

**Parish: Skutterskelfe**  
Ward: Hutton Rudby  
**15**

Committee Date: 23 June 2016  
Officer dealing: Mrs B Robinson  
Target Date: 11 May 2016

**16/00522/FUL**

**Change of use of land to a private Gypsy site and new access and the siting of a caravan and tourer  
at OS Field 1856, Tame Bridge, Stokesley  
for Mr R Adams**

## **1.0 SITE AND PROPOSAL**

- 1.1 The site is a plot of land 155 x 50 metres, approximately 140 metres beyond the westward extent of Tame Bridge. The plot forms part of a larger field and is enclosed from it by a timber fence. At the roadside there is a belt of trees through which a clear gap has been created.
- 1.2 In the wider surroundings the band of trees extends along the south side of the Stokesley - Hutton Rudby road for approximately 1km overall, with one gap of approximately 135 metres at the west end of Tame Bridge. There are existing accesses through the trees serving Hillview (single family Gypsy site), Brawith House, South Lund Farm, and the field of which this site forms part.
- 1.3 The proposal is change of use of the land to a private Gypsy site and siting of caravan and tourer and the details show hard standing dimensions 25 X 50 metres positioned immediately south of the woodland belt.

## **2.0 RELEVANT PLANNING AND ENFORCMENT HISTORY**

- 2.1 15/01327/FUL - Construction of an access track; Withdrawn 9 December 2015.
- 2.2 15/00320/CAT3 - Enforcement Notice and stop notice regarding the unauthorised construction of the access track that had been subject of application 15/01327/FUL; Notices served 8 January 2016, Appeal ongoing.

## **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  
Core Strategy Policy CP14 - Retail and town centre development  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP4 - Access for all  
Core Strategy Policy CP21 - Safe response to natural and other forces  
Development Policies DP43 - Flooding and floodplains  
National Planning Policy Framework  
Planning Policy for Traveller Sites (August 2015)

## **4.0 CONSULTATIONS**

4.1 Rudby Parish Council - Recommends refusal. It is an inappropriate site for a Gypsy site as it is not close to any infrastructure and there are already enough Gypsy sites in the area. It is an attractive area of countryside which would be spoilt. There is no foul drainage on the site. The site floods as it is under the water table so no foul drainage would be put in. There is no possible drainage from the site and no mains drains.

4.2 Seamer Parish Council – Objects on the following grounds:

1. The land in Tame Bridge is well known to be waterlogged and there is a risk of flooding in this area, a problem the residents have had to cope with for many years.
2. A previous application we are aware of 15/01327/FUL to build an access road was rejected by planners on road and sighting issues as we understood it. Therefore this must be an issue in this application.
3. In 2013 there was a proposal which never got to the planning stage of the development of a Travellers' site which was strenuously objected to by the residents of Tame Bridge in this area. How can we/ the residents be certain this will not know occur by stealth. Should the application be agreed, firm conditions must be applied and the site monitored to ensure that a larger site does not evolve.
4. There is already a Gypsy residence adjacent to the entrance to Brawith House and another entrance a little further to the north which appears to be used to access this property as there are two mail boxes attached to the fence. So if this present application is linked to this site then we are concerned that this area will in the future become further developed by the Traveller community.
5. There is already a Traveller site in the area with spaces we are informed.

4.3 Public comment – 9 objections have been received which are summarised below:

- Other sites are available locally;
- The applicant is not a Gypsy and the application is an abuse of council policies towards gypsies;
- The works to form the site entrance were not authorised;
- Harm to protected birds in nearby trees;
- Drainage and flooding issues;
- Harm to an historic flood protection drain of insubstantial construction that should be protected;
- Visual intrusion; and
- Harm to the character of Tame Bridge.

4.4 Highway Authority - Conditions requested.

## **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 With regard to “nomadic habit of life”, the applicant states that he is part of a Gypsy family and a self-employed horse dealer trading in Gypsy living wagons, horse carts, harness and tack who has always travelled for work purposes. The application states that he attends Gypsy fairs (9 are listed) staying for several days each time, and other drives or Gypsy gatherings (9 are listed). Additional statements have been submitted confirming that the applicant travels for work purposes and including statements from others regarding land rented for keeping horses, and refurbishing of Gypsy waggons. Whilst detailed supporting evidence of business trading is lacking, the available evidence suggests that the applicant has a ‘nomadic habit of life’ in accordance with Planning Policy for Traveller Sites.

5.6 The supporting evidence also states that the applicant has been based for 5 years at the Carolina Farm Gypsy site, and no reason is given why the applicant requires a new site. This information suggests that the needs of this applicant do not contribute to a need for a further Gypsy site in Hambleton. However, for completeness it is appropriate to consider whether there is currently an overall need for additional Gypsy or Traveller pitches within the district.

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

5.7 National Guidance is provided by Planning Policy for Traveller Sites (August 2015) which sits alongside the NPPF. Policy H of Planning Policy for Traveller Sites (determining applications) requires the Council to consider these factors:

- a The existing level of local provision and need for sites;
- b The availability (or lack) of alternative accommodation for applicants;
- c Other personal circumstances;
- d Locally specific criteria used to guide the allocation of sites or which form the policy to assess applications that may come on unallocated sites; and
- e To determine applications for sites from any Travellers and not just those with local connections.

The policy also states new Traveller site development in open countryside should be strictly limited and should not dominate the nearest settled community or place undue pressure on local infrastructure.

5.8 Additional supporting evidence has been submitted confirming approaches to a site in Darlington (South Bank Camp) and the public site at Seamer. The Darlington site is stated to be full and also unsuitable due to feuds with an existing family. The Seamer site is full, and the applicant was invited to complete an application form and join a waiting list.

- 5.9 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 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 Overall therefore, this site is not considered necessary to meet the needs of gypsies and Travellers at this time. This being the case, it is not necessary to consider the further policies of the Local Development Framework, principally DP14, dealing with the specifics of site provision.

#### Neighbour comments

- 5.12 Neighbour comments on the need for sites and status of the applicant are discussed above. With regard to drainage concerns, these are matters which could be addressed if the site was otherwise acceptable.

## **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reason:
1. Taking into account the Hambleton District Council Traveller Housing Needs Study, as updated June 2014, and June 2016, and the provisions of Planning Policy for Traveller Sites 2015, 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.