

# PLANNING COMMITTEE REPORT

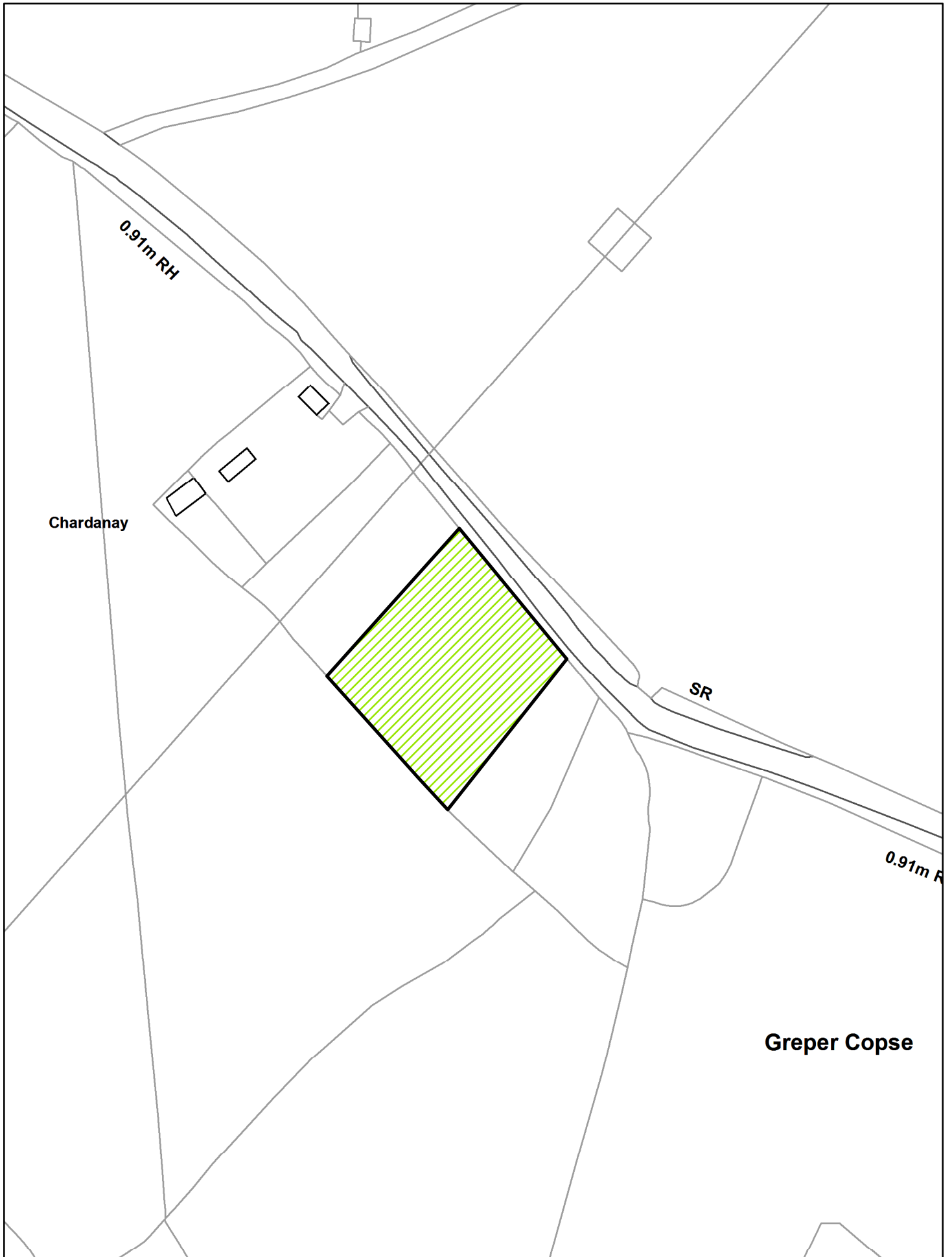
## 23 January 2018

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	WOODLAND - 17/02827/FUL - Chardonnay - Extension to existing authorised gypsy site to provide two additional pitches	
APPLICANT:	Mr M Doran	
CASE OFFICER	Nicola Turner	
WARD MEMBERS:	Councillor Colclough Councillor Smith	Ambrook
VIEW PLANNING FILE:	<a href="https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=17/02827/FUL&amp;MN">https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=17/02827/FUL&amp;MN</a>	





## 1. REASON FOR REPORT

This report is brought to Planning Committee at the request of Councillor Smith, who is concerned that this would constitute completely inappropriate and unsustainable development on a greenfield site, in open countryside, in a location with poor access to local services and amenities including education, health, welfare and employment infrastructure.

## 2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Standard three year time limit for commencement
2. Development to proceed in accordance with the approved plans
3. Occupation limited to persons of gypsy or traveller status, as defined in Annex 1 of Communities and Local Government Planning Policy for Travellers Sites August 2015
4. Height restriction 3.5 metres
5. No more than 4 caravans (2 static and 2 touring) to be stationed
6. No external storage of materials
7. New hedge to be planted along south east boundary
8. Details of any external lighting to be installed

## 3. DESCRIPTION

### Planning History of Site and Adjacent Site

- 3.1 **17/01064/FUL** – Extension to authorised gypsy site to provide two additional pitches, comprising parking, dayroom, tourer pitch and static unit – Refused by Planning Committee on 24 October 2017 contrary to Officer recommendation for the following reason:

*The proposed development would result in danger to the occupants of the proposed pitches, due to the proximity of the development to overhead power lines. This danger would significantly and demonstrably outweigh the benefits of the development when assessed against the policies in the National Planning Policy Framework taken as a whole.*

**17/01062/FUL** - Proposed additional mobile home and touring caravan pitch at authorised gypsy site – conditional approval – 16 August 2017

**10/03918/VAR** - Removal of conditions 2 and 3 of planning permission 05/01913/COU – Approved 2 February 2011

**08/04479/FUL** - Erection of dayroom/utility block – conditional approval for 8 metres by 5 metres building to provide kitchen, washroom and toilet – 29 January 2009

**05/01913/COU** – Change of use of land to a private gypsy caravan site to include the stationing of two mobile homes and two touring caravans – Approved 22 March 2006

**02/02836/COU** - Use of land as gypsy site to accommodate nine units – refused 8 August 2002

**00/02612/OUT** - Outline application for a dwelling to replace existing mobile home – refused 27 October 2000 and appeal dismissed 2 October 2001

**91/02136/COU** - Change of use of land to private gypsy caravan site for 1 family – refused 18 November 1991 - appeal allowed 1 September 1992

#### Site Description

- 3.2 The site lies outside any Settlement Limit and is within the Countryside, approximately 2.5 kilometres south east of Ashburton, 3 kilometres north west of Denbury and 650 metres north of Woodland. It comprises a rectangular piece of ground, measuring approximately 30 metres by 40 metres, which forms part of a larger field. The site is set adjacent to an existing gypsy and traveller site, which provides three pitches with a total of six caravans (3 static and 3 touring), along with a dayroom, toilet and store. This revised proposal is separated by a distance of 30 metres from the southern boundary of the existing site.
- 3.3 The land is enclosed by mature hedging along the north east (lane-side) and south west boundaries and by a combination of fencing and hedging along the north west boundary with the existing site. National Grid power lines cross above the field adjacent to this site.
- 3.4 The site is within 5km of a great crested newt record, is within a strategic bat flyway and a public footpath crosses the field to the south west.

#### Proposal

- 3.5 The application seeks to use the site to provide two gypsy and traveller pitches, each comprising a static caravan, a touring caravan and a day room. The site would be accessed via an existing field gate from the existing authorised site, which is accessed via a splayed entrance from the lane. The proposal is the same as the previous application presented to Members on 24 October 2017, other than the revised site location, which avoids the overhead wires that led to Committee's reason for refusal.

#### Supporting Information

- 3.6 The agent for the applicant provided a supporting statement with the previous application explaining that the applicants require additional accommodation for their extended family in order to provide a base in the West Country to serve their needs and that the proposed additional two pitches are required to provide accommodation for the children (and their partners/children) of the occupiers of the adjacent existing/authorised gypsy and traveller site.
- 3.7 The agent's supporting statement, which accompanies the planning application, also says:

*"The Council recognises that suitable and available sites for gypsy's use are difficult to locate and acquire and often will be extensions to family-owned sites. It is accepted, therefore, that the on-going maintenance of a five-year supply of land will*

*be difficult and that suitable opportunities to increase the supply should be taken. This is particularly relevant in the current case as the nearest gypsy site at Chipley, Bickington (A383) has recently closed with the loss of 3 pitches. The proposed development will make compensatory provision within the same local area.*

*The Council's published (draft) Affordable Housing SPD 2015 advocates that small clusters of 3 to 6 pitches can be highly successful, particularly when designed for use by one extended family group, as is the case with these proposals.*

*Part of the Council's proposals include 24 pitches at Houghton Barton, Newton Abbot and 24 pitches as part of the proposed urban extension to the South-West of Exeter. Both of these proposals are a long way from fruition.*

*The application site meets the requirement to be within 30-minute cycling distance of Denbury Primary School.*

*Occupation will be limited to members of the applicant's extended family who all fulfil the definition of travellers provided in national policy.*

*There is no business use carried out from, or proposed from, the site.*

*Although the site lies close to a Strategic Bat Flyway in the South Hams SAC, the limited scale of the development that proposes no removal of hedgerows or trees would not be detrimental to interests of nature conservation.*

*The applicant would be willing to accept conditions of approval to maintain low-level lighting although it should be pointed out that no such restriction applies to the authorised site".*

#### Principle of the development/sustainability

- 3.8 The National Planning Policy Framework (NPPF) sets out a three dimensional approach to sustainable development, balancing economic, social and environmental considerations. It also contains a presumption in favour of sustainable development.
- 3.9 The Teignbridge Local Plan follows this approach. Policy S1A reiterates the presumption in favour of sustainable development and Policy S1 sets out criteria for assessing the sustainability of development.

The principle of the development is further informed through Policy S22, which sets out the limited circumstances where development in the countryside will be supported. The policy allows for gypsy and traveller pitches, where account is taken of the following criteria:

- f) the distinctive characteristics and qualities of the Landscape Character Area;*
- g) the integrity of green infrastructure and biodiversity networks;*
- h) impact on overall travel patterns arising from the scale and type of development proposed; and,*
- i) the need to ensure that development in the countryside does not have an adverse effect on the integrity of the South Hams SAC.*

Policy WE6 of the Local Plan refers specifically to homes for the travelling community. It seeks provision of at least 70 pitches for gypsies and travellers from 2013-2033 and permits additional gypsy and traveller pitches, or travelling show people plots in the open countryside, subject to the following criteria:

- a) *in the case of Gypsy and Traveller pitches, there is not a five year supply of permitted or allocated pitches;*
- b) *in the case of Travelling Showpeople plots, there is a proven need;*
- c) *the proposed site is within approximately 30 minutes travel by means of public transport, walking or cycling of a primary school. Exceptions should be clearly justified;*
- d) *occupation is limited to those meeting the definition of Gypsies and Travellers and Travelling Showpeople in the relevant national planning policy;*
- e) *any business use proposed within the development does not exceed 50% of the developed area of the site, excluding storage requirements of travelling showpeople; and,*
- f) *it can be demonstrated that the site is in a location that will not affect the integrity of the South Hams SAC.*

3.10 With regard to Policy WE6, the site lies within a 30 minutes cycle journey from Ashburton, which provides a good level of services, facilities, education and employment opportunities and within a 30 minutes cycle journey from Denbury, which has a primary school. The proposed pitches would be occupied by persons meeting the definition of Gypsies and Travellers and no business use is proposed to be carried out from the site. The proposed enlargement of the site for the accommodation of the extended family of gypsies/travellers would not result in harm to the South Hams SAC, subject to the creation of a new hedge along the south east boundary.

3.11 The proposed development would not comply with criterion (a) as the Council has a 5 year supply of gypsy and traveller sites. However, it is notoriously difficult to find suitable sites for the gypsy and traveller community. The adjacent site has been established for approximately 25 years and the proposed extension of the existing site is considered to be an appropriate way of providing two additional pitches in a sustainable location. The additional sites would provide accommodation for family members of the occupiers of the adjacent site. Furthermore, as the figures provided by the Spatial Planning and Delivery team show, the recent creation of 3 sites since April 2017 has taken the Council's supply of sites from 4.4 years to over 5 years. Conversely, should there be a loss of a small number of existing sites, the Council would fall below the target 5 years supply.

3.12 Therefore, whilst the proposed development does not strictly comply with Policy WE6, due to the Council's current 5 year supply of gypsy and traveller pitches, weight is attached to the benefits of providing two additional pitches in this relatively accessible location, adjacent to an existing site, which is occupied by family members.

#### Impact upon the character and visual amenity of the area/open countryside

3.13 With regard to environmental considerations and, in addition to criterion f) of Policy S22, Policy EN2A seeks to ensure that development conserves and enhances the

qualities, character and distinctiveness of the area and protects features that contribute to local character.

- 3.14 The proposed extension to the existing site would be screened from views along the lane by existing mature hedging and trees and from views to the north west by the adjacent existing gypsy and traveller site and its hedging enclosure. There is hedging along the south west boundary of the site and a condition is attached (in the interests of ecology) to create a new hedged boundary along the south east. Therefore, views of the site would be extremely limited and would be restricted to views from part of the public footpath that crosses the adjacent field.
- 3.15 The qualities, character and distinctiveness of the area would be conserved and the development would not affect any features that contribute to local character and the proposal would comply with Policies S22 and EN4.

Impact on residential amenity of the occupiers of surrounding properties

- 3.16 The nearest residential properties are situated approximately 300 metres from the site and there are no impacts upon residential amenity of any nearby properties.

Impact on ecology/biodiversity

- 3.17 The site lies within a strategic flyway area used by bats and would involve the loss of a small area of pasture and therefore foraging area for the bats and has the potential to increase light levels, which may adversely affect the movement of greater horseshoe bats. However, providing that lighting levels are controlled and that a new section of hedgebank is created to compensate for the loss of the pasture, the Council's Biodiversity Officer has no objections to the proposal, which would comply with the objectives of Policies EN8, EN9, EN10, EN11 and EN12. The agent has confirmed that the applicant would be willing to accept a restriction on lighting levels.

Impact upon setting of listed buildings and the character and appearance of the Conservation Area

- 3.18 There are no impacts on the setting of any Listed Building, the nearest being approximately 1 kilometre away. In addition, the nearest Conservation Areas lie approximately 3 km away at Ashburton and 3.5 km away at Denbury and are unaffected by the proposal.

Land drainage/flood risk

- 3.19 The site would dispose of foul drainage to an existing septic tank and surface water directed to an existing soakaway.

Highway safety

- 3.20 The County Highway Authority is satisfied with the proposal, which would use the existing vehicular access to the adjacent site as the access to the site has good visibility in both directions. The Highway Authority raises no objections to the two additional pitches.

Conclusion

- 3.21 The proposed development comprises a small extension to an existing modest gypsy and traveller site. The existing site accommodates two pitches (with a third recently granted planning permission) and the enlargement of the site would be in order to accommodate two additional pitches, each comprising a static caravan, touring caravan and dayroom, to be used by members of the family occupying the adjacent site.
- 3.22 It is accepted that it is often difficult to provide sites for members of the gypsy and travelling community and weight is given to the benefits of providing two additional pitches. The location of the existing site has been accepted to be relatively sustainable, given its relative proximity to services, education and employment, and the same must be considered of the proposed extension. In the absence of any resulting harm to the character and appearance of the landscape, heritage interests, wildlife interests, highway safety or residential amenity, on balance the proposed development is considered acceptable now that the site location has been addressed to overcome the only previous reason for refusal.

#### **4. POLICY DOCUMENTS**

##### Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S22 (Countryside)

WE6 (Homes for the Travelling Community)

EN2A (Landscape Protection and Enhancement)

EN8 (Biodiversity Protection and Enhancement)

EN9 (Important Habitats and Features)

EN10 (European Wildlife Sites)

EN11 (Legally Protected and Priority Species)

EN12 (Woodlands, Trees and Hedgerows)

##### National Planning Policy Framework

##### National Planning Practice Guidance

##### DCLG Planning Policy for Traveller Sites, August 2015

#### **5. CONSULTEES**

Biodiversity Officer - The application site is within a Strategic Flyway associated with the greater horseshoe bats of the South Hams Special Area of Conservation. Greater horseshoe bats follow linear features such as hedges to navigate the landscape. They are very light-averse and increases in light levels can stop them using traditional flyways.

The proposal will involve the loss of a small amount of pasture where the bats may feed and will introduce additional light into the remaining pasture. To minimise these impacts, a new hedge should be created along the south east boundary of the extension area, and lighting should be carefully controlled. I welcome the statement that the applicant would be willing to accept conditions to maintain low-level lighting.



I acknowledge that no such restriction applies to the authorised site, but my aim is not to increase the level of lighting over existing levels.

The Biodiversity Officer also requires the following conditions to be attached to any planning permission:

Prior to first occupation of the new units, a new hedge shall be created along the south east boundary of the extension site. The hedge shall comply with details previously submitted to and approved by the Local Planning Authority. The hedge shall be on a Devon hedge bank and shall consist of locally-occurring native tree and shrub species. The hedge shall be managed thereafter at a height of 2 or more metres.

REASON: For the benefit of bats of the South Hams SAC.

Prior to installation of any external lighting, plans showing the detail of the external lighting shall be submitted to and approved by the Local Planning Authority. Such external lighting shall be restricted to PIR motion-activated lamps on a short (2 minute) timer; shall be low height and low intensity, emitting warm spectrum wavelengths only; and shall be directed downwards and away from boundaries, using cowls or baffles to prevent light falling on boundary hedges. Once approved, the lighting plans shall be complied with.

REASON: For the benefit of bats of the South Hams SAC.

National Grid - There was correspondence between the National Grid and previous Case Officer as the previous proposal lay directly underneath overhead power lines. An engineer from the National Grid reviewed the details and the Case Officer advised the National Grid that none of the structures would exceed 3.5 metres in height, either in situ or when being delivered to the site. This was confirmed by the agent, who agreed to the use of a height restriction condition.

The National Grid commented on the previous application as follows:

National Grid has no objections to the above proposal which is in close proximity to a High Voltage Transmission Overhead Line.

Devon County Council (Highways) - The site is accessed off a C Classified County Route which is restricted to 60 m.p.h. The access to the site has good visibility in both directions, and the additional two pitches would not be a severe impact on the highway network. Therefore the County Highway Authority would have no objections.

Spatial Planning and Delivery – The Case Officer has discussed this with the Spatial Planning Officer with regard to the new application and the response is the same as previously:

The development proposal covers two pitches, provided as an extension to an authorised gypsy site to the west for family members not already resident on the authorised site.

The land at Chardonnay is located in the open countryside east of Ashburton.

There are no protective designated policy areas for the land such as area of great landscape value or conservation area.

In terms of supply of traveller pitches in relation to Policy WE6 (item (a)) of the Teignbridge Local Plan, at the last counting period for year to 1 April 2017 there was a site supply for 4.4 years. Since then, an additional site has received permission (for 3 pitches) so the plan area currently has a full supply of deliverable sites for the five year period from April 2017–April 2022. (As shown in the attached statement for Gypsy and Traveller – Five year supply of available pitches (at May 2017)).

## **6. REPRESENTATIONS**

A site notice was posted on 11 December 2017.

20 letters of objection have been submitted, raising the following concerns:

1. Contrary to the Local Plan;
2. Roads unsuitable for children to walk/cycle to school;
3. The number of gypsies and travellers within Woodland Parish community would be disproportionately high in relation to the population of the parish;
4. Precedent for future expansion;
5. Development in green field site in open countryside;
6. Allows developers to get out of their responsibility for providing gypsy traveller sites and social housing within a new housing estate;
7. Already a five year supply of pitches, so no need for additional pitches;
8. No public transport
9. Lack of infrastructure and facilities for residents so site is not sustainable
10. Impact of light, noise, people and dogs on local wildlife habitat
11. Roads and access unsuitable for additional traffic resulting in increased highway danger
12. Harm to visual beauty of the local area

## **7. PARISH COUNCIL'S COMMENTS**

The application for two additional pitches (TDC Ref. 17/01064/FUL) at this green field location, in open countryside, was refused at the Teignbridge Planning Meeting on 24 October 2017.

For additional background information (including comments) please refer to 17/01064/FUL.

The Parish supported the application for an additional traveller's unit on the existing site (TDC Ref. 17/01062/FUL) which was approved on 16 August 2017.

### Site Description

The Block Plan shows the position of the new green field site. The site is located on gently rising pasture land in open countryside and is detached from the existing site. No vehicle access is shown.

This Application states that no new vehicle access is required. By using the existing site's vehicle access, the whole field will be opened up as there are no defensible boundaries shown. The area between the two sites will just become one big parking/working/play area (visual pollution).

The attached Google Satellite photograph illustrates the point.

The block plan also indicates that the area for the additional 2 traveller's units is larger than the existing site which has approval for 3 units.

### Policy Considerations

The reason for the objection is that the application is not consistent with the established policies laid out in the Teignbridge Local Plan as follows:

- The proposal is for development of a new greenfield site in the open countryside: Paragraph S22 of the Teignbridge Local Plan stipulates that "in open countryside development will be strictly managed"
- Paragraph WE6 of the Teignbridge Local Plan restricts proposals for gypsy and traveller pitches in the open countryside to those that satisfy specific criteria.
  - This proposal fails to satisfy the first criterion as the planning officer's report in response to application 17/01064 confirmed that there is a five year supply of pitches available.
  - This proposal is in direct conflict with WE6 (c) as there is no public transport, the site is more than thirty minutes' walk from a school and there is no suitable route to cycle to a school. No responsible person could consider sending a primary school child to cycle along the single track derestricted lane to Denbury in opposition to the commuting traffic from Channings Wood, Denbury and Ipplepen. This criterion requires that exceptions be clearly justified. There is no possible justification for this case.

The existence of the adjacent site does not justify additional pitches outside the present boundaries to be approved. No exception is justified.

This application does not meet the Sustainable development Criteria of S1 of the Teignbridge Local Plan.

Taking the strict management provisions of S22 together with the failure to satisfy the criteria of WE6 and S1 together it is clear that this proposal is not in accordance with the policies of the Local Plan.

No justification for making an exception to the established policies has been advanced in support of this application. On the contrary there are clear reasons that justify the strict application of the policy:

Approval of the proposal will open the gates to a process of incremental expansion of the site as has happened at the neighbouring site over its development history;

Combined with the existing adjacent site this proposal will increase the number of gypsy and traveller sites in Woodland to a level that is disproportionate to the small size of the community.

### Conclusion

Woodland Parish does not accept the suggestion made by the applicant's agent that the refusal of application 17/01064 creates a precedent for the approval of application 17/02827.

Woodland Parish requests that Teignbridge District Council apply the established policies of the Teignbridge Local Plan in a consistent and objective manner and refuse this application.

## **8. COMMUNITY INFRASTRUCTURE LEVY**

The CIL liability for this development is Nil as the CIL rate for this type of development is Nil and therefore no CIL is payable.

## **9. ENVIRONMENTAL IMPACT ASSESSMENT**

Due to its scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development.

**Business Manager – Strategic Place**