

Parish: Skutterskelfe
Ward: Hutton Rudby
12

Committee Date: 2 March 2017
Officer dealing: Mr Kevin Ayrton
Target Date: 31 January 2017
Date of extension of time (if agreed):

16/02540/FUL

Revised application for the use of land and siting of caravan as a private gypsy site for one family

**At land adjacent to Ranch House, Hutton Rudby Road, Skutterskelfe
For Mrs Savannah Foster**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site is a plot of land approximately two 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 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.
- 1.3 A previous application for the same description was refused by Planning Committee in June 2016 for the following reasons:
1. The Hambleton District Council Traveller Housing Needs Study, as updated June 2014, and taking into account the provisions of Planning Policy for Traveller Sites 2015 and June 2016 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.
 2. 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.
- 1.4 The proposed development includes the use of the site for gypsy accommodation and the siting of a large static caravan to the rear (south) of the site. The applicant states that the accommodation is for her benefit and for her husband, William Welch, and their baby son.
- 1.5 This current application has been supported by additional information, which includes details of the applicant's family background and travel for work purposes. This states (not exhaustively) that:
- The applicant and their family travel at all times of the year; and
 - The main reason for travelling has been work with this sometimes taking major gypsy events en-route with the cumulative time away from any base being over 9 months in the last 12.

Details are listed of trips away with reference to events (e.g. Seamer Horse Fair, Appleby Horse Fair). Reference is also made to travelling for work, however no details have been provided as to the extent of work or the type of work.

1.6 The supporting statement highlights what the applicant considered to be the site benefits:

- Buildings and land are already available for keeping horses, dogs and chickens; and
- It is close to family (the applicant's brother lives on the gypsy pitch on the other side of the former football field).

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.

2.5 15/01652/FUL - Use of land and siting of caravan as a private Gypsy site for one family at part of former football pitch; Refused 24 June 2016.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development

Development Policies DP1 - Protecting amenity

Development Policies DP3 – Site Accessibility

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

Development Policies DP32 - Design

Planning Policy for Traveller Sites (August 2015)

National Planning Policy Framework

4. CONSULTATIONS

4.1 Highway Authority - No objection.

4.2 Parish Council - Recommends refusal on the grounds that (i) there is no need for any more gypsy sites within the Parish; (ii) such sites should be nearer to towns, not in open countryside; and (iii) it would be development on green land.

4.3 Environmental Health Officer - No objection but asks that advice be give regarding the need to obtain a caravan site licence if permission is granted. No objection on land contamination grounds.

4.4 Public comment - nine objections have been received making the following comments:

- The application is a repeat of previous proposal with no new reasons; there is no reason for this particular site;
- There is a growing risk of proliferation of gypsy sites in Tame Bridge and Skutterskelfe;
- It would not be sympathetic or in keeping with the surrounding rural area of the quality of nearby dwellings;
- It would be unfair to allow anyone to buy agricultural land in a very desirable location with outstanding views and erect a permanent dwelling;
- Risk of precedent for similar dwellings in the locality;
- As there are enough vacant pitches in Hambleton for the travelling community, there is no need to build on greenfield;
- The applicant has not satisfactorily demonstrated that she is a person of nomadic lifestyle as set out in the Planning Policy for Traveller Sites 2015. The robust case made by the Planning Authority to refuse previous applications for the use of this land as a private gypsy site should be upheld in regard to this latest application;
- The argument that alternative provisions are not suitable as they do not provide facilities for horses and poultry do not recognise the local provision of accommodation for gypsies in keeping with nationally recognised standards;
- The fact that the applicant is raising a young family cannot justify development of a greenfield site;
- It appears the building has already been delivered and erected, with enabling civil works being carried out on the site; and
- There are currently two static type mobile homes on the site

(Note: observations of the site have not verified the last two points.)

5. OBSERVATIONS

- 5.1 The main issues to consider are (i) whether the proposed occupier meets the definition of a gypsy or traveller for planning purposes; (ii) whether there is currently a need for additional gypsy or traveller pitches within the District; and (iii) whether the proposal can draw support from any other Development Plan policy or from national planning policy
- 5.2 Other matters include (iv) the sustainability of the site; (v) the impact on the character and appearance of the natural and built environment; (vi) impact on residential amenity; and (vii) highway safety.

Gypsy or traveller status

- 5.3 Planning law requires that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.4 The 2015 Planning Policy for Traveller Sites (PPTS) 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.”
- 5.5 It is therefore necessary to consider whether the proposed occupier currently leads a nomadic life, including the reasons for travel. If they previously led a nomadic life but

have ceased to travel temporarily, their reasons for ceasing and whether (and when) 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.

- 5.6 Based on the submitted information, it can be established that 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 the birth of their child. The child is too young to be in education and no health needs have been cited for any member of the family, none of whom is in old age. The applicant has given no indication of when she intends to resume a nomadic way of life.
- 5.7 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.
- 5.8 Some information has been submitted in support of the application in relation to work, which is summarised in section 1 of this report. It is considered that this information is not sufficiently detailed for the Local Planning Authority to be confident that the applicant meets the definition of a gypsy or traveller.
- 5.9 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.

Need for additional gypsy or traveller pitches

- 5.10 The conclusion on the first issue above indicates that this issue does not need to be considered. However, for completeness it is pertinent to have regard to the Gypsy and Traveller Accommodation Assessment (June 2016). The updated assessment was prepared by Opinion Research Services and provides a robust and credible evidence base which can be used to aid the implements of Development Plan policies.
- 5.11 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.
- 5.12 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.
- 5.13 Part of the justification for the site is its ability to allow for the on-site retention of horses, dogs and chickens. It is also stated that one of the reasons that the existing site at Seamer is not appropriate, is because it does not allow for the keeping of animals. However, the requirement of keeping animals on site appears to be more of a desirable, as opposed to an essential site requirement. This is also true in relation to the site's close proximity to the applicant's brother. Therefore these factors cannot be given weight in the determination of the application.

- 5.14 Overall, this site is not considered necessary to meet the needs of gypsies and travellers at this time.
- 5.15 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.
- 5.16 Several requirements of DP14 are consistent with the PPTS, with particular reference to paragraph 25 which states:
- “Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan.”
- 5.17 Were it necessary to consider the development against policy DP14, there would be reasons for concern over the site's relatively unsustainable location in relation the nearest Service Centre (Stokesley) approximately 2.8km to the east. There would also be concern about harm caused to the character of the countryside. It is noted that within the surrounding area, there has already been a degree of harm caused by gradual development involving the creation of small parcels of land (often delineated and with timber fencing and formal planting). This existing impact does not justify further harm being caused particularly where there is no demonstrable need for the development. Whilst some additional landscaping is proposed, the overall character of the site would still change as a result of the development.

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

- 5.18 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.
- 5.19 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.

Residential Amenity

- 5.20 The nearest residential properties are located to the west of the application site with sufficient separation distance to avoid any harm to residential amenity.

Highway Safety

- 5.21 The Highway Authority has raised no objections to the proposed development.

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 proposed occupiers 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 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.