

**Parish: Skutterskelfe**  
Ward: Hutton Rudby  
**14**

Committee Date: 23 June 2016  
Officer dealing: Mrs B Robinson  
Target Date: 30 September 2015

**15/01652/FUL**

**Use of land and siting of caravan as a private Gypsy site for one family at part of former football pitch, Hutton Rudby Road, Skutterskelfe for Mrs Savannah Foster**

## **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The site is a plot of land approximately 2 miles west of Stokesley. The main body of the site is approximately 54 x 25 metres, and is accessed by a track approximately 75 metres long. The site and track have an informal hard surface.
- 1.2 On the site there is a blockwork and timber barn, and an incomplete blockwork building (stable). On the south-west boundary there is a high hedge. To the north east there is a fence to an open field, known as the football field. Beyond the field is an existing single family Gypsy site, approximately 100 metres distant. Immediately to the south-west of the site there is a single storey social club house. Beyond the club house, to the south-west there is a scatter of houses, the closest is Erran Bungalow, approximately 85 metres away.

## **2.0 RELEVANT PLANNING HISTORY**

- 2.1 2/05/134/0071 - Laying out of land and construction of a stable block; Granted 5 September 2005.
- 2.2 06/00435/FUL - Haybarn; Refused 21 April 2006.
- 2.3 06/01226/FUL - Revised application for a haybarn; Granted 1 August 2006.
- 2.4 08/02503/FUL - Access track and private treatment plant; Granted 8 October 2008.

## **3.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Development Policies DP1 - Protecting amenity  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP8 - Type, size and tenure of housing  
Development Policies DP14 - Gypsies and Travellers' sites  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Planning Policy for Traveller Sites (August 2015)  
National Planning Policy Framework

## **4.0 CONSULTATIONS**

- 4.1 Parish Council – Recommends refusal on the grounds that:
- There are enough vacant pitches in Hambleton and another one is not necessary; and
  - It is an agricultural site for grazing only.

- 4.2 Highway Authority - no objection.
- 4.3 Environmental Health Officer - No negative impact; request assessment of land contamination.
- 4.4 Public comments - 11 objections have been received, summarised as follows:
- Behaviour of nearby dogs and in relation to livestock;
  - Several caravans on site  
(nb this comment is assumed to refer to a neighbouring site where caravans have been present)
  - Buildings lived in on site.  
(nb this comment is assumed to refer to a neighbouring site where ancillary residential use has been allowed in a building)
  - Burgeoning Gypsy sites in this area - creeping development of Gypsy sites along this road and springing up illegally in the Stokesley Tame Bridge and Skutterskelfe area;
  - Will detract from green belt between Skutterskelfe and Tame Bridge;
  - The site would not be allowed for housing and this application should be treated in the same manner;
  - The development equates to a dwelling and should not be allowed;
  - The proposal is not in accordance with Planning Policy for Traveller Sites, August 2015;
  - Concerned that existing sites may be promoting precedent for planning approval;
  - Difficulties of retaining appropriate control;
  - Requires a robust resistance to a proliferation of similar inappropriate developments in this parish;
  - No requirement for this site. Hambleton has adequate provision of sites for gypsies and Travellers;
  - Not a football pitch.

## **5.0 OBSERVATIONS**

- 5.1 The first issue to be considered is whether the applicant meets the Government's definition of a Gypsy or Traveller for planning purposes. If they do, it would then be necessary to consider whether there is currently a need for additional Gypsy or Traveller pitches within the District.
- 5.2 If the applicant does not meet the Government's definition a second consideration as to whether the proposal can draw support from any other Development Plan policy or from national planning policy must be made.

### The applicant's status as a Gypsy or Traveller

- 5.3 The 2015 Planning Policy for Traveller Sites defines Gypsies and Travellers 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 show-people or circus-people travelling together as such."
- 5.4 It is therefore necessary to consider whether an applicant currently leads a nomadic life, including the reasons for travel. If they previously lead a nomadic life but have ceased to travel temporarily, their reasons for ceasing and whether they intend to resume a nomadic life are relevant considerations. Reasons for ceasing temporarily

to travel are limited to their own or family or dependants' education and health needs or old age.

- 5.5 Additional details have been sought from the applicant to determine whether they have a nomadic habit of life. The applicant is married to William Welch, who is stated to have led a nomadic life in terms of working at major events in the Gypsy calendar and Mrs Foster is stated to have led a nomadic life but to have ceased due to an expected baby (at the time of application).
- 5.6 The revised definition of a Gypsy or Traveller in the 2015 Planning Policy for Traveller Sites turns on whether the head of the household travels for work and people who have stopped travelling permanently for work purposes do not meet the definition. For this reason the agent had been invited to submit evidence in response to 18 questions, including details of travel for work purposes over the previous 12 months.
- 5.7 The questions have not been answered fully but the agent has explained that the applicant is a member of a long established local family in need of an additional pitch as a consequence of new household formation, which is acknowledged as an important aspect of need. However, this does not demonstrate that the applicant meets the planning definition of a Gypsy or Traveller. Further information has been submitted regarding Mr Welch's involvement with Appleby Fair, and referring to travel within the UK and abroad. However, in the absence of the requested level of detail, this is insufficient to establish the applicant as a person of nomadic habit of life.
- 5.8 Taking all of the foregoing into consideration it has not been demonstrated that the applicant meets the planning definition of a Gypsy or Traveller and on this basis the site is not a justified exception to the strong presumption against new development in the countryside.

#### The need for additional Gypsy or Traveller pitches

- 5.9 The conclusion on the first issue above indicates that this issue does not need to be considered. However, for completeness it is pertinent to note that Traveller Housing Needs Studies were carried out in Hambleton in 2012 and 2014 and a further study is nearing completion. The latest evidence, including the findings of 30 household interviews and an assessment against the Government definition of a Traveller, is that one additional pitch will be needed in Hambleton between 2021 and 2031 for the six Gypsy and Traveller households who meet the definition. This takes into account supply from a pitch due to become vacant. The evidence confirms that no new pitches are required before 2021.
- 5.10 The current study indicates that two additional pitches may be required to meet the needs of new household formation for families where it was not possible to establish the Traveller status of occupiers. However, it is not considered necessary to plan for this now because it would first be necessary to establish whether the families in question meet the definition. This is a matter to be progressed through the Local Plan in the first instance.
- 5.11 Information was also requested about any attempt to access an existing Gypsy or Traveller site, including a site in Darlington where Mr Welch's father runs a Council owned site. The response was made that this site was precluded due to Council rules about keeping animals, which are part of the applicant's Gypsy way of life and for which the site the subject of this application is more suitable, and that in any case there were no pitches available.

- 5.12 Overall therefore, this site is not considered necessary to meet the needs of gypsies and Travellers at this time.
- 5.13 Taking into account that it has not been demonstrated that applicant does not meet the planning definition of Gypsy and Traveller, and that the site is not necessary to meet the needs of Gypsy and Travellers at this time, further consideration of the Council's detailed policy in relation to Gypsy and Traveller sites, principally DP14, is not necessary in this case.

Whether the proposal can draw support from any other Development Plan policy or from national planning policy

- 5.14 Policy CP4 includes six criteria which may allow development outside sustainable settlements in exceptional cases, including where it is necessary to meet an essential rural need to locate in the countryside, or for affordable housing where the need cannot be met in a settlement within the settlement hierarchy. The applicant has not claimed any of the exceptions listed in policy CP4 and no evidence has been submitted to justify a location in the countryside.
- 5.15 NPPF paragraph 55 states that Local Planning Authorities should avoid isolated new homes in the countryside unless there are special circumstances and identifies four such circumstances. Three of these broadly follow the criteria of CP4 and are therefore not met. The fourth NPPF consideration, exceptional quality or innovative nature of the design of a dwelling, is neither claimed nor achieved.

## **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reasons:
1. The proposal fails to satisfactorily demonstrate that the applicants are persons of nomadic habit of life as set out in Planning Policy for Traveller sites 2015 and thus cannot benefit from the provisions of Policy CP8 and DP14 in relation to provision of the accommodation that meets the needs of gypsies and Travellers.
  2. The Hambleton District Council Traveller Housing Needs Study, as updated June 2014 and June 2016 and taking into account the provisions of Planning Policy for Traveller Sites 2015, confirms that there is no current shortage in the supply of Traveller pitches to meet local need. Therefore this site is not essential to the provision of Traveller and Gypsy sites in Hambleton and no exception to NPPF and LDF policies is justified.