COMMITTEE EXTRACT

Committee Date:

Reference:- **Parish:-**

Applicant:-

Location:-

Proposal:-

Introduction:-

This is a full application for the creation of 10 permanent residential pitches each capable of accommodating 2 caravans and an amenity building at land to the north of Bagworth Road Nailstone. A new hedgerow to the north side of the site is proposed along with some landscaping adjacent to the access point. The site will provide accommodation for 10 families that fall under the definition of a Gypsy for the purposes of Circular 01/2006 Planning For Gypsy And Traveller Caravan Sites.

The development subject to this application has already been carried our and is partially complete, with the exception of the siting of a number of caravans and the construction of the amenity buildings.

The site covers approximately 0.32 hectares and accessed from an existing field access from Garland Lane. Modifications have taken place to this access to allow vehicles to pass clear of the highway. The site is well screened by a mature hedgerow running parallel to Garland Lane to the south and by a number of mature trees to the northeast. The site is clearly visible from Barlestone Road to the east and from the higher section on Bagworth Road to the west.

The application contains a statement providing details of the families that are to occupy the plots and provides some detail in respect of the families needs for permanent accommodation. The Design and Access Statement confirms details in respect of the access and sustainability of the site and concludes that the proposal fully accords with Local Plan policy RES13 and would contribute to the unmet need for Gypsy sites within the Borough.

The site subject to this application was previously used for the siting of a timber stable building, however this burnt down some time ago and as such the sue of the site for the stabling of horses has ceased.

History:-

07/00604/FUL	Erection of Six Stables and Tack Room	Approved	30.07.07

Consultations:-

No objection has been received from:

- The Environment Agency
- Streetscene Services

No objection subject to conditions have been received from

-

The Director of Highways, Transportation and Waste Management (Highways) objects to the proposal as it results in the in a large scale intensification in vehicular use of an existing field access taken from an unlit section of Class II road in a location remote from main development where traffic speeds are generally high. Addiattionally, an increase in turning traffic onto or off the B585 at this location would not be in the best interests of Highway safety. The proposal is contrary to the Highway Authority's access to road network and development control policies.

Site notice and Press notice were displayed and neighbours notified.

At the time of writing the report comments have not been received from:

- Director of Community Services (Archaeology)
- Director of Community Services (Ecology)
- The Director of Property Services (Leicestershire County Council Gypsy Liaison Officer) confirms
- National Forest Company
- Parish Council (Nailstone/Barlestone/Bagworth and Thornton)
- The Borough Council's Arboricultural Consultant *(John Vernon)*
- Head of Community Services (Pollution)
- Head of Community Services (Land Drainage)
-

Development Plan Policies:-

National Planning Guidance

Circular 01/2006 - Planning for Gypsy and Traveller Sites replaces Circular 1/94.

Its main intentions are:

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

- To recognise, protect and facilitate the traditional lifestyle of Gypsies and Travellers;

- To identify and make provision for the resultant land and accommodation requirements;

- To help or avoid Gypsies and Travellers becoming unintentionally homeless;

- To reflect the status of Gypsy and Traveller accommodation as a part of wider housing provision;

- To 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;

- To 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;

- To 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;

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

- To 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.

Development Plan Policy

The site lies within the countryside where policy NE5 of the Local Plan seeks to protect the countryside for its own sake and any development having a significant adverse effect on the appearance or character of the landscape will not normally be appropriate.

Policy T5 of the Local Plan relates to highway design and vehicle parking standards. The policy states development that involves the creation of a new access will be subject to the highway design standards.

Policy RES13 of the Local Plan states that as an exception to the countryside restraint policies, gypsy caravan sites may be acceptable forms of development provided all the criteria contained in the policy are satisfied. These are:

a) It is located within a reasonable distance of local services and facilities, eg. Shops, hospital and schools.
b) It would not have an adverse effect on the amenities of neighbours.
c) It would not have an adverse effect on the character and appearance of the countryside.
d) It has an acceptable vehicular access and provision for parking and servicing.
e) It incorporates an substantial peripheral landscaping, and
f) It does not conflict with any other polices of the local plan.

Appraisal:-

Given that the proposal is for a residential site for Gypsy families, in accordance with the Circular definition as confirmed by The Director of Property Services (Leicestershire County Council Gypsy Liaison Officer), the issues for consideration are whether the criteria of Policy RES13 of the Adopted Hinckley and Bosworth Local Plan are satisfied. Each criterion will be considered separately.

Criteria A
Whilst being located outside of any settlement, the site is located within reasonable distance from a number of settlements that offer a mixed degree of choice of services for the customer. The settlements of Bagworth, Barlestone and Nailstone are not more than a couple of miles away from the site and the larger centres of Ibstock and Coalville are within easy travelling distance. The site does not benefit from being located on a bus route but routes do pass through all of the above-mentioned settlements. On balance, and given consideration to the nature of the proposal and the desires of gypsy families to not be sited within existing communities, the location of this site is considered acceptable.

Criteria B
Due to this sites rural location, there are no other properties close by. The nearest neighbouring dwellings are located at the Costalot site further east along Bagworth Road. Due to the degree of separation between this site and Costalot there is not considered to be any material issues in respect of neighbouring amenity.

Criteria C Landscape Character Assessment?
The site is located within a rural landscape where the land levels change quickly, rising and falling frequently. The application site has been levelled through the importation of material to provide a level site for the caravan pitches, resulting in the creation of an embankment to the northeast side of approximately 2 metres higher than the original field level. This banked up area then falls away further to the stream at the bottom of valley.

The site whilst being well screened from Bagworth Road by the mature roadside hedgerow, is somewhat open on all other sides, particularly from the north where due to the shape of the landscape, views are available down the valley toward the application site.

When viewed from Wood Lane to the north, 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 caravans on the site are easily visible from some distance and by way of their light coloration and angular form are visually dominant within this landscape. To further exacerbate the sites prominence, by way if its position on the falling valley side the site is somewhat framed from the north by the hill on the outskirts of Bagworth and visually prominent spoil heap and the rising landscape to the west towards Nailstone and Barlestone.

The site is located within close proximity to Costalot which is prominent within the landscape, however because of the tight knit characteristic of Costalot and the number of pitched roof buildings, when viewed from some distance does appear more as a settlement or group of buildings that would not be uncommon in the rural landscape. The proposal subject to this application is by way of its size and layout much more spacious

which will not appear as a tight knit collection of buildings and will have an harmful effect on the character and appearance of the rural landscape.

The advice contained within Circular 01/2006 does make specific reference to the provision of sites within rural areas and suggests that landscape concerns and designations are not alone sufficient to refuse any application. Whilst this guidance is available and a useful tool in considering such an application, 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.

Criteria D
Whilst this criteria refers to highway matters in relation to gypsy sites, Policy RES13 is supported by the overarching highway safety policy within the local plan is Policy T5, which conforms that the local planning authority will apply the design standards set out in the current edition of Leicestershire County Council's Highways Requirements for Development. This document has been subsequently updated and now referred to Highways Transportation and Development (HTD). For the avoidance of any doubt the relationship of HTD to Policy T5 and the applicable content of HTD have been subject to a recent appeal decision relating to a gypsy site at Lodge Farm, here the inspector agreed that HTD was applicable to the proposal and that the document should be read as a whole as its content is cross referenced throughout. Accordingly, the policy and design guidance content of HTD is a material consideration in the determination of an application of this type.

The culmination of the requirements of both polices, is that all new development results in a satisfactory highway safety arrangement, in the interests of all users of the public highway. It should be noted that Circular 01/2006 contains no direct highway safety advice and as such provisions of the development plan and other materials considerations prevail in this respect.

The Highway Authority in their consultation response has confirmed that the proposal is unacceptable for the following reason and as a statutory consultee; the Highway Authority's comments carry significant weight in the determination of any planning application:

> *The proposal, if permitted, would result in a large-scale intensification in vehicular use of an existing field access taken from an unlit section of Class II road in a location remote from main development where traffic speeds are generally high. An increase in turning traffic onto or off the B585 at this location would not be in the best interests of Highway safety. The proposal is contrary to the Highway Authority's access to road network and development control policies.*

In considering the proposal against these policy requirements, the policy and design guidance contained within HTD, the merits of the application and the Highway Authorities consultation response, it is evident that an unsatisfactory highway arrangement would be created.

The application is not accompanied by any detailed overriding justification on highway matters nor or any highway improvement works or mitigation measures proposed. The application fails to demonstrate over and above the requirements of the development plan polices that the development would not result in an unsatisfactory highway arrangement.

Both Policy RES13 and Policy T5 seek to achieve developments that have good quality access and parking arrangements that will not result in a detriment to highway safety and in this case it is evident that the proposal will not result in such an arrangement.

In further support of this case, the Council was successful in defending an appeal at Lodge Farm for a gypsy site for 5 families where the inspector agreed that the proposal by nature of the highway safety case presented resulted in an unsatisfactory highway safety arrangement. Whilst not directly comparable in terms of the physical arrangements proposed, the issues in respect of the rural location, road classification, vehicle speed and access to the highway network were similar and fully supported in the decision.

Criteria E
The proposal does include the provision of a new hedgerow to the north edge of the site and a small amount of landscaping within the site. However, due to the degree by which the site has been levelled, would mean that a hedgerow of at least 4 metres in height would be necessary to provide any kind of screening for the site and the caravans sited within it. Whilst this landscaping is welcomed, it is not considered sufficient to screen

or help assimilate the development into the rural landscape and therefore does not overcome the issues in respect on criteria C.

Criteria F
By the nature of Policy RES13 being an exception policy to the local plan's overarching countryside protection Policy NE5 and the fact that the proposal is not considered to satisfy the requirements of Policy RES13, there is conflict with the requirements of Policy NE5 and also T5 of the Adopted Hinckley and Bosworth Local Plan as discussed above.

Other Matters
Whilst a number of caravans have been sited on the site, it is unclear from site inspections if these are currently being occupied as residential accommodation. Whilst the occupation is not material in the determination of this application, the Human Rights of any occupiers is a material consideration in the determination of any planning application.

RECCOMENDATION

Refuse

1. The proposal results in a large scale intensification in vehicular use of an existing field access taken from Garland Lane/Bagworth Road (B585), an unlit section of Class II road in a location remote from main development where traffic speeds are generally high. An increase in turning traffic onto or off the B585 at this location would not be in the best interests of Highway safety. The proposal is contrary to the Highway Authority's access to road network and development control policies and the requirements of Policies RES13 and T5 of the Adopted Hinckley and Bosworth Local Plan.

2. The site is located in a promient elevated position in the valley bottom and at the convergence of two watercourses, within a predominately undeveloped rural landscape. The site is visually prominent when viewed from Wood Lane to the north and its is the opinion of the local planning authority that for this reason the site has an adverse effect on the character and apperance of the countrsydie in this locaity, contrary to the requiremnets of criteria c) of Policy RES 13 of the Adopted Hinckley and Bosowrth Local Plan. As such the development cannot be considered as an exception to Policy NE5 and is therefore contrary to Policy NE5 of the Hinckley and Bosworth Local Plan, which seeks to protect the countryside for its own sake.

Things to check

- Site Address
- Date of site Notice
- receipt of amended plans