

Parish: Skutterskelfe
Ward: Hutton Rudby
13

Committee Date: 21 July 2016
Officer dealing: Mrs B Robinson
Target Date: 28 March 2016
Extension of Time Agreed to: 22 July 2016

16/00200/FUL

Change of use of land to allow the siting of a larger caravan as an extension to the approved private gypsy site for one family at OS Field 5045, Skutterskelfe for Mr Thomas Foster

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site lies approximately 3 miles west of Stokesley, and approximately 200m east of a scatter of houses in the proximity of Thoraldby Farm and approximately 100m to the east of the Ranch House, a nearby community building. The site is approximately 50m back from the road. There is single row of coniferous trees along the east side of the track, and along the north boundary of the site. The track and the open parts of the site are hard-surfaced.
- 1.2 The existing site includes a static caravan, a timber clad stable building and an agricultural/storage building approximately 14m x 8.5m, with brick facing to lower parts and dark green corrugated sheeting to upper parts. To the south of the site there is a pony paddock.
- 1.3 The proposal is to extend the approved site, increasing the area by 270sqm (a rectangular area measuring 27m x 10m), to allow for the siting of a 'twin unit' caravan. The larger unit is stated to be required to meet the family needs of the occupiers, as a third child is expected. The dimensions of the twin unit caravan are 14m x 6m. A supporting statement submitted with the application notes that the proposed extension would allow the locating of the double unit, whilst enabling required parking and turning space on the site.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/90/134/0040 - Use of land as a riding school, construction of stables and provision of associated facilities; Refused 16 November 1990, Appeal dismissed 11 April 1991.
- 2.2 2/91/134/0040A - Agricultural building for rearing calves; Refused 28 June 1991.
- 2.3 2/91/134/0040B - Agricultural building for rearing calves; Granted 22 August 1991 (following improvements to visibility from 2/91/134/0040A).
- 2.4 2/92/134/0040C - Siting of a residential caravan; Withdrawn 18 September 1992.
- 2.5 2/93/134/0040D - Use of agricultural building and land for the stabling and exercising of horses; Refused 25 June 1993 (access)
- 2.6 2/93/134/0040E Use of existing agricultural building and land for the stabling and exercising of horses; Granted 14 January 1994. (S106 agreement with owner of neighbouring land to keep hedge cut back).
- 2.7 11/01695/FUL - Retrospective application for a change of use of equestrian land to a mixed equestrian use and use as a private gypsy pitch for one family; Granted 12 January 2012.

2.8 12/01621/FUL - Retrospective application for change of use of part of existing stable building to utility room and bathroom; Granted 17 October 2012.

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 CP1 - Sustainable development
Core Strategy Policy CP8 - Type, size and tenure of housing
Development Policies DP14 - Gypsies and travellers' sites
Planning Policy for Traveller Sites (August 2015)
National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Parish Council - The Council recommends refusal. This is on a new site and does not seem to be replacing a caravan. More agricultural land will be concreted over. The Council has asked District Councillor Mrs Fortune to call in this application.

4.2 Public comment - 8 objections received, summarised as:

- The existing site is big enough for a single family and intrusion into agricultural land is therefore not justified;
- Mains electricity is required; other fuels are hazardous;
- Approval would encourage additional development on this site and elsewhere; and
- Not in keeping with other, substantial family homes locally.
- Danger of Tame Bridge Skutterskelfe becoming populated by traveller homes, detrimental to other property owners.
- Site is big enough. Site has accommodated another static caravan and other touring caravans over the summer.
- Query absence of horses in the field, and use of additional buildings.
- Query water supply and sewage treatment – existing field drains are at capacity

5.0 OBSERVATIONS

5.1 The proposal is an extension of an existing site to allow a larger caravan to meet the current occupiers' needs and it is not proposed to accommodate new or additional gypsy families or an increase in caravan numbers. Therefore the principle of a gypsy site is not part of the consideration of this application.

5.2 The issues to consider therefore are whether the site as now proposed remains in accordance with the criteria of policy DP14 which detail the factors against which Gypsy and Traveller development should be tested.

5.3 Development Policy DP14 sets out a number of criteria to consider in the establishment of a Gypsy and Traveller site. It is considered that these criteria are pertinent to the proposed extension of this site. The following paragraphs discuss whether or not the proposed development would meet these criteria.

Criterion (i): location

5.4 The location was considered acceptable under this criterion when application 11/01695/FUL was granted in January 2012 and no change is proposed now.

Criteria (ii) and (iii): living environment and appropriate size

- 5.5 The proposed site extension is intended to accommodate a larger caravan, and the needs of an increasing family are a material justification for a larger unit. The applicants are expecting a 3rd child and the existing unit has only two modest bedrooms. The site would be extended by 24%, from a relatively modest starting point. Options to site the caravan within the existing site have been explored with the applicant. Further information was supplied showing a potential alternative siting within the existing boundaries, taking account of the license conditions with regard to distance from boundaries, and access roads. Whilst the applicant has been asked to consider siting within the existing site boundaries they state that the resulting siting would make manoeuvring around the site awkward, especially for larger vehicles, and the scheme as proposed will be safer in offsetting the residential unit from the area of vehicle activity.

Criterion (iv): safe and convenient road access

- 5.6 The access was considered acceptable under this criterion when application 11/01695/FUL was granted in January 2012 and no change to the access is proposed now.

Criterion (v): the amenity of neighbouring occupiers and the character and appearance of the local surroundings

- 5.7 As proposed, the site would remain well separated from neighbouring residential properties, the nearest of which is approximately 100m away. The proposed unit would be glimpsed from the road and from access tracks to the south. However, viewed in the context of the existing site it would not be visually obtrusive or harmful to the surrounding countryside, particularly taking into account that additional landscaping can be required by condition.

Criterion (vi): contamination

- 5.8 The current site was considered acceptable under this criterion when application 11/01695/FUL was granted in January 2012 and the submitted PALC does not highlight any potential contamination risks.

Neighbour comments

- 5.9 Issues regarding the justification for the larger unit are discussed above. With regard to comments about intensification and number of gypsy sites in the vicinity, the overall number of gypsy sites is not affected by this proposal. Similarly, the demands on water and sewage will be of a similar order. A dwelling of a similar type to others in the vicinity would have the effect of changing the character of the site to residential and in the absence of any other justification would be contrary to policy in this location. Visiting caravans may be part of a normal gypsy lifestyle, and concerns can be investigated as required.

5.10 Other issues

The approval 11/01695/FUL was granted for gypsy use under the terms of the ODPM Circular 01/2006 which applied at the time of the decision. 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."

The 2015 changes to the definition of Gypsies and Travellers set the requirement for occupancy of Gypsy sites for new sites, but does not require that it should be applied in retrospect to existing sites approved under the earlier definition. The inclusion of the occupancy condition for the Gypsy family based on the new definition for Gypsies and Travellers could preclude the current occupier from occupying the revised site area. Therefore, although the present occupier has not demonstrated a nomadic lifestyle, less weight should be given to this point in this case. It is considered to be reasonable to apply the same occupancy condition as was applied to the original grant of planning permission under the old definition of Gypsies and Travellers to the additional parcel of land if this application is approved.

6.0 RECOMMENDATION

6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) and/or details received by Hambleton District Council on 26 January and 1 February 2016 unless otherwise agreed in writing by the Local Planning Authority.
3. The site as hereby approved shall not be used other than as a residential gypsy site, as defined within ODPM Circular 01/2006, and not for any other type of domestic or business use.
4. The number of caravans on the site as hereby extended shall be restricted to no more than one static caravan and one touring caravan.
5. No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.
6. The use hereby approved shall not commence until there has been submitted to the Local Planning Authority, for approval, a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP8 and DP14.
3. To ensure the site is occupied in association with the use of the site as a gypsy caravan site, safeguard the character of the area and safeguard the amenities of neighbouring occupiers in accordance with Hambleton LDF Policies CP1, CP4, CP8, CP16, DP1, DP9, DP14 and DP30.

4. To safeguard the character of the area and the amenities of neighbouring occupiers in accordance with Hambleton LDF Policies CP1, CP16, DP1 and DP30
5. In the interests of the visual amenities of the locality in accordance with Policies CP16 and DP30 of the Hambleton LDF.
6. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policies CP16 and DP30.