

**PLANNING COMMITTEE REPORT**  
**02 SEPTEMBER 2020**

**CHAIRMAN: Cllr Mike Haines**



<b>APPLICATION FOR CONSIDERATION:</b>	<b>ILSINGTON - 19/01090/FUL - Higher Ingsdon Quarry , Knighton Cross - Retention of six existing caravan pitches for use by travelling community</b>	
<b>APPLICANT:</b>	<b>Mr P Parker</b>	
<b>CASE OFFICER</b>	<b>Eve Somerville</b>	
<b>WARD MEMBERS:</b>	<b>Cllr Adrian Patch</b>	<b>Haytor</b>
<b>VIEW PLANNING FILE:</b>	<a href="https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=19/01090/FUL&amp;MN">https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=19/01090/FUL&amp;MN</a>	





**19/01090/FUL - Higher Ingsdon Quarry, Knighton Cross,  
Ingsdon Hill, Liverton TQ12 6JA**

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## **1. REASON FOR REPORT**

This application is being presented to committee due to the applicant being related to a Council Member.

## **2. RECOMMENDATION**

PERMISSION BE REFUSED for the following reasons:

Teignbridge District Council has in excess of a five year supply of permitted or allocated pitches for the gypsy and traveller community and therefore there is currently not a need for this provision in this location. The proposal is therefore contrary to policies S1, S1A, WE6 and S22 of the Teignbridge Local Plan 2013-2033.

Insufficient information has been provided to demonstrate that the proposal can safely and suitably achieve access to public transport, walking or cycling to the nearest primary school, Blackpool Primary. Thus, this is contrary to policies S1, S1A, S2 and WE6 of the Teignbridge Local Plan 2013-2033.

## **3. DESCRIPTION**

- 3.1 The site is a parcel of land once quarried surrounded by agricultural land set back from the highway, it sits within the designated Countryside.  
Due to the undulated land, the site is stepped with the access track gently rising from south west to north east, with the northerly point being set higher.
- 3.2 At the time of the site visit, it was unclear what facilities and services were available on site. The agent has confirmed the site benefits from services to comply with a site licence, and the caravans are occupied by residents not related.
- 3.3 The nearest settlement is Liverton to the north which benefits from some services such as a community shop, garage, public house and primary school. The primary school is approximately 0.4 miles as the crow flies but access is via narrow, undulated and twisting country roads and would require crossing a 60mph B classified road. The route would be 1 mile if taking the quickest route with other facilities further away.
- 3.4 Proposal  
The subject application seeks permission for the retention of 6 residential caravan pitches for use by members of the gypsy or traveller communities which would each accommodate two parking spaces per pitch and additional garden space, which would also include a foul treatment system.
- 3.5 The six caravans covered by this application and on site at present are caravans as set out in the Caravan Sites Act. The caravans are existing, and the agent has advised the caravans have been in situ for less than 10 years, but between the last 3-4 years. The councils mapping system does not show the caravans on the site in 2015.
- 3.6 No works to the existing access or access track form part of the proposal.  
Principle of development

- 3.7 The application site is located within the open countryside and outside of any defined settlement limit as depicted in the Local Plan 2013. Policies S1A, S1, S22(a) and WE6 of the Local Plan are permissive of gypsy and traveller pitches within the open countryside, subject to policy criteria being met.
- 3.8 As the application seeks permission for the retention of caravans, this application looks at the use of the land and not built development per se. The relevant policy criteria that must be met is that of Policy WE6 which states that permission may be granted where:
- a) in the case of Gypsy and Traveller pitches, there is not a five year supply of permitted or allocated pitches;
  - ...
  - 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.
- 3.9 The key criteria that cannot be met will be addressed respectively:
- 3.10 a) Teignbridge District Council has in excess of a five year supply of permitted or allocated pitches, and therefore, there is currently not a need for this provision in this location.
- 3.11 c) The site is located within the countryside, which does not necessarily lead to narrow country lanes with a 60mph speed limit. However, the roads leading to and from the subject site are just that, with bends that would force vulnerable road users into on-coming traffic.
- 3.12 The average walking pace for an adult is approximately 3 to 4 miles per hour, or 1 mile every 15 to 20 minutes. So there could be compliance with the 30min distance element of this criteria, although there is an argument that children walk slower and as such the school on these roads would be likely to be further than a 30 minute walk.

On balance, it is not considered that this is suitable or appropriate for any pedestrian, in particular children needing the nearby primary school.

- 3.13 d) For planning purposes Gypsies and Travellers are defined as:

*Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.*

2. In determining whether persons are "gypsies and travellers" for the

purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:

- a) whether they previously led a nomadic habit of life
- b) the reasons for ceasing their nomadic habit of life
- c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.

- 3.15 The submitted planning statement advises the site is to be used for travellers. Criteria d) requires occupation limited to those meeting the definition of Gypsies and Travellers and Travelling Showpeople in the relevant national planning policy, as discussed above. As this policy requires occupants to meet this definition, the submitted statement is considered sufficient enough to satisfy this criteria. Were approval being recommended, this would be controlled through the application of a condition.
- 3.16 e) No permission has been sought for any associated business use at the site and this is therefore not addressed further here.
- 3.17 f) Firstly, the application is retrospective, thus any potential harm to the Bat SAC connectivity zone, may already have been done. However, no details have been submitted to provide any form of bat mitigation or consideration which would be provided should this application have been approved. In light of the location and the sensitivity of this area, if permission were being recommended to be granted, conditions relating to biodiversity protection including landscaping and lighting would be recommended.

#### Applicants suggested policy compliance

- 3.18 The agent suggests the traveller pitches would feed into the NA1 allocation. However, these pitches are currently unauthorised and already occupied so they are not “additional” pitches as required by policy NA1.
- 3.19 In respect of being flexible with our policy, there is an argument it is more difficult to sustain a supply of traveller pitches than other forms of accommodation. However, we have had a 5 year supply of pitches for a number of years and provision is made within the Plan, through NA1 for additional pitches, to continue to meeting our need.

#### Conclusion

3.20 On balance and even applying weight to the relative difficulty of providing pitches for the Gypsy and Traveller community, the subject proposal is not considered to merit support as a consequence of the current 5 year supply position and also the relatively poor sustainability / accessibility of the subject site.

If necessary, a separate report will be brought before members regarding enforcement action in due course.

## **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

National Planning Policy Framework

National Planning Practice Guidance

Planning Policy for traveller sites (2015)

**5. CONSULTEEES**

Biodiversity:  
No objection

**6. REPRESENTATIONS**

Application advertised by way of a site notice on 7 August 2019. No letters of representation have been received.

**7. TOWN / PARISH COUNCIL'S COMMENTS**

The council have discussed this application and have concerns that the residents must be allocated a unit and is part of the gypsy and traveling community who must be registers via the DCC liaison officer otherwise we have no objection.

**8. COMMUNITY INFRASTRUCTURE LEVY**

The CIL liability for this proposal being for the use of the land is Nil as the CIL rate for this proposal 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.

**10. HUMAN RIGHTS ACT**

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

**Business Manager – Strategic Place**