

**The Stable Block  
Farnborough Road  
Mollington**

**16/01760/F**

**Case Officer:** Bob Neville

**Contact:** 01295 221875

**Applicant:** Mr Thomas Doran

**Proposal:** Change of use of land to use as a residential caravan site for gypsy families with 5 caravans and laying of hardstanding.

**Expiry Date:** 26.10.2016

**Ward:** Cropredy, Sibfords & Wroxton

**Committee Date:** 24.11.2016

**Ward Councillors:** Councillors Atack,  
Councillor Reynolds,  
Councillor Webb

**Reason for Referral:** Member call-in in light of public interest raised by Parish Council

**Recommendation:** Approval

## **1 Application Site and Locality**

- 1.1 The Corner Meadow is located immediately to the north of the junction between Farnborough Road and A423 Southam Road, approximately 550m north of the village of Mollington. It is a triangular shaped parcel of land bounded by mature hedgerow and trees also containing a small wooded area on the southern boundary.
- 1.2 The site has a somewhat complex history, given the subdivision of the original site that has taken place. Planning permission was granted in 2009 (ref. 08/00604/F) on appeal for the change of use of the land to accommodate caravans for the purposes of an established gypsy and traveller site. Further consents were subsequently granted in 2009 (09/00622/F) and 2011 (10/01610/F), expanding the area of the gypsy traveller site and permitting the stationing of further caravans, and further consents from 2011 and 2016 increasing the capacity of the overall site are also detailed in the planning history section below.
- 1.3 In 2011 the site was effectively split in half and a close boarded fence erected between the two sites. This has led to Corner Meadow becoming one site on its own and a smaller parcel of land (roughly 1,750sqm) being renamed The Stable Block. The Stable Block is the site to which this planning application relates. Both the Stable Block and Corner Meadow sites have been the subject of subsequent planning applications and consents, since the original permission, and now across the two sites there are currently eleven authorised gypsy traveller pitches.
- 1.4 Both Corner Meadow and The Stable Block are accessed off the Farnborough Road. The Corner Meadow has its own private access, whilst access for The Stable Block is gained from two separate vehicular accesses again taken off the Farnborough Road.

- 1.5 In terms of site constraints, the site is not within a conservation area and there are no listed buildings within proximity of the site. There are no further notable site constraints relevant to planning and this application.

## **2 Description of Proposed Development**

- 2.1 The application seeks permission for the change of use of an area of land, currently hardstanding, within the wider Stable Block site, sitting adjacent existing permitted areas for gypsy traveller pitches, to provide a further 5 additional caravan pitches for use by gypsies or travellers. The applicant has indicated that each pitch would accommodate a single caravan/mobile home caravan with an area of hardstanding for the parking of one vehicle and is intended for occupation by gypsies or travellers that meet the Government's definition of such. The proposals would utilise the existing access arrangements off the Farnborough Road and would not affect existing parking provision within the site.
- 2.2 It should also be noted that a further application (16/01740/F) has also been submitted, for the change of use of part of the land to provide 6 additional caravan pitches, on the adjacent site, 'Corner Meadow'. Whilst the applications must be assessed on their own merits, the considerations of the two proposals are largely similar in their nature and due regard also needs to be had for the cumulative impacts of both proposals.
- 2.3 Officers have worked with the applicant and his agent during the course of the application. Amended plans have been submitted to reflect not only the proposed layout but also include the layout of existing pitches (to enable a full assessment of the site) and clarification has also been submitted with regards to the potential occupants of the proposed pitches. It should also be noted that the application has gone over the 8 week determination deadline, to enable the application to be presented to planning committee, following the member call-in procedure being instigated.

## **3 Relevant Planning History**

- 3.1 08/00604/F - Change of use of land to use as a residential caravan site for one gypsy family with a total of up to 3 no. caravans, including access improvements, construction of a driveway and laying of a hardstanding - Refused 16 May 2008, but allowed at appeal 31 March 2009
- 09/00622/F - Change of use of land to use as a residential caravan site for two Gypsy families with a total of up to 6 caravans, access improvements, construction of a driveway and laying of a hardstanding - Permitted 30 June 2009
- 10/00060/DISC - Discharge of Conditions 5 (planting and development scheme) & 6 (5 yr landscape maintenance) of 09/00622/F - Permitted 12 May 2010
- 11/00783/F - Vehicular Access - Permitted 15 July 2011
- 11/01430/F - Erection of day room - Withdrawn 18 November 2011
- 11/01808/F - Erection of day room - Re-submission of 11/01430/F - Permitted 23 March 2012
- 12/01368/F - Change of use of part of land to provide extra space required to accommodate four family caravan pitches, one visitor pitch and retention of existing static caravan (PART RETROSPECTIVE) - Refused 1 March 2013 but subsequently allowed on appeal with partial award of costs 16 January 2014
- 14/00123/DISC - Discharge of Conditions 5 (Surface water drainage), 6 (foul sewage), & 7 (landscaping) of 12/01368/F - Permitted 2 March 2016

14/00398/F - Construction of new access and turning area - Permitted 3 July 2014

15/02010/F - Variation of Conditions 3 (site layout) and 4 (no. of caravans) of

12/01368/F - Permitted 2 March 2016

Further applications on the adjacent site Corner Meadow

10/01610/F - Change of use from paddock to accommodate an additional mobile home with two associated caravans - Permitted 25 January 2011

11/00293/F - Additional mobile home with two associated caravans - Permitted 26 May 2011

11/01383/F - Replacement of flat roof with pitched roof to outbuilding - Permitted 2 December 2011

#### **4 PRE-APPLICATION DISCUSSIONS**

- 4.1 No pre-application discussions have taken place with regard to this proposal.

#### **5 RESPONSE TO PUBLICITY**

- 5.1 This application has been publicised by way of a site notice displayed near the site and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records.

- 5.2 Two items of correspondence from residents of Mollington have been received in objection as a result of the publicity process and are summarised as follows:

- Number and definition of a pitch needs clarification;
- Application should be considered alongside 16/01740/F because of potential cumulative effects;
- The site has expanded considerably from original consent and no audit of the site has been carried out;
- The proposed siting adjacent Farnborough Road was previously considered unacceptable;
- Increase in number of residents across the two sites could equate to 10% of Mollington's total population;
- Potential an unsatisfactory living environment; over-crowding, fire safety risk and inadequate sewage disposal facilities;
- Policy indicates that suitable sites should be within 3 km of a category B village and walking distance of a bus service; the site is 3.4km from the centre of Cropredy and there are no bus routes serving either Cropredy or Mollington;
- This proposed development would be outside the village boundary in Green Belt in an area identified as having High Landscape Value; contrary to policy;

- 5.3 The comments received can be viewed in full on the Council's website, via the online Planning Register.

#### **6 RESPONSE TO CONSULTATION**

- 6.1 Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL

6.2 MOLLINGTON PARISH COUNCIL: **Objects and makes the following comments:**

*16/01760/F Change of use of land to use as a residential caravan site for gypsy families with 5 caravans and laying of hard standing. The Stable Block Farnborough Road Mollington Banbury OX17 1ND. Mollington Parish Council objects to this application on the following grounds:*

- The site is at its capacity in terms of both caravans and infrastructure*
- Caravans are occupied by non gypsy families in contravention to the planning conditions imposed by the Planning Inspector in March 2009 and reinforced by Cherwell District Council*
- Occupation by non gypsy families demonstrates that this is a commercial development not a gypsy site and that there appears to be a lower demand for gypsy accommodation in this area than stated in the application*
- The access to the site is from a restricted highway with a blind turn to Southam Road which itself has a 50mph speed limit. This site and any increase in number of caravans will be harmful to highway safety.*
- The site has no infrastructure link to schools, doctors and other local amenities*
- The site already exceeds the number allowed in the conditions imposed by the Planning Inspector at appeal in March 2009.*
- Despite the imposition of conditions the site is still not sufficiently screened.*
- Commercial activities still appear to take place at the site in contravention to the conditions imposed by the Planning Inspector in March 2009*
- The Planning Inspector imposed a condition regarding a site development scheme, including a schedule of maintenance for a period of 5 years. To date Mollington Parish Council is not aware of this being completed and planning applications have continued in a piecemeal manner.*
- A condition was imposed on the area covered by this application such that the hard standing was to be removed and the land grassed.*
- Application should be discussed by the planning committee not left to officers, in particular in light of the applicant's history of failing to comply with planning conditions without recourse to enforcement measures, and that currently there are more than the requisite amount of plots and evidence to suggest that these are not being occupied in accordance with the planning conditions ( as confirmed by CDC on 3 May 2016)*
- As planning applications continue to be submitted piecemeal, in order for Mollington Parish Council to properly consider the development of this site we would recommend that CDC obtain a site development plan showing how the applicants propose to develop the site in the future before they consider any further planning applications (as specified by the Planning Inspector in March 2009) and provide the parish council with a full copy of the audit carried out into the use of the site, in association with the planning consents and conditions imposed on the site.*

**STATUTORY CONSULTEES**

6.3 HIGHWAYS AUTHORITY: **No objections subject to conditions.**

*'The proposals for a change of use to the land to provide 5 caravans on the site, will sit adjacent to existing pitches to the east, that are already in situ (not under the applicants control). The 5 new caravan pitches would utilise the existing access into the site, which is already to a suitable standard. The visibility splay of 108m to the*

*south east, although not at the required for a national speed limit road, is not really grounds that I feel I can object upon, given the fact that the access is already functioning and the amount of traffic generated by the new pitches will be minimal.*

*The adjacent site to the north east of the proposed site, which has its own access and is subject to a separate similar planning application for 6 caravan pitches. Even when considered together, the traffic generated by these extra 11 pitches will be minimal out onto what is a very quiet, straight and rural road.*

*The amount of parking on site has not been specified, however, it looks to be a similar set up to the adjacent site, which is under another planning application, with one car space for each pitch and then one trailer and larger towing vehicle. There is ample space for manoeuvring from each pitch and the site.*

*No details have been submitted for the storage of waste bins, which should not block the access.*

6.4 THAMES WATER: **No comments received.**

NON-STATUTORY CONSULTEES

6.5 OCC ADULT SOCIAL SERVICES: **No comments received.**

6.6 OCC DRAINAGE: **No comments received.**

6.7 OCC GYPSY AND TRAVELLER SERVICES: **No comments received.**

6.8 CDC LICENSING: **No objections.** *'On the basis of information provided, the Health Protection and Compliance team do not have any objection to the above planning application. If this permission is granted the site owner will need to apply to the Health Protection and Compliance team for an alteration to the existing caravan site licence and in doing so, will need to comply with the conditions attached to said licence'.*

6.9 CDC PLANNING POLICY: **No objections.** *'The Planning Policy Team's main observations are:*

*The adopted Local Plan 2011-2031 provides to meet the identified need for pitches for Gypsies and Travellers.*

*The Government Planning Policy for Traveller Sites (March 2012) will need consideration when considering impacts, alternative sites and personal circumstances and sustainability.*

*Policy BSC 6 provides for 19 net additional pitches from 2012-2031. Since the adoption of the Local Plan there has been a loss of 20 pitches therefore the requirement has now risen to 35 pitches. (2015 AMR)*

*Policy BSC 6 provides a sequential and criteria based approach for identifying suitable locations for new traveller sites whether through site allocations in the Local Plan Part 2 or in the determination of planning applications.*

*The site is within 3km of Mollington which is a Category B satellite village to Cropredy (Policy Villages 1). There is also a regular bus service to Banbury which runs along the nearby Southam Road.*

*The site benefits from an adjacent existing gypsy and traveller site which has already set the precedent for such a use in this location. This proposal would be an extension to this site.*

*The current published five year land supply position for gypsies and travellers is reported in the 2015 AMR. Currently it is 0 years for the period 2016-2021. (Base date: 1 April 2016).*

*This proposal will contribute 5 pitches towards the five year land supply'.*

## **7 Relevant National and Local Planning Policy and Guidance**

7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

7.2 The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

### **7.3 Cherwell Local Plan 2011 - 2031 Part 1 (CLP 2031)**

PSD1: Presumption in Favour of Sustainable Development

Villages 1: Village Categorisation

BSC 6: Travelling Communities

ESD 7 Sustainable Drainage Systems

ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment

ESD 13: Local Landscape Protection and Enhancement

ESD 15: The Character of the built and historic environment

### **7.4 Cherwell Local Plan 1996 (Saved Policies) (CLP 1996)**

C8: Sporadic development

C28: Layout, design and external appearance of new development

C30: Design control

### **7.5 Other Material Planning Considerations**

#### **National Planning Policy Framework (NPPF)**

#### **Planning Practice Guidance (PPG)**

**Planning Policy for Traveller Sites (August 2015) (PPTS).** This document sets out the Government’s planning policy specifically for traveller sites and should be read in conjunction with the NPPF.

#### **Designing Gypsy & Traveller Sites (Good Practice Guide).**

**Gypsies and Travellers: Planning Provisions – Briefing Paper January 2016.** Provides useful background information and summarises changes to the updated PPTS. It is noted however that as this is only a Briefing Paper, it carries very limited weight and should not be relied upon as a substitute for specific advice

**Annual Monitoring Report 2015 (AMR).** Assessment needs to 2020 for gypsy-traveller provision have been completed and the number of pitches is noted (updated by the Planning Policy comment above)

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

**Human Rights Act 1998**

**Housing Act 2004**

**The Equality Act 2010**

## 8 Appraisal

8.1 The key issues for consideration in this case are:

- Principle of development
- Design and impact on the character of the area
- Residential amenity
- Highway safety

### Principle of development

8.2 The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

8.3 Policy PSD1 contained within the CLP 2031 echoes the Framework's requirements for 'sustainable development' and that planning applications that accord with the policies in the Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.

8.4 The provision of sites for the travelling community is dealt with within the main housing policy context. The most recent Government guidance relating to this topic can be found in the guidance issued in August 2015 "Planning Policy for Traveller Sites" (PPTS) (revises the original 2012 guidance) which should be read in conjunction with the NPPF.

8.5 A Briefing Note issued in January 2016 Gypsies and Travellers: Planning Provisions Sets out the planning policies relating to gypsy and traveller provision in an informative way for Members of Parliament. This highlights a change to the definition of "traveller" set out in the revised version of Planning Policy for Traveller Sites.

8.6 The Government's overarching aim is to ensure fair and equal treatment for travellers in a way that facilitates the traditional and nomadic way of life that they have whilst at the same time respecting the amenity and appearance of the settled community.

8.7 The definition of Gypsies and Travellers reads as follows:

*'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'.*

It goes on to state:

*'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'.*

8.8 Policy C of the Government guidance advises that when assessing the suitability of sites in rural or semi-rural settings, local planning authorities (LPAs) should ensure that the scale of such sites does not dominate the nearest settled community. In this

instance Mollington, with a population in excess of 400 (414 registered people eligible to vote) would be considered the nearest settled community being some 550m to the south of the site. Officers are of the opinion that the proposed increase in numbers occupants at the site (including the cumulative potential total number of pitches as a result of both this application and that at the adjacent site; 11 additional pitches) are not considered such that they would result in an overly dominant relationship between the site and the settlement of Mollington.

8.9 Policy H of the same guidance states that LPAs should consider the following matters:

- a) the existing level of local provision and need for sites;
- b) the availability (or lack) of alternative accommodation for the applicants;
- c) other personal circumstances of the applicant;
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites;
- e) that they should determine applications for sites from any travellers and not just those with local connections.

8.10 Policy H goes on to advise that LPAs should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. When considering applications LPAs should attach weight to the following matters:

- a) effective use of previously developed (brownfield), untidy or derelict land;
- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;
- c) promoting opportunities for health lifestyles, such as ensuring adequate landscaping and play areas for children;
- d) not enclosing a sites with so much hard landscaping, high walls or fences that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

8.11 Policy BSC6 of the CLP 2031 echoes the aims and provisions of Government guidance and sets out the district's requirements, stating that Cherwell should provide 19 additional pitches to meet the needs of Gypsies and Travellers from 2012 to 2031. It is considered that in identifying suitable sites with reasonable accessibility to services and facilities the follow sequential approach will be applied:

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

8.12 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 provision
- k) The availability of alternatives to applicants

- 8.13 In the Cherwell Local Plan 1996, Mollington was identified as a Category 1 settlement which allowed for infill, minor development and conversions. In the adopted Cherwell Local Plan 2011-2031, Mollington has been reclassified, although the planning elements remain the same (i.e. infill, minor development and conversions) to a Category B “satellite village”. Cropredy, a ‘Category A’ village lies some 3.1km to the south-east (measured by road to the edge of the village) of the site. Therefore in terms of compliance with Policy BSC 6, this development does not strictly meet the requirements of criterion (i) of this policy relating to sequential tests for the location of suitable sites, being marginally over the prescribed distance. However, there is a bus pick up at the Mollington Turn, off the Southam Road which takes people into Banbury and is therefore compliant with criteria (ii) of the policy.
- 8.14 In January 2013 the final report for a district-wide Gypsy and Traveller Housing Needs Assessment (GTAA) was completed. This informs the Council in terms of the district provision for gypsy and travellers up to 2031 (GTAA) and has been used to inform Policy BSC6 within the Cherwell Local Plan 2011-2031 Part 1.
- 8.15 The GTAA calculated that Cherwell had a population of 851 gypsies and travellers at the time of the report (not all of whom lived on authorised traveller sites). It goes on to outline that there are 70 authorised pitches throughout the District which are spread over seven sites at that time.
- 8.16 The most recent Annual Monitoring Report (AMR) 2015 (December 2015) states that the entire site (encompassing both Stable Block Corner and Corner Meadow) has a total of 9 authorised pitches; this has subsequently increased with the granting of 15/02010/F in March 2016 allowing a total of eight pitches at the Stable Block site. The report goes on to outline that at the 31 March 2015 the total number of authorised pitches in Cherwell for Gypsies and Travellers was 61. It states that the District currently has a 2.9 year land supply for accommodation of gypsies and travellers for the period 2015-2020 and a 0.0 year land supply for the period of 2016-2021. The AMR further outlines at 5.38 Table 22, that there is an overall requirement of an additional 23 pitches (taking into account all those that have been completed or projection completions in the period 2016-2021).
- 8.17 Given the above evidence there is clearly an identified need for additional gypsy traveller pitches, whether that be on existing sites or the bringing forward of new sites. It should also be noted that the lack of authorised pitches within the district is to be further exacerbated with the expected closure of the Smith’s gypsy traveller site at Bloxham, with the owners giving notice that they plan to close the site on 31 January 2017; which will result in the loss of 20 authorised pitches.
- 8.18 As can be seen from the planning history of the site, the principle of the use of the site as a gypsy and traveller site has clearly been established with the granting of historic permissions on both Corner Meadow and the Stable Block, and the site is considered acceptable in general sustainability terms, including access to services and facilities. The site has existing water and electricity supplies and there is an on-site septic tank which could deal with foul water sewage. Concerns with regard to the capacity of the septic tank and its capability of supporting the additional pitches have been raised in comments received from third parties. The application form indicates that foul sewage would be discharged into a cess pit however no details of

this have been submitted. Further information is required on this matter, and has been requested from the applicant's agent, but at the time of the preparation of this report none had been received. In the event of no further information being received prior to the committee meeting, it is considered that an appropriate scheme for the disposal of foul water sewage could be secured through an appropriate pre-commencement condition, should permission be granted. However, should further information become available, this would be conveyed as part of any written update to committee.

- 8.19 Officers are of the opinion that the principle of creating 5 additional pitches would be compliant with Policy BSC6 of the CLP 2031 Part 1 and Government guidance contained within the NPPF and would contribute towards the Council's requirement for a five year supply of deliverable sites. It is considered that a further 5 no. pitches could be accommodated that would not be to the detriment of the living environment of either existing or potential future occupants and is acceptable in principle, subject to further considerations with regard to visual and residential amenity and highway safety discussed further below.

#### Design and impact on the character of the area

- 8.20 Policy ESD13 of the CLP 2031 states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. It goes on to state that proposals will not be permitted if they would result in undue visual intrusion into the open countryside or would harm the setting of settlements. Policy ESD15 of the CLP 2031 further reinforces this view, in that new development will be expected to complement and enhance the character of its context through sensitive siting and layout.
- 8.21 Saved Policy C28 of the CLP 1996 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the rural or urban context of that development.
- 8.22 The application site forms part of the wider established Stable Block site and sits adjacent previously authorised gypsy traveller pitches, also in the applicant's ownership and control, and does not extend the use beyond the physical boundaries of the existing wider site.
- 8.23 The site sits adjacent the Farnborough Road and is largely screened to views from the west by existing boundary treatments, which consists of a close-boarded fence sitting behind mature hedgerow and trees. Boundary hedgerow to the east of the Corner Meadow site further screen the site to views from the Southam Road. Views are to be had through the access points into the site, and these are of the established gypsy traveller site. Whilst third party comments in relation to acceptability of the site, as previously considered during the 2008 application (08/00604/F) and subsequent appeal in 2009, are noted, the site has developed since the consideration of these schemes.
- 8.24 The proposals would be contained within the existing physical boundaries of the wider site and would not intrude into the open countryside to any greater extent than is the current situation. Whilst views would be possible of the proposals, they would to a large extent be screened by the existing boundary treatment and further these views would be set against the backdrop of the existing site. It is therefore considered that whilst the proposals may result in some visual harm this would not be so significant that it warrant a reason to refuse the application on these grounds alone and further any harm would outweighed by the benefits in providing additional gypsy traveller pitches, required to meet the current deficit which currently exists across the district. It should be noted with the adoption of the new local plan that the Council no longer identifies areas as AHLV (Area of High Landscape Value). The

retention of all boundaries could be secured through appropriate conditions to ensure that an adequate screening of the site is maintained.

- 8.25 Whilst the comments of the Parish Council with regard to previous landscaping and maintenance conditions are noted, the conditions attached to the appeal decision of 12/01368/F, with regards to landscaping along the Farnborough Road have been discharged, and officers have previously confirmed that the landscaping had been implemented in accordance with the approved details.

#### Residential amenity

- 8.26 Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2031 which states that: 'new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space'.
- 8.27 The site is somewhat isolated in terms of its location and there are no residential properties within the immediate vicinity of the site that would be directly affected by the proposals.
- 8.28 With regard to the specific layout, each pitch is approximately 9.5m in width and this is consistent with the approved pitch layout previously assessed and considered acceptable under ref. 15/02010/F. This allows for a sufficient gap between the pitches to meet fire regulations (minimum 6m between caravans), and which affords each one some privacy and avoids overcrowding of the site. The impact on neighbours is therefore limited as each has their own space between the vans. The proposals are considered to comply with Policy ESD 15 of the CLP 2031 and Policies C28 and C30 of the CLP 1996.

#### Highway safety

- 8.29 The Highways Authority raises no objection to the proposals, on the basis that they utilise an existing access and that any increase in traffic generation would not be so significant that it would likely result in any significant detrimental impacts on the local road network. They advise that a condition be imposed on any such permission that would require the proposals to be laid out in accordance with the submitted drawings and all new areas of hardstanding are to be of permeable construction. Further that proposed details for a bin storage area are submitted and approved to ensure that any waste bins do not impede access to the site, in the interests of highway safety.
- 8.30 Officers see no reason to disagree with this opinion. The proposals would utilise the existing access and would not affect existing parking provision, with each new pitch containing adequate parking provision within its layout. And further, that the requirements of the Highways Authority could be secured through appropriate conditions.
- 8.31 As such it is considered that the proposals would not significantly impact on the safety and convenience of other highway users and is therefore considered by officers to be acceptable in terms of highway safety.

#### Other Matters

- 8.32 Allegations have been made with regard to the site being occupied by non-gypsy/travellers, which would be in breach of conditions attached to consents for the existing site. This matter is currently under investigation by the Council's Planning Enforcement Team.
- 8.33 With regard to the proposals for consideration under this application the applicants have confirmed that it is the intention that the proposed pitches would only be for gypsies and travellers that meet the definition set out within Government Policy

Guidance contained within the PPTS, and would look to support those families who would potentially be displaced by the closure of the Smith's site at Bloxham. Officers are satisfied that there is a genuine need for further gypsy/traveller pitches and that occupancy of the proposed pitches could be controlled through appropriately worded conditions (which could be enforced against should such a situation arise) and as such the suggestion that the pitches would be occupied by non-gypsy/travellers does not constitute a reason to refuse the application, that could be later sustained should any such refusal on these grounds be appealed.

## **9 CONCLUSION**

- 9.1 Officers consider that the proposed development assessed within this application is an acceptable form of development which would contribute to meeting the shortfall of the provision authorised gypsy traveller pitches, which currently exists within the Cherwell District. The site is part of an existing authorised gypsy traveller site, is considered acceptable in generally sustainability terms and can accommodate the proposed layout without causing any significant detrimental impacts on the character and appearance of the landscape or highway safety, whilst providing an acceptable standard of living for both existing and future occupants of the site. The proposals are considered to be consistent with the provisions and aims of the policies identified above and are therefore recommended for approval subject to the schedule of conditions as set out below.

## **10 Recommendation**

- 10.1 That permission is granted, subject to the following conditions:

### **Conditions:**

1. The development to which this permission relates 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 development shall be carried out strictly in accordance with the following plans and documents: Application forms, Design and Access Statement, 1:1250 Site Location Plan and Block Plan.

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. 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 (DCLG 2015).

Reason - In view of the special circumstances of the need to provide for gypsies and travellers which is sufficient to justify overriding the normal planning policy consideration which would normally lead to a refusal of planning consent in accordance with Government guidance contained within the National Planning Policy Framework.

4. Prior to the first use or occupation of the development hereby permitted, waste storage and collection shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the waste store/collection shall be permanently retained and maintained for the storage of bins in connection with the development.

Reason - In the interests of sustainability and to ensure a satisfactory form of development and comply with Government guidance contained within the National

Planning Policy Framework.

5. Development of the permitted layout shall not begin until a scheme for the disposal of foul drainage has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved prior to the occupation of the first new caravan. Once installed the agreed works shall be maintained as such.

Reason - To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Government guidance contained within the National Planning Policy Framework.

6. Prior to the first occupation of the development hereby approved, the parking and manoeuvring areas shall be provided in accordance with the approved Block Plan drawing, so that motor vehicles may enter, turn around and leave in a forward direction and vehicles may park off the highway. The manoeuvring area and parking spaces shall be constructed from porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site. Thereafter the manoeuvring area and car parking spaces shall be retained in accordance with this condition for the parking and manoeuvring of vehicles at all times.

Reason - In the interests of highway safety and flood prevention, to ensure the provision of off-street car parking and to comply with Government guidance contained within the National planning Policy Framework.

7. No commercial activities shall take place on the land, including the storage of materials.

Reason - In order to safeguard the amenities and character of the area and in the interests of highway safety and to comply with Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

8. No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site at any time whatsoever.

Reason - In order to safeguard the amenities and character of the area and in the interests of highway safety and to comply with Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

9. No external lighting shall be installed on the site unless details of the position, height and type of lights have been submitted to and approved in writing by the local planning authority. The external lighting shall be installed and operated in accordance with the approved scheme and no other lighting shall be installed or operated.

Reason - In order to safeguard the amenities of the area and to comply with Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. The existing hedgerow along the south-western boundary of the site adjacent the Farnborough Road shall be retained and properly maintained at a height of not less than 3 metres, and if any hedgerow plant dies within five years from the completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 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.