Green Wedge comprises a structurally important area of open land in-between settlements. This land maintains the physical separation between communities and helps protect their individual identities. It guides development form and also provides easy access from the urban areas into green spaces, contributing towards the quality of life of the residents in these areas. In this case the Green Wedge ensures the separation between three settlements, Hinckley, Barwell and Earl Shilton. Green Wedges also contribute towards the green infrastructure within the borough, which have ecological and biodiversity attributes.

8.6 The proposed development of the site, through the siting of two mobile homes and an amenity building, the creation of areas of hard-standing; to provide for two Gypsy and Traveller pitches along with the ancillary highway and parking works, will result in visual clutter and an unwarranted and incongruous form of development within this otherwise undeveloped plot of Green Wedge land. The design, material and construction of mobile

homes is simplistic and functional and this, along with their regimented siting will result in a utilitarian feel. By virtue of their design, material and siting, the development will not be capable of sympathetic assimilation within their surrounds, and thus, will be contrary to the intentions of Policy 18 of the Core Strategy. In addition the associated development, including the necessary highway works, the additional hardstanding and the installation of basic services will urbanise the character of the rolling landscape to a detrimental level. Thus visually, the rural appearance of the Green Wedge will be harmed.

8.7 Through the development of this land, one of the functions of the green wedge; to provide an area of separation between settlements will be undermined. Although the scale of physical development is relatively minor, the application site comprises a total area of 0.6 acres and the total landholding of the applicant extends to 7 acres. Accordingly, there is the possibility that the associated works and belongings of the residents will extend over the site. Thus the undeveloped nature of the green wedge will be degraded, and, not only its function as an area of separation, but also its amenity and ecological functions will be weakened.

8.8 Although the applicants fall within the definition of Gypsy for the purposes of Circular 01/2006 and there is an identified local need for the provision of both temporary and permanent Gypsy and Traveller pitches, as identified within The Leicestershire, Leicester and Rutland Gypsies and Travellers Accommodation Needs Assessment 2006-2016. The contribution that the specific site in question will make to fulfil this need is considered negligible and is not, on balance considered to override the need to protect the visual appearance and functional purpose of the Green Wedge in this case.

8.9 Policy 6 does accept that some forms of development are acceptable in principle in the Green Wedge, however these are predominantly confined to those uses which would have a positive effect on the rural economy, such as those associated with rural land uses, recreation, or tourism. As the proposed development does not fall within any of the above classifications, it is contrary to the intentions of this policy and thus there is a principal policy objection to the development proposed.

8.10 Based on the above discussion, the need to provide Gypsy and Traveller accommodation is not considered to override the need to protect the functional purpose and visual appearance of the green wedge and open countryside. The development proposed, and the ancillary development and works, by virtue of their siting, utilitarian appearance, materials and purpose is not considered acceptable within this location and is contrary to the intentions of policies 6 and 18 of the Core Strategy.

9.0 Comments on Appellant's Grounds of Appeal

9.1 In response to the appellants grounds of appeal, point 2, appeal K2420/A/10/ 2142660 (land adj. To Hinckley Golf Club Leicester Road Hinckley) is referred to. This appeal allowed a development for up to 250 new homes within the Borough's Green Wedge. Although this decision may provide some guidance, each proposal is unique and has to be considered on its specific merits.

9.2 This decision was justified as acceptable on two grounds (which can be related to the development under consideration). One related to the shortfall in the Borough's 5 year housing land supply; by virtue of the number of units proposed by this development, the scheme was considered to contribute significantly to the 5 year housing land supply and thus the associated benefits were considered paramount. Similarly, in relation to this appeal, although the Borough has a shortfall in Gypsy and Traveller pitch provision, the scale of development proposed by this scheme is comparatively minor, and thus in this case, the harm caused to the undeveloped character of this area of Green Wedge is considered to override the need for the development and its minimal contribution to the Boroughs shortfall in pitch provision.

9.3 Secondly, the parcel of Green Wedge Land to be developed by the referenced scheme was materially different in its characteristics to that under consideration. This parcel of land was immediately adjacent to the settlement boundary of Hinckley and was bound by development on each side. Further, on the opposite side of Leicester Road, residential development extended for the majority of the frontage of the proposed site, and to the east of the site is Hinckley Golf Club, which forms a large defensible boundary. For these reasons the functions of the Green Wedge; to guide development form and to provide an area of separation between settlements were not considered to be compromised to a material level by the development proposed. The site under consideration by this appeal is situated in a far less developed area, a greater distance from the settlement boundary and is surrounded by open countryside.

9.4 As discussed above, the development proposed is considered to undermine the functions of the Green Wedge. The Local Planning Authority do not consider the two schemes similar, and thus the appeal decision referenced is not considered to provide justification for the appeal site in question.

9.5 In response to point 3 of the appellants grounds of appeal, reference is made to the fact that certain developments are allowed (by Local Policy) within the Green Wedge, including major development for public recreation which could lead to significant impacts

on the Green Wedge from buildings, parking and stadia. In response to this, Policy 6 does include certain types of development which would be acceptable in principle in the Green Wedge, however their acceptability would be dependant upon their specific detail, and on them not materially compromising the functions of the Green Wedge.

10.0 Conclusion

10.1 The proposed development of the site, through the siting of two mobile homes and an amenity building, the creation of areas of hard-standing; to provide for two Gypsy and Traveller pitches along with the ancillary highway and parking works, will result in visual clutter and an unwarranted and incongruous form of development within this otherwise undeveloped plot of Green Wedge land. This is considered to compromise the functions of the Green Wedge and be contrary to the intentions of Policies 6 and 18 of the adopted Core Strategy.

10.2 With regard to the information contained in this statement and that submitted with the Appeal Questionnaire, Hinckley and Bosworth Borough Council respectfully requests that the appeal be dismissed. However if the Inspector is minded not to do so, the Local Planning Authority requests that the conditions submitted with the appeal questionnaire be imposed.