

**OS Parcel 2678 Adj A34,
Part Of A34 By Hampton Gay And Poyle,
Hampton Gay and Poyle,
Oxfordshire**

15/01605/F

Ward: Kirtlington

District Councillor: Cllr Holland

Case Officer: Stuart Howden

Recommendation: Approval

Applicant: Mr David Goddard

Application Description: Additional pitch for mobile home and community day room on plot 1

Committee Referral: Site over 1 hectare

Committee Date: 17.12.2015

1. Site Description and Proposed Development

- 1.1 The site is in a relatively isolated location on the eastern side of the A34. In terms of proximity to the nearest settlement, it is approximately 600 metres to the north east of Kidlington and approximately 700 metres to the south east of Hampton Poyle.
- 1.2 The site is of a linear shape with a north-east to south-west axis. It is approximately 1.6 hectares in size and about 300 metres long and 60 metres at its widest point. It is bounded to the west by the elevated A34 and its slip road, and to the east by a track that originally ran to Heathfield before the construction of the A34. Beyond that are open fields. At its northern tip is a small brook that runs into the River Cherwell. At its southern end is an access to the minor link road linking the A34 to Islip.
- 1.3 The site accommodates a private traveller site which consists of 8 permanent pitches. Each pitch has planning permission for a mobile home (6.1 metres by 12.2 metres), a day room (6 metres by 5 metres), 2 parking spaces, septic tank and space for a touring caravan (7.65 metres by 2.44 metres). These pitches are served by an access way that runs inside the western boundary of the site. The mobile homes on the site are single storey and of a prefabricated construction. The day rooms are single storey and contain a wash room and kitchen facilities.
- 1.4 Planning permission is sought for one additional mobile home on Plot 1 and this would therefore result in the addition of another pitch on this site. This mobile home is proposed to be 12.2 metres by 7 metres. No dayroom is proposed for this pitch and an additional touring caravan is not proposed. It is noted within the Design and Access Statement submitted with the application that the son of the applicant, who currently lives on Plot 1 with the applicant, is to be married later in the year and that this is the stated need for this additional pitch. This would result in the relocation of the existing mobile home on Plot 1 further to the north east of the plot and the change in its orientation. The proposed mobile home would be located to the south east of this re-sited mobile home and would run parallel with it.
- 1.5 Retrospective planning permission is sought for a single storey community dayroom building on pitch 1 and this has replaced the existing day room serving Pitch/Plot 1. This measures 14.7 metres by 8 metres and is a height of approximately 4.5 metres. This is constructed from sandstone brick under a tile roof and accommodates a utility room, kitchen and living area, office, en-suite bedroom and bathroom. It is noted in the Design and Access Statement submitted alongside the application that this community day room is proposed to serve a number of uses including private home teaching space, meeting space, an office for the running of the caravan park and a place for visitors to stay (for example in case of family emergencies).

- 1.6 Retrospective planning consent was also initially sought for a garage building on Plot 5 on the site, but the applicant's agent removed this element from the application after discussions with officers.
- 1.7 No listed buildings are within close proximity to the site and the site is not within a Conservation Area. The site lies within the Oxford Green Belt. Part of the site lies within a Zone 2 Flood Plain. There are records of several notable protected species within close proximity to the site including the Common Linnet, Eurasian Badger and European Golden Plover.
- 1.8 A screening opinion in October 2015 (15/00083/SO refers) concluded that an EIA was not required for the proposed development.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, press notice and site notice. The final date for comment is 12th November 2015. 1 letter has been received from a resident of the traveller site noting that the proposal would grossly break the terms of the licence and that a business is being operated from one of the plots.

3. Consultations

- 3.1 Hampton Gay and Poyle Parish Council: No objections to the application and make the following comments: *"The Parish meeting believes the proposal if permitted will not have any adverse affects on the site or locality. However, there is concern that the application is in part retrospective and further applications for additional pitches or caravans may over intensify the site, and should therefore be proposed and applied for before development occurs with doubt that they can be accommodated."*
- 3.2 Islip Parish Council: *"No objection, but request that all conditions on original applications are still adhered to."*
- 3.3 Kidlington Parish Council: *"KPC object to this application because it is contrary to green belt policy and inappropriate to develop further than it already has been."*

Cherwell District Council Consultees

- 3.4 Landscape Officer: *"I confirm that the existing retained hedgerows and trees on the Gypsy site boundary will be sufficient to screen any changes."*
- 3.5 Planning Policy: No objections in principle.

"This is an existing private gypsy and traveller site within the Oxford Green Belt which currently has 8 authorised pitches. This application seeks to increase this by 1 additional pitch making a total of 9 pitches on the site."

Planning application (10/00839/F) for 8 pitches was allowed on appeal on 22 September 2011. This was a recovered decision by the Secretary of State which at the time found that given the unmet need for gypsy and traveller sites in the district, the lack of alternative provision and the failure of the development plan to meet the identified need, these factors were considered very special circumstances weighing in favour of the proposed development and to justify allowing inappropriate development in the Green Belt.

The Planning Policy Team's main observations are:

Policy BSC 6 provides for 19 net additional pitches from 2012 to 2031. In March 2015, there had been a net loss of 9 authorised pitches thereby increasing this requirement to 28 pitches (see Annual Monitoring Report 2014).

- 1) Within 3km road distance of the built-up limits of Banbury, Bicester or a Category A village.*
- 2) Within 3km road distance of a Category B village and within reasonable walking distance of a regular bus service to Banbury or Bicester or to a Category A village.*

A set of criteria follows which needs to be considered:

- a) Access to GP and other health services*
- b) Access to schools*
- c) Avoiding areas at risk of flooding*
- d) Access to the highway network*
- e) The potential for noise and other disturbance*
- f) The potential for harm to the historic and natural environment*
- g) The ability to provide a satisfactory living environment*
- h) The need to make efficient and effective use of land*
- i) Deliverability, including whether utilities can be provided*
- j) The existing level of local provision*
- k) The availability of alternatives to applicants.*

The application site performs well against the criteria above as it is approximately 1.5km away from Kidlington. Kidlington is a Category A village under Policy Villages 1 of the adopted Local Plan 2011-2031, which is one of the most sustainable villages in the District. There are a wide range of services and facilities available including schools, nursery, food shop, post office, library, public house, recreational facilities, village/community hall, doctor's surgery, dental practice and a bus service. In addition, the site is easily accessible with its close proximity to the A34 and Oxford Road; the site is currently in use as a gypsy and traveller site; seeks to intensify the use by accommodating an additional pitch; and currently there are no identified sites that could provide alternative accommodation. It is also worth pointing out that the Environment Agency has previously not objected to the development when the initial planning application was submitted. The site is therefore considered to be in an acceptable location for a gypsy and traveller site in terms of access to services and facilities and travelling distances. This is in accordance with Policy BSC 6 of the adopted Local Plan 2011-2031.

The GTHNA was completed in January 2013 by ARC4 which helped inform Policy BSC 6 of the adopted Local Plan 2011-2031. The current published position of the five year land supply is reported in the 2014 Annual Monitoring Report which concluded that the Council is unable to demonstrate a 5 year supply of gypsy and traveller pitches as there are no new deliverable sites that have been specifically identified. The provision of the additional pitch would be a benefit of the proposal and help meet Local Plan requirements.

The Council has begun work on Local Plan Part 2 of the Cherwell Local Plan Part 1. It will identify smaller, non-strategic development sites for housing, employment, open space and recreation, travelling communities and other land uses, in accordance with the overall development strategy set out in the Local Part 1."

3.6 Anti-Social Behaviour Manager: No objections.

Oxfordshire County Council Consultees

3.7 Minerals and Waste: No objections.

- 3.8 Highways Liaison Officer: No objections.
- 3.9 Gypsy and Traveller Services Manager: No comments received.

Other Consultees

- 3.10 Environment Agency: No comments received.
- 3.11 Highways Agency: No comments received.
- 3.12 Thames Valley Police: No comments received.
- 3.13 Thames Water: No objections with regard to sewerage infrastructure capacity and water infrastructure capacity.
- 3.14 Oxford Green Belt Network: *"Your records will show that the Oxford Green Belt Network objected to the original, 2010, application for a Romani Gypsy site on Green Belt grounds. The application was allowed on appeal after being refused by Cherwell DC, the inspector agreeing that the development would be inappropriate in the Green Belt but allowing it on personal grounds. It follows that any further development on site will also amount to inappropriate development in the Oxford Green Belt.*

Our organisation has some concerns about what is now proposed.

In 2010 it was agreed that 6 of the 8 pitches allowed were sufficient for the family's needs, but the present application seeks to increase the number by one further pitch which would bring the total up to nine.

One of the arguments put forward in 2010 related to access that the site would provide for educational needs for the family's children, presumably access to a school, but the present application refers to home teaching in relation to the bigger day room proposed. We find this puzzling. It is also noted that the bigger day room will have a bedroom where visitors can stay, suggesting an extension of residential use on the site.

It is stated that the proposed garage is for storing vintage trucks. We would have welcomed more information about this since one of the conditions of the planning permission was that no commercial activity should take place on the site.

Together the proposals amount to an intensification of activity on this Green Belt site and raise questions about present and future development there."

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Cherwell Local Plan (2011-2031) Part 1

PSD1: Presumption in Favour of Sustainable Development
BSC6: Travelling Communities
BSC12: Indoor Sport, Recreation and Community Facilities
ESD6: Sustainable Flood Risk Management
ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
ESD13: Local Landscape Protection and Enhancement
ESD14: Oxford Green Belt

ESD15: The Character of the Built and Historic Environment

Cherwell Local Plan 1996 (saved policies)

- C8: Sporadic development in the open countryside
- C28: Layout, design and external appearance of new development
- ENV1: Environmental Pollution

4.2 Other Material Policy and Guidance

National Planning Policy Framework (2012)

Planning Practice Guidance

Designing Gypsy and Traveller Site Good Practice Guide (2008) (although this document was withdrawn by the Government on 1st September 2015).

Planning Policy for Traveller Sites (2015)

Cherwell, West Oxfordshire and South Northamptonshire Gypsy and Traveller Needs Assessment (2012/2013) GTAA

Cherwell District Council Annual Monitoring Report 2014 (AMR) (March 2015)

Written Ministerial Statement to Parliament on 17 January 2014 from the Rt Hon Brandon Lewis

Written Ministerial Statement to Parliament on 25 March 2015 from the Rt Hon Sir Eric Pickles

The European Convention on Human Rights (ECHR) Articles 8 and Article 14 of Protocol 1

5. Appraisal

5.1 The key issues for consideration in this application are:

- Defining 'Traveller', 'Caravan' and 'Gypsy Pitch'
- Relevant Planning History;
- The Principle of the Development in the Green Belt;
- Visual Impact and Effect on Landscape Character;
- Effect on Residential Amenity;
- Highways Safety;
- Flooding Risk;
- Other Matters.

Defining 'Traveller', 'Caravan' and 'Gypsy Pitch'

Gypsy Pitch

5.2 There is no clear definition of a gypsy pitch, but page 40 of the 'Designing Gypsy and Traveller Sites Good Practice Guide' by DCLG indicates that as a general guide, an average family pitch must be capable of accommodating an amenity building, a large trailer and touring caravan (or two trailers, drying space for clothes, a lockable shed for bicycles, wheelchair storage etc), parking space for two vehicles and a small garden area. Although this document has recently been withdrawn, officers consider this guidance in respect of pitches remains a useful starting point.

5.3 At this site, planning permission was granted in 2011 for 8 gypsy pitches which all included one mobile home, one touring caravan, one day room, a septic tank and two vehicular parking spaces.

5.4 Planning permission is sought for an additional mobile home which would be sited on Plot 1 and given the definition of pitch above, it is considered that the addition of another mobile home on this plot, which already accommodates a mobile home and touring caravan, constitutes one additional pitch on this plot. That said, no utility dayroom is proposed on Plot 1 and an additional touring caravan is not proposed on this plot.

Caravan

5.5 The Town and Country Planning (General Permitted Development) Order 2015 defines 'caravan' as having the same meaning as for the purposes of Part 1 of the Caravan Sites and Control of Development Act 1960. Section 29 (1) of the Caravan Sites and Control of Development Act 1960 defined a caravan as: "... Any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted but does not include:

a) Any railway rolling stock which is for the time being on rails forming part of a system, or

b) Any tent".

5.6 This definition has been modified by section 13 (1) of the Caravan Sites Act 1968, which deals with twin-unit caravans. Section 13 (1) provides that: "A structure designed or adapted for human habitation which:

a) Is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps and other devices; and

b) Is, when assembled, physically capable of being moved by road from one place to another (whether being towed, or by being transported on a motor vehicle or trailer),

shall not be treated as not being (or have been) a caravan within the means of Part 1 of the Caravan Sites Control of Development Act 1960 by reason only that it cannot lawfully be moved on a highway when assembled".

5.7 The proposed mobile home structure would adhere to the definition above and officers consider that this proposed structure constitutes a caravan. In relation to the community dayroom, this is a more substantial solid and permanent structure which has a porch and an extending element to the rear accommodating a utility room and is therefore not considered to constitute a caravan by officers.

Traveller

5.8 The annex in the Planning Policy for Traveller Sites 2015 (PPTS) by DCLG states that for the purposes of the PPTS 'gypsies and travellers' means: "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 showpeople or circus people travelling together as such."

5.9 The PPTS, which replaces the earlier version of the PPTS published in 2012 has redefined the previous planning definition of 'gypsies and travellers' in the annex of this document and states that: "in determining whether persons are "gypsies and travellers" for the purposes of this planning policy, consideration should be given to

the following issues amongst other relevant matters:

- a) whether they previously led a nomadic habit of life*
- b) the reasons for ceasing their nomadic habit of life*
- c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.”*

This differs from the definition provided in the 2012 version of the publication because it is limited to those who have a nomadic habit of life, meaning that where someone has given up travelling permanently they should be treated no differently from the settled population.

- 5.10 The applicant's agent notes that the Goddard family have always led a nomadic lifestyle, but that it was getting more difficult to find stopping places and Mr Goddard's sister in law had a severe illness. Furthermore, a more permanent base was also desired for schooling purposes.
- 5.11 The applicant's agent states that the intention is never to stop travelling. It is noted that Mr Goddard and his son sell horses at traditional gypsy horse fairs every year. Furthermore, the existing touring caravans which were permitted on the site in 2011 on each pitch are used for nomadic purposes only and the applicant's agent notes that during the school holidays the Goddard family travel to Bournemouth for cultural reasons. It is noted during the winter months that this site is used more as a permanent base.
- 5.12 This site was approved as a traveller site by the Planning Inspectorate in 2011 and given the evidence available officers have no reason to doubt that the applicants led a nomadic habit of life before the appeal for 8 traveller pitches was allowed by the Planning Inspectorate. Moving on to whether there is an intention of living a nomadic habit of life in the future, it has not been noted that there is an intention to leave this site, and the agent's evidence suggests the amount of travelling is reducing. Nevertheless, whilst the site may consist of pitches which are more permanent in nature, it is noted that the applicant's family travel for nomadic purposes and each pitch has consent for a touring caravan for nomadic use.
- 5.13 Given the above and that the site was approved as a traveller site in 2011, officers are of the opinion that this remains a traveller site in planning terms and that the new mobile home proposed on the site constitutes a new traveller pitch.

Relevant Planning History

- 5.14 10/00839/F – Change of use of land for British Romani gypsy families; 8 homes; 8 touring caravans for nomadic use only and 8 utility dayrooms – Allowed at appeal

This original application which permitted 8 gypsy pitches at the site was refused by the Local Planning Authority as it was considered that the proposal constituted inappropriate development in the Green Belt and that the proposal would cause harm to the openness and the special character of the Green Belt. The Local Planning Authority did not consider that there were special circumstances which would outweigh the presumption against development. Whilst the Planning Inspector concluded that the proposal did constitute inappropriate development in the Green Belt, they considered that the harm that would be caused to the Green Belt would be clearly outweighed by the totality of other considerations which included the need for traveller sites, the personal need for sites, the failure of the development plan to meet the identified need, the lack of suitable and available alternative sites to meet the need and the education benefits.

The Principle of the Development in the Green belt

- 5.15 Paragraph 14 of the National Planning Policy Framework (NPPF) states that a presumption of sustainable development should be seen as a golden thread running through decision taking. There are three dimensions to sustainable development, as defined in the NPPF, which require the planning system to perform economic, social and environmental roles. These roles should be sought jointly and simultaneously through the planning system.
- 5.16 The site is in the Oxford Green Belt and so the development is assessed against Green Belt policy. Paragraph 89 of the NPPF states that Local Planning Authorities should regard the construction of new buildings as inappropriate in the Green Belt and Paragraph 87 notes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 of the NPPF notes that there is a need to assess whether there are any factors that should outweigh the harm caused by an inappropriate development within the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 5.17 Policy ESD14 of the Cherwell Local Plan Part 1 notes that within the Green Belt, development will only be permitted if it maintains the Green Belt's openness and does not conflict with the purposes of the Green Belt or harm its visual amenities.
- Mobile home/additional pitch
- 5.18 In relation to the proposed mobile home, Policy E of the PPTS, which is relevant to Traveller sites in the Green Belt, states that: "*Traveller sites (temporary or permanent) are inappropriate development.*" Unlike the earlier version of the PPTS, Policy E of the PPTS also goes on to state that: "*Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.*" Thus, this emphasises that significant weight should be given towards Green Belt protection.
- 5.19 Officers are of the opinion that the proposed mobile home would clearly constitute inappropriate development within the Green Belt. An assessment is therefore required into the impact of the development on the openness of the Green Belt and on the purposes of including land within it, and whether the harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify development.
- 5.20 In relation to the purposes of the Green Belt, Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the most important attribute of Green Belts is their openness and permanence. It is proposed to introduce another mobile home in an existing traveller site, but as the mobile home would increase the built development in this site it is considered that this would cause modest harm to the openness of the Green Belt.
- 5.21 Paragraph 80 of the NPPF sets out the five purposes of the Green Belt and these are:
- *"to check the unrestricted sprawl of large built-up areas;*
 - *to prevent neighbouring towns merging into one another;*
 - *to assist in safeguarding the countryside from encroachment;*
 - *to preserve the setting and special character of historic towns; and*
 - *to assist in urban regeneration, by encouraging the recycling of derelict and*

other urban land.”

In this instance, given that the mobile home is proposed in an existing traveller site, with no extension beyond the existing limits of the site, officers are of the opinion that the proposed mobile home would not materially affect any of these purposes.

- 5.22 The impact upon the visual amenities of the Green Belt is discussed below in paragraph 5.44 to 5.48 of the report, but it is considered that the mobile home, which would be sited in an existing traveller site adjacent to the A34, would cause negligible harm to the visual amenities of the Green Belt.
- 5.23 Overall, the modest harm to the openness adds to the in principle harm by reason of inappropriateness.
- 5.24 Turning to very special circumstances, the current published position of the five year land supply is reported in the 2014 Annual Monitoring Report (AMR) (March 2015) and this concludes that the Council is unable to demonstrate a 5 year supply of gypsy and traveller pitches as there are no new deliverable sites that have been specifically identified. Policy BSC 6 of the Cherwell Local Plan Part 1 provides for 19 net additional pitches from 2012 to 2031. In March 2015, the AMR stated that there had been a net loss of 9 authorised pitches thereby increasing this requirement to 28 pitches. The provision of the additional pitch on an existing site would therefore be a benefit of the proposal and help meet Local Plan requirements. There are currently no identified sites that could provide alternative accommodation.
- 5.25 Whilst the PPTS states that unmet need is unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances, Planning Policy and officers are of the opinion that this is more relevant when assessing new traveller sites or extensions to the limits of existing sites, instead of new pitches on existing traveller sites. For example, Paragraph 16 of the PPTS states that traveller sites are inappropriate development and this does not specifically refer to additional pitches. Given this and the large unmet need in the District and lack of suitable and available alternative sites to meet the need, this should be afforded substantial weight.
- 5.26 Policy BSC 6 of the Cherwell Local Plan Part 1 states that to meet the requirements set out, and in order to provide and maintain a five year supply of deliverable traveller sites, allocations will be made in Local Plan Part 2 and planning permissions will be granted for suitable traveller sites. Policy BSC6 also goes to state that: *“In identifying suitable sites with reasonable accessibility to services and facilities the following sequential approach will be applied:*
- 1) *Within 3km road distance of the built-up limits of Banbury, Bicester or a Category A village.*
 - 2) *Within 3km road distance of a Category B village and within reasonable walking distance of a regular bus service to Banbury or Bicester or to a Category A village.*

Other locations will only be considered in exceptional circumstances.

The following criteria will also be considered in assessing the suitability of sites:

- a) *Access to GP and other health services*
- b) *Access to schools*
- c) *Avoiding areas at risk of flooding*
- d) *Access to the highway network*
- e) *The potential for noise and other disturbance*
- f) *The potential for harm to the historic and natural environment*

- g) *The ability to provide a satisfactory living environment*
- h) *The need to make efficient and effective use of land*
- i) *Deliverability, including whether utilities can be provided*
- j) *The existing level of local provision*
- k) *The availability of alternatives to applicants.”*

- 5.27 Planning Policy are of the opinion that the application site performs well against the criteria set out in Policy BSC6 as it is approximately 1.5km away from Kidlington which is a Category A village under Policy Villages 1 of the Cherwell Local Plan Part 1. Category A villages are considered the most sustainable settlements in the District's rural areas. Planning Policy note that Kidlington has a wide range of services and facilities available including schools, nursery, food shop, post office, library, public house, recreational facilities, village/community hall, doctor's surgery, dental practice and a bus service. Furthermore, Planning Policy are of the opinion that the site is easily accessible due to its close proximity to the A34 and Oxford Road.
- 5.28 The proposed mobile home would be sited in an existing traveller site therefore the location of this site as a traveller site has also been accepted previously. As the proposed mobile home would be in an existing site this is also considered to make an efficient and effective use of land and as already discussed there are currently no identified sites that could provide alternative accommodation. The proposed mobile home is also considered to cause limited harm to the historic and natural environment given its proposed siting in an existing traveller site.
- 5.29 Given the above, I am in agreement with Planning Policy that the application site performs well against the criteria set in Policy BSC6 and the site is considered to be in an acceptable location for gypsy and traveller sites in terms of access to services and facilities and travelling distances. Furthermore, the proposed pitch would cause limited harm to the character and appearance of the locality given that it would be sited in an existing traveller site. This is in accordance with Policy BSC6 of the Cherwell Local Plan Part 1 and officers consider that this should be afforded moderate weight.
- 5.30 Overall, in the circumstances set out above, the harm by reason of inappropriateness and the additional harm identified, which would be caused by the additional pitch, is outweighed by the sizeable unmet need of gypsy and traveller pitches and the lack of identified sites that could provide alternative accommodation, the suitability of the existing site in terms of its accessibility to services and facilities and the limited harm to the character and appearance of the area. In considering the case for a mobile home as a whole, officers conclude that very special circumstances do exist so as to justify this inappropriate development in the Green Belt.
- Community dayroom
- 5.31 Moving on to the community dayroom, this again constitutes inappropriate development within the Green Belt. Given that the dayroom is of a scale that is not too dissimilar to the proposed mobile home in this application and that it is in a similar location inside the existing traveller site to this proposed mobile home, it is considered that it causes modest harm to the openness of the Green Belt and negligible harm to the visual amenities of the Green Belt.
- 5.32 Turning to very special circumstances it is noted in the Design and Access Statement submitted alongside the application that this community dayroom is proposed to serve a number of uses including private home teaching space, meeting space, an office for the running of the caravan park and a place for visitors to stay (i.e. in case of family emergencies).

- 5.33 In respect of the private teaching space an argument put forward in the previous appeal at the site was that the site would provide permanent access to a school. That said, the applicant's agent noted that some Romani Gypsy families do not believe in sending their children to school for cultural reasons. The applicant's agent notes that there are three children at present that are taught from home.
- 5.34 Turning to the use of the building as an office and a meeting space, it was noted by the applicant's agent that most traveller sites have a separate unit which is used as an office and for meetings. The applicant's agent notes that the office would be used to facilitate the running of the site. In relation to the meeting space, it is noted by the applicant's agent that this would be used for cultural meetings, neighbourhood meetings and a place for health visitors and other community workers to meet with travellers on the site. In relation to health visitors and community workers visiting, the applicant's agent notes that the best option is for people to be on neutral ground rather than individual mobile homes. Furthermore, the applicant's agent notes that every village has a community or village hall facility therefore it is not unreasonable to have such a facility on this site.
- 5.35 In relation to the bedroom in the dayroom, this is noted in the Design and Access Statement submitted alongside the application to be used for a number of reasons, but notably for carers and family members during medical emergencies. The applicant's agent has noted that the applicant's mother is currently receiving such support. The applicant's agent has noted that some gypsies do not to seek medical assistance in hospitals due to cultural reasons. The Design and Access Statement also noted that the bedroom could also be used for children to rest whilst being schooled.
- 5.36 It is worth highlighting that Article 8 of the European Convention on Human Rights confers a positive obligation on Contracting States to facilitate the gypsy way of life (Paragraph 96 of *Chapman v UK* (2001)).
- 5.37 In relation to using the building as a meeting room for cultural and neighbourhood meetings, Policy BSC12 of the Cherwell Local Plan Part 1 promotes the provision of community facilities to encourage the sustainability of communities. Furthermore, Section 8 of the NPPF promotes healthy communities. Having regard to the number of pitches at the site, officers are of the opinion that a space for neighbourhood and cultural meetings would help facilitate the gypsy way of life and would in turn help support healthy communities. Such a facility does not presently exist and it is considered that this should be afforded significant weight.
- 5.38 In relation to the private schooling element, a separate and single space dedicated for teaching is not considered unreasonable and this again would facilitate the gypsy way of life, given that not all Romani Gypsy families believe in sending their children to school for cultural reasons and that there are existing children on the site which are currently not taught at school. Officers consider that this should be afforded significant weight.
- 5.39 Turning to the office element, whilst it is noted other sites have an office for the running of the site, this in itself is not considered to fully justify why one is required in a separate building at this site. Officers consider that this should be afforded limited weight.
- 5.40 Moving on to the bedroom element, as some gypsies do not seek medical assistance in hospitals due to cultural reasons a separate bedroom for carers and family visits at times of medical emergencies is not considered unreasonable and would again help facilitate the gypsy way of life. Officers are of the opinion that this should be afforded significant weight.

- 5.41 On balance, in the circumstances set out above, the harm by reason of inappropriateness and the additional harm identified, which is caused by the dayroom building, is outweighed by the provision of a meeting room, bedroom and space for private teaching to help facilitate the gypsy way of life and the provision of a meeting room to support the provision of a community facility to encourage the sustainability of this community. Furthermore, this building would accommodate all these uses under one roof and the harm on the visual amenities of the area is considered to be limited. In considering the case for a community dayroom as a whole, I conclude that very special circumstances do exist so as to justify this inappropriate development in the Green Belt.

Visual Impact and Effect on Landscape Character

- 5.42 Policy ESD13 of the Cherwell Local Plan Part 1 notes that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to the local landscape character cannot be avoided. Policy ESD13 also states that: *“Proposals will not be permitted if they would:*
- *Cause undue visual intrusion into the open countryside;*
 - *Cause undue harm to important natural landscape features and topography;*
 - *Be inconsistent with local character;*
 - *Impact on areas judged to have a high level of tranquillity;*
 - *Harm the setting of settlements, buildings, structures or other landmark features: or*
 - *Harm the historic value of the landscape.”*
- 5.43 Policy ESD15 of the Cherwell Local Plan Part 1 states that: *“New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards.”*
- 5.44 Saved Policy C28 of the Cherwell Local Plan 1996 reflects Government guidance in relation to the design of new development by seeking to ensure that such development is in harmony with the general character of its surroundings and is sympathetic to the environmental context of the site and its surroundings. Saved Policy C8 of the Cherwell Local Plan 1996 seeks to protect the character of the open countryside.
- 5.45 It is worth noting that in the previous application for the 8 traveller pitches at the site, it was considered that the site was well screened from the public domain and further planting was conditioned along the highway boundary. The site has wrap around screening by virtue of the existing trees and hedging and the site is well screened to the west by the elevated carriageway and embankment of the A34. The tops of the structures in this site are only just visible in the winter months along the A34, but the site is not highly visible from any other public highways. The existing dayroom on the site is not highly visible from the public domain and this structure is read against the other buildings on this site. It is considered that the proposed single storey mobile home would also not be highly visible from the public domain and that it would be read against other structures on the site. The Landscape Officer is also of the opinion that the existing trees and hedgerows are sufficient to screen this development.
- 5.46 Thus, it is considered that the development would not have a detrimental impact upon the visual appearance or rural character of the countryside, and is in accordance with Policies ESD13 and ESD15 of the Cherwell Local Plan Part 1, saved Policies C8 and C28 of the Cherwell Local Plan 1996 and Government guidance contained within the NPPF.

Effect on Residential Amenity

- 5.47 The Anti-Social Behaviour Manager has no objections to the application and the site is not close to any neighbouring residential properties being some 600 metres away to the closest dwellings in Kidlington. Permission was granted in 2011 for the change of use of the site to a traveller site and it was considered that this change of use would not detrimentally impact upon the residential amenities of any surrounding properties. In terms of any direct impact on the residents from noise, light, privacy, etc, it is considered that the development would not adversely effect residential amenity.

Highways Safety

- 5.48 Oxfordshire County Council as Local Highways Authority have no objection to the addition of a mobile home and community day room. It is considered that the proposed development would not have an adverse impact on traffic and highway safety on the local network.

Flooding Risk

- 5.49 Part of the site lies within a Zone 2 Flood Plain, but no comments have been received from the Environment Agency in the statutory time period. It is worth noting that the Environment Agency had no objections to the previous application at the site. A Flood Risk Assessment (FRA) has been submitted alongside this application, which is a revised version of the FRA submitted with the previous application at the site and officers consider that the findings within this are acceptable and that the proposal would not increase the flooding risk to the existing and future occupants.

Other Matters

- 5.50 Given the scale and nature of the proposal it is considered that the proposal would not cause adverse ecological harm.
- 5.51 The matter of a potential breach of the licence was raised by a neighbouring resident, but this is not a material planning consideration in this case. It is noted that it is alleged this proposal would lead to a change of use for business purposes, but no information of such a change of use has been submitted alongside the application and a condition was attached to the previous consent at the site stating that: "*No commercial activities shall take place on the land*". A similar condition can be imposed if permission is granted for the current application.

Engagement

- 5.52 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

Conclusion

- 5.53 Given the above assessment, it is considered that special circumstances exist to justify the principle of the development in the Green Belt and officers consider that the proposal would not cause significant detrimental harm in other respects. Therefore the application is compliant with the policies outlined in section 4 of this report. The application is therefore recommended for approval and planning permission should be granted subject to appropriate conditions.

6. Recommendation

Approval, subject to the following conditions:

1. Development in respect of the additional mobile home hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents:

- Application form submitted with the application;
- Design and Access Statement submitted with the application;
- Site Location Plan submitted with the application;
- Drawing Numbers 1564/01A and 1564/03 submitted with the application;
- Floor Plan of Mobile Home Titled 'Tredegar 40' X 12" submitted with the application;
- E-mail received from the applicant's agent on 3rd November 2015;
- Drawing Number 0970/02B received from the applicant's agent by E-mail on 9th November 2015; and
- E-mail received from the applicant's agent on 26th November 2015.

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.

3. No more than 17 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 9 shall be static caravans or mobiles homes), 7 utility day rooms and 1 community day room shall be stationed on the site at any one time and these shall be sited as is displayed on Drawing Number 0970/02B received from the applicant's agent by E-mail on 9th November.

Reason – This consent is only granted in view of the very special circumstances, which are sufficient to justify overriding normal planning policy considerations which would normally lead to a refusal of planning consent and in accordance with Policies ESD14 and ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. The development hereby permitted shall be carried out in accordance with the recommendations in section 5 "issues to be addressed" of the Flood Risk Assessment prepared by Prior Associates Consulting Engineering dated August 2010 and Reviewed October 2015 (Ref: 9069/2) accompanying the application.

Reason - To protect the development and its occupants from the increased risk of flooding and in order to comply with Government guidance contained within the National Planning Policy Framework.

5. The Community dayroom shall be used only for the purposes outlined in the Design and Access Statement submitted with the application and E-mail

received from the applicant's agent on 3rd November 2015 and shall not be occupied as a separate unit of accommodation.

Reason – This consent is only granted in view of the very special circumstances, which are sufficient to justify overriding normal planning policy considerations which would normally lead to a refusal of planning consent and in accordance with Policies ESD14 and ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. No commercial activities shall take place on the site, including the external storage of materials in association with a commercial activity, and no vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

Reason - In order to protect the special character and the openness of the Green Belt, to safeguard the amenities of the area and in the interest of highway safety in accordance with Policies ESD14 and ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and the National Planning Policy Framework.

7. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of the 'Planning Policy for Traveller Sites' August 2015.

This consent is only granted in view of the very special circumstances, which are sufficient to justify overriding normal planning policy considerations which would normally lead to a refusal of planning consent and in accordance with Policies ESD14 and ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES

1. Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.
2. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. This is to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.