

Parish: Great and Little Broughton
Ward: Stokesley
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Committee date: 15 November 2018
Officer dealing: Ms Aisling O'Driscoll
Target date: 23 March 2018

17/02137/FUL

**Change of use of an existing building and proposed extension to form independent dwelling to replace existing residential caravan
At OS Field 1961, Broughton Grange, High Street, Great Broughton
For Mr Billy Foster**

This application is referred to Planning Committee as the proposal is a departure from the Development Plan

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site is located at the southern edge of Great Broughton. It is located to the front of an enclave of barns, which have been converted into three dwellings. The dwellings are served by an access off the High Street. This access also serves the application site, with a separate drive extending past a paddock.
- 1.2 The site currently accommodates a chalet lodge, a touring caravan and a large amenity building constructed of stone and pantiles. The amenity building actually accommodates two bedrooms, a living room, bathroom and kitchen. Planning permission was originally granted at appeal in 2006 for the site to be used as a gypsy and traveller site. The permission granted was a temporary and personal one to the current applicants.
- 1.3 Located to the south of the site is an L-shaped, grade II listed building, which accommodates two dwellings. Located approximately to the south and west is the open countryside, with views of the North York Moors National Park approximately 1.5km to the south.
- 1.4 Planning permission was recently granted for the development of 26 dwellings on land to the north of the site. The approved layout will see new dwellings located close to the northern boundary of the application site. Work commenced on the development earlier this year.
- 1.5 The proposal is to extend the amenity building and effectively remove the restriction on the occupancy of the site.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 06/00195/FUL - Change of use of land from agricultural to the keeping of horses and construction of a stable; Granted 25 April 2006.
- 2.2 06/02005/FUL - Change of use from agricultural land to gypsy site for one family; Refused 16 November 2006, Appeal Allowed 16 November 2007.

In allowing the appeal, the Inspector restricted the permission to the appellant and his family. The reason was that the occupancy of the site by other persons, could lead to harm to the visual amenity of the countryside. For technical reasons the Planning Inspector achieved this by granting a temporary and personal consent which effectively expires on the applicant vacating the premises, abandoning the use and securing restoration of the land to its previous condition.

- 2.3 09/02458/FUL - Single storey utility building; Granted 16 October 2009.

- 2.4 12/00911/FUL - Retrospective application for the change of use of land from single family gypsy site and alterations to amenity building to form a dwelling; Refused 20 January 2014.
- 2.5 15/02375/MRC - Variation of conditions 2, 3 and 4 (to retain the height of building as built, retain internal alterations, retain use of garage as ancillary habitable accommodation with glazed doors and use of bedroom as a store) of planning permission 09/02458/FUL; Granted 17 February 2016.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Policy CP1 - Sustainable development
Core Policy CP2 – Access
Core Policy CP4 - Settlement hierarchy
Core Policy CP8 – Type, size and tenure of housing
Core Policy CP16 – Protecting and enhancing natural and man-made assets
Core Policy CP17 – Promote high quality design
Core Policy CP21 – Safe response to natural and other forces
Development Policy DP1 - Protecting amenity
Development Policy DP3 – Site Accessibility
Development Policy DP4 - Access for all
Development Policy DP8 – Development limits
Development Policy DP9 – Development outside development limits
Development Policy DP10 – Form and character of settlements
Development Policy DP13 – Achieving and maintaining the right mix of housing
Development Policy DP14 – Gypsies and travellers' sites
Development Policy DP28 - Conservation
Development Policy DP30 – Protecting the character and appearance of the countryside
Development Policy DP32 – General Design
Development Policy DP43 – Flooding and floodplains
Interim Policy Guidance Note – adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012
Planning Policy for Traveller Sites – updated 31 August 2015

4.0 CONSULTATIONS

- 4.1 Parish Council – The Parish Council has strong objections to this application. One of the main ones being that there is a strong history of abuse of planning rules on this supposed gypsy site.
- 4.2 Environment Agency - No objection; the Flood Map for planning shows the north west corner of the site lies within Flood Zones 2 and 3, the medium and high probability zones but the application would remove a residential caravan from Flood Zone 3. The development will only meet the requirements of the National Planning Policy Framework if the mitigation measures detailed in the submitted Flood Risk Assessment are implemented and secured by way of a planning condition.
- 4.3 Natural England – No comment.
- 4.4 Northumbrian Water – No comment.
- 4.5 Public comments - One objection making the following comments:
- The property is already noisy;

- Concern that a static caravan should not provide justification for a house; and
- Concerns over parking in the High Street.

Two letters of support and a petition with five signatures making the following comments:

- Current constraints of the site seem unfair; and
- It is a better alternative to the caravan. It would be better for everyone if the caravan is removed.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are (i) the principle of development, including the loss of the traveller site; (ii) the impact on the character and appearance of the area; and (iii) the impact on the nearby grade II listed building.

Principle

- 5.2 The primary issue is considered to be the loss of the traveller site. The site was approved at appeal on a personal and temporary basis (temporary in as much as it relates to the duration of the applicant's occupation of the site) with a condition preventing occupation by persons other than gypsies as defined in paragraph 15 of ODPM Circular 01/2006 (replaced by Planning Policy for Traveller Sites in March 2012).
- 5.3 The result of this permission is that should the family currently occupying the site permanently leave it, the permission would lapse and no other gypsy or traveller family could occupy the site.
- 5.4 At the time of the approval there was a significant need for gypsy and traveller sites within the District. On assessment of the current need, in accordance with the revised definition of gypsies and travellers in the updated Planning Policy for Traveller Sites the identified need is only 1 unit up to 2021.
- 5.5 It is considered that the need for gypsy and traveller sites in the District has materially changed as a result of the revised definition in the 2015 update to Planning Policy for Traveller Sites and as such the 2012 refusal is considered to have less weight in the determination of the application.
- 5.6 Policy DP14 supports the provision of gypsy and traveller sites in appropriate locations and sets out a number of criteria for such developments. However, it is noted that the policy does not offer protection for existing sites, explicitly.
- 5.7 The site is outside the Development Limits of Great Broughton. Policy DP9 states that development will only be permitted beyond Development Limits "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF) published in March 2012. Paragraph 78 of the NPPF states:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning Policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby."

- 5.8 To ensure consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages.
- 5.9 When the appeal was allowed, the site and nearby cluster of development had a freestanding character and was physically and visually detached from the main built up part of Great Broughton. However, this will change following the completion of the development of 26 dwellings on land to the north. This will result in the site being adjacent to the main built form of the settlement and allows the view to be formed that the development can benefit from the IPG.
- 5.10 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.
- 5.11 In the Settlement Hierarchy reproduced in the IPG, Great Broughton is identified as a Service Village. This status recognises its range of services and facilities and confirms that it is considered a sustainable settlement capable of accommodating small scale development. The proposal would therefore meet criterion 1 of the IPG, in that it is located where it will support local services.
- 5.12 IPG criterion 2 requires development to be small scale. The guidance expands on this definition as being normally up to five dwellings. The scale of development is considered to be acceptable in this respect being only for a single dwelling.
- 5.13 It is also important to consider the loss of the gypsy and traveller site. There is concern over the loss of an existing gypsy and traveller plot, bearing in mind that there have been several recent applications and appeals in the Stokesley sub-area for additional gypsy and traveller sites, particularly private owned sites in the countryside. This concern is in part negated by the personal nature of the existing consent (see paragraph 2.2), meaning that it can only be occupied by the applicant (Mr Foster), his wife or the survivor of them and their dependants for the time being living with them. If the site was not occupied by the applicant, it would not become available to another gypsy or traveller. The Council therefore has little control over the loss of the site and no ability in this case to preserve it as such. However, the site plainly provides accommodation for an existing family who previously identified as complying with the then gypsy and traveller definition.
- 5.14 Notwithstanding the Council's position in respect to the identified need for gypsy and traveller sites, recent decisions at Tame Bridge have highlighted an area of risk in terms of unaccounted for need for Gypsy and Traveller sites as demonstrated by two

recent cases where planning permission was granted at appeal in Tame Bridge. This effectively raises the risk that the applicant gains planning permission for the development of this site and subsequently seeks a new gypsy and traveller site elsewhere, contributing to the unidentified need for new site.

- 5.15 The applicant has stated repeatedly that it is their intention to occupy this site and not to sell and move to another site. However, the Local Planning Authority has no direct control in this sense and there remains a risk in these terms.

Character and appearance

- 5.16 Along with the remainder of criterion 2, IPG criteria 3 and 4 require consideration to be given to the impact of the development on the surrounding natural environment and built form. This is consistent with other policies in the Local Plan.
- 5.17 The site already accommodates residential development. This includes a substantial permanent amenity building. Since its original permission, it has been altered, and has the appearance of a dwelling, similar to the dwellings to the west of the site. Its siting is a little at odds with the more historic converted farm buildings. However its materials are generally in keeping, which help to integrate the building into its setting.
- 5.18 The site already has an established residential curtilage, which would not change. The chalet lodge would be removed. Its existence is currently at odds with its setting and does cause harm to the character and appearance of the area. Therefore its removal would be welcomed.
- 5.19 The fact that there is an existing permanent structure, which would retain the same character and appearance, would allow the proposal to comply with criteria 3 and 4 in that the development would not have a detrimental impact on the natural, built and historic environment or on the open character and appearance of the surrounding countryside.
- 5.20 The proposed extension mirrors the feature on the opposite end of the building, creating a cross wing projection. Whilst it would result in a generous increase to the size of the structure, its overall scale and appearance would not be significantly altered and would not result in harm to the character and appearance of the site or surrounding area.

Heritage

- 5.21 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses.
- 5.22 In this instance the key heritage consideration relates to the setting of the Grade II listed barn conversion. As set out above, the impact from the proposal would not be significant. A positive impact has also been identified in respect of the removal of the chalet lodge. Therefore the proposed development would not result in any harm to the significance of heritage assets, including their setting.

Planning Balance

- 5.23 It is considered that this is a relatively finely balanced matter weighing the benefits of the provision of a new dwelling under the Interim Policy Guidance against the loss of a gypsy and traveller site and the potential implications that this has.

- 5.24 It is concluded that, following appeal decisions at Tame Bridge the risks raised by the loss of the gypsy and traveller site outweigh the benefits of the proposals and as such the application is recommended for refusal.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reasons:

- 6.2 No evidence has been supplied to show that the planning condition that restricts occupancy of the site has outlived its usefulness. There is on-going demand for gypsy and traveller sites within the area as evidenced by applications for new single family gypsy and traveller sites. The application site provides a single family gypsy and traveller site and therefore helps to meet the demand for such sites in the area.

The proposed development if approved would result in the loss of a gypsy and traveller site, and may result in additional pressure for further single family gypsy and traveller sites in the area.

The applicant has not satisfactorily demonstrated that they no longer comply with the definition of gypsy or traveller and as such the loss of the application site to the gypsy and traveller community may result in an increase in need for gypsy and traveller sites including the needs of the applicant in the area.

Loss of the application site for use as a gypsy and traveller site, that gained approval due to the exceptional circumstances of the need for gypsy and traveller accommodation, that may trigger a further need for a gypsy and traveller site would represent an abuse of the planning system and bring the planning system in to disrepute.