

Parish: Skutterskelfe
Ward: Hutton Rudby
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Committee date: 8 February 2018
Officer dealing: Mr K Ayrton
Target date: 15 February 2018

17/02436/FUL

**Construction of an amenity building for private gypsy site
At Oakwood Farm, Tame Bridge
For Mr R Adams**

This application is referred to Planning Committee at the request of Councillor Fortune

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site is a rectangular plot of land approximately 155 x 50 metres, on the southern side of the Stokesley to Hutton Rudby Road, west of the small settlement of Tame Bridge. The site comprises a recently formed single family traveller plot, with an access off the road through an established tree belt. Planning permission was recently granted at appeal for the traveller site, including the access and the siting of two caravans, one static and one tourer.
- 1.2 The site is viewed in the context of the wider open countryside, being an isolated feature. In assessing the recent appeal, the Planning Inspector noted that the site is "set apart from Tame Bridge and other nearby development and the land on the south side of the road on either side of it is open unspoiled countryside that is free from development".
- 1.3 In approving the scheme, the approved hardstanding and siting of the caravan and tourer was restricted to that identified on the approved site plan, at the north western corner of the site, close to the tree belt.
- 1.4 The supporting planning statement indicates that the facilities that were allowed on appeal are not sufficient to meet the family's domestic needs. It is stated that the proposed amenity building would fulfil this need.
- 1.5 The proposal is for the construction of an amenity building to be used by the occupiers of the traveller site. It would be five metres wide and eight metres in length with a shallow roof pitch and would be sited towards the bottom end of the hardstanding along the western boundary of the site. The proposed floor plans show a utility and store room, bathroom and a kitchen/day room.
- 1.6 The size of the proposed building was reduced during the consideration of the application, having originally been six metres wide and 10.6 metres in length. Materials would be secured through planning condition, should the application be approved.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 15/00320/CAT3 – Enforcement Notice relating to unauthorised clearing and excavation of the land, the formation of an access track and associated works; Appeal Allowed 25 July 2016.
- 2.2 16/00522/FUL - Change of use of land to a private gypsy site and new access and the siting of a caravan and tourer; Refused 24 June 2016, Appeal Allowed 1 August 2017.

2.3 17/02320/FUL - Construction of a stable block – Report elsewhere on this agenda.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 – Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP9 - Development outside Development Limits
Development Policies DP14 - Gypsies and travellers' sites
National Planning Policy Framework
Planning Policy for Traveller Sites (2015)

4.0 CONSULTATIONS

4.1 Parish Council – Recommends refusal based on the following concerns:

- The original planning application was for grazing animals;
- The Planning Inspector approved a site for a static caravan and a touring caravan; the permission was not for a gypsy site (Officer Note: The description of development allowed on appeal and condition three of the appeal decision specifically refer to a private gypsy site);
- The caravan and tourer are not there and are therefore not existing;
- There is no septic tank or soakaway;
- Historically the ground floods;
- It is development in open countryside;
- There is no requirement for further facilities; they are already provided in the caravan and tourer; and
- The appeal decision at Millie's Paddock should be followed.

4.2 Highway Authority – No objection

4.3 Northumbrian Water – No comments.

4.4 Public comments – None received

5.0 OBSERVATIONS

5.1 The main issues to consider are: (i) the principle of development; (ii) the impact of the development on the character and appearance of the area; and (iii) drainage. The Parish Council's concerns are understood; however, many of them relate to matters of principle that were considered at the time of the previous application and appeal and cannot be revisited now.

5.2 Policy DP14 relates to the delivery of gypsy and traveller sites. In assessing the previous appeal, the Planning Inspector concluded that the need for the site had been demonstrated and outweighed the harm that had been identified as arising from the development. She therefore allowed the appeal, summarising her conclusion thus:

“Overall the benefits of the proposal would substantially outweigh the limited harm to the character and appearance of the area and the conflict with the development plan that would result”.

- 5.3 In considering the appeal, the Inspector based her decision on the scheme as presented. This included a static caravan, a touring caravan and an area of hardstanding. There were no plans for an amenity building and the agent has advised that was because they felt the principle of the use needed to be established before any further development could be considered.
- 5.4 Irrespective of the history, the Council needs to make a decision on the application as presented. It is generally accepted that sites for gypsies and travellers include amenity buildings to meet the occupiers’ needs, particularly for rooms requiring fixed drainage, such as kitchens, utility rooms and bathrooms. This was set out in a Government publication, “Designing Gypsy and Traveller Sites - Good Practice Guidance” but was withdrawn in September 2015, when Planning Policy for Traveller Sites (PPTS) was updated, although PPTS contains no specific guidance on amenity buildings.
- 5.5 Therefore, whilst the Good Practice Guidance has been withdrawn it is the only available source of guidance on amenity buildings for travellers. It states:
- “It is essential for an amenity building to be provided on each pitch, although this can be provided across two pitches as two separate and entirely self contained semi-detached units. The amenity building must include, as a minimum: hot and cold water supply; electricity supply; a separate toilet and hand wash basin; a bath/ shower room; a kitchen and dining area. The access to the toilet should be through a lobbied area or by separate access direct from the pitch.
- The amenity building must include: secure storage space for harmful substances/ medicines; enclosed storage for food, brooms, washing, cleaning items etc; and space for connection of cooker, fridge/freezer and washing machine. The provision of a gas hob could be considered.
- The inclusion of a day/living room in the amenity building for family meals is recommended. The day/living room could be combined with the kitchen area to provide a kitchen/dining/lounge area. It is desirable that the day/living room should not be part of essential circulation space, nor contain essential storage. Many existing amenity buildings do not of course contain this facility but inclusion in new sites would replicate the provision of a living room as enjoyed as standard by other sectors of the community.”
- 5.6 The withdrawn guidance clearly recognised that amenity buildings such as now proposed are necessary for traveller families to have access to facilities similar to those normally found within dwellings occupied by the settled community. As noted above, PPTS is silent on the same issue, therefore it does not appear that the withdrawal of the guidance signified a change in Government policy; it may instead be seen as an example of deregulation.
- 5.7 Consistent with the assessment of the appeal proposal, the introduction of this additional building into an isolated rural location would have a harmful impact on the character and appearance of the area. However, this harm needs to be balanced against the reasonable amenity needs of the occupiers of the site.
- 5.8 The size of the amenity building originally appeared large considering it is only serving one plot. As a result it was considered that there would be undue harm caused to the character and appearance of the countryside. Indeed it is noted that

the Inspector for the recent appeal concluded that the siting of the static and touring caravans, which are both smaller than the amenity building, would conflict with policy DP30 (Protecting the Character and Appearance of the Countryside). These concerns were raised with the agent and the amenity building has been reduced in size as a result.

- 5.9 Having regard to the planning balance, it is accepted that there is a case for an amenity building on the site. In forming this view it is disappointing that the amenity building was not included as part of the original application in order that the full impact of the use could be identified and assessed. Nevertheless, the Inspector's decision has introduced a new starting point for the assessment of domestic development on the site.
- 5.10 Whilst the traveller site has been established, there is still a clear policy requirement to protect the character and appearance of the countryside, with policy DP30 stating that the openness, intrinsic character and quality of the District's landscape needs be respected and where possible enhanced.
- 5.11 In this instance it is considered that the size of the amenity building is proportionate to that required to meet the occupiers' reasonable amenity needs and therefore outweighs the limited harm caused to the surrounding rural landscape. In forming this conclusion, consideration has been given to the general acceptance of amenity buildings on gypsy and traveller sites and the Inspector's conclusions in determining the previous appeal.

Drainage

- 5.12 The amenity building would be sited on the approved area of hardstanding. It is unlikely that the amenity block drainage would require an unusual drainage solution or cause harm to land drainage in the area; however, the Parish Council's concerns are noted and it is considered reasonable to secure the submission of surface and foul water drainage details to ensure the development does not result in harm.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission 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) numbered 002/A and 003/B received by Hambleton District Council on 24 January 2018 unless otherwise approved in writing by the Local Planning Authority.
 3. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
 4. The accommodation hereby approved shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites (or its equivalent in replacement national policy).

5. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority. The development shall not be undertaken other than in accordance with the approved details and shall thereafter be retained in accordance with those details.

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 Policy DP32.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. To ensure the building is occupied in association with the use of the site as a gypsy caravan site, in accordance with Hambleton LDF Policy DP14.
5. In order to avoid the pollution of watercourses and land in accordance with Hambleton Local Development Framework Policies CP3 and DP6.