

# PLANNING COMMITTEE

CHAIRMAN: Cllr Dennis Smith

**DATE:** 24 October 2017

**REPORT OF:** Business Manager – Strategic Place

**ITEM:** 4.

**CASE OFFICER** Kati Owen

**APPLICATION FOR CONSIDERATION:** WOODLAND - 17/01064/FUL - Chardonnay - Extension to authorised gypsy site to provide two additional pitches, comprising parking, dayroom, tourer pitch and static unit

**APPLICANT:** Mr M Doran

**WARD MEMBERS:** Councillor Colclough and Smith, Ambrook

## 1. REASON FOR REPORT

This report is brought to Planning Committee at the request of Councillor Smith, who is concerned that the site is directly below 400 kv National Grid power lines and is both unsafe and unsustainable development in the countryside.

## 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 Annexe 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 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 17/01062/FUL - Proposed additional mobile home and touring caravan pitch at authorised gypsy site – conditional approval

10/03918/VAR - Removal of conditions 2 and 3 of planning permission 05/01913/COU to allow site to be occupied by any person(s) with gypsy/traveller status - conditional approval with restriction of use to people with gypsy and traveller status

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

05/01913/COU - Change of use of land to a private gypsy caravan site for Mr R Small and family, to include the stationing of two mobile homes and two touring caravans – conditional approval

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

00/02612/OUT - Outline application for a dwelling to replace existing mobile home – refused and appeal dismissed

96/02924/FUL – Shed to house generator and for storage and work materials – conditional approval

93/00297/FUL – Re-siting of field entrance – conditional approval

91/02136/COU - Change of use of land to private gypsy caravan site for 1 family – refused - appeal allowed

### 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 20 metres by 50 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 dayroom, toilet and store.
- 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 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, comprising two static caravans, two touring caravans and two day rooms. 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.

## Supporting Information

- 3.6 The agent for the applicant has provided a supporting statement 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 minute cycle journey from Ashburton, which provides a good level of services, facilities, education and employment opportunities and within a 30 minute 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 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 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.

## **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 (GHBs) of the South Hams Special Area of Conservation. GHBs 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 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 has been correspondence between the National Grid and Case Officer as the site lies directly underneath overhead power lines. An engineer from the National Grid has reviewed the details and the Case Officer has advised the National Grid that none of the structures will exceed 3.5 metres in height, either in situ or when being delivered to the site. This has been confirmed by the agent, who agrees to the use of a height restriction condition.

The National Grid has commented 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 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 Chardonay 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 22 May 2017.

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

1. Unacceptable increase in the number of pitches;
2. Unacceptable increase in the potential number of people residing at the site;
3. The number of gypsies and travellers within Woodland Parish community would be disproportionately high in relation to the population of the parish;
4. The potential from increase in number of pitches that the site will not be occupied by a single family, but by a number of families and, that others may reside there on a temporary basis, thus not contributing to the local community;
5. Poor access to facilities along narrow lanes with high hedges;



6. Harm to the countryside.

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

Woodland Parish Council objects to the development for the following reasons:

- The site is in the countryside and at a distance from local services and facilities;
- No evidence has been shown relating to the need for a site in this location as Teignbridge District Council has a 5 year supply of sites;
- The application would set a precedent for development along the road;
- The development would be located where it is remote from adequate services, employment, education and public transport; and,
- Concern about residential use directly beneath 400 KV overhead power lines.

## **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.



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**17/01064/FUL - CHARDONNAY, WOODLAND, TQ13 7JT**

Scale: 1:1,250



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