

Application No: 11/00293/F	Ward: Cropredy	Date Valid: 09 March 2011
Applicant:	Mr James Doran	
Site Address:	Corner Meadow, Farnborough Road, Mollington, Banbury	

Proposal: Additional mobile home with associated caravans

1. Site Description and Proposal

- 1.1 The site forms a small parcel of land (roughly 1500sqm) within the wider site known as Corner Meadow which is located immediately to the north of the junction between Farnborough Road and A423 Southam Road, approximately 600m north of the village of Mollington. Corner Meadow as a whole forms a triangular shaped parcel of land containing a small wooded area on the southern boundary. Access to the site is via an existing gateway from Farnborough Road. Planning Permission was granted within the red line for the site currently being assessed for a change of use from paddock to accommodate an additional mobile home and two associated caravans in 2010 (application 10/01610/F refers).
- 1.2 As planning permission has already been granted for a change of use of the land to which this application relates, this application seeks consent for the siting only of an additional mobile home and two associated caravans.

2. Application Publicity

- 2.1 The application has been advertised by way of a site notice and a press notice. The final date for comment was 07 April 2011.
- 2.2 Eight letters of representation have been received which are summarized below (see Public Access for full content of each):
- 2.3
- First application only passed at appeal – indicating major concerns
 - Conditions and enforcement action to be complied with
 - Parish Council to be kept up to date with all progress
 - Strongly against and it is assumed that this application is not for Mr Doran's family
 - Should not be allowed – there are sufficient vans and mobile homes on this site
 - Site unsuitable for residential development
 - Highway safety
 - Area of high landscape value damaged by further units
 - Conditions set by inspector have not been met
 - Inspector didn't give unlimited consent – restricted to three
 - Concerns re waste water and sewerage
 - No explanation as to why extra accommodation is required
 - Site should be restricted to current size

- Normal planning considerations previously put to one side in favour of well being of Doran family – should be no more exceptions
- Other gypsy sites established since the original consent?
- No advert in press
- Site not big enough for existing residents
- Children playing and loose dogs
- Already more caravans than original planning app
- significant number of large commercial vehicles using the site
- We object to this planning application on the basis of blatant disregard to conditions set on previous applications and the ineptitude of the council to see they are met or even concerning themselves with recommendations made by the inspector.

3. Consultations

- 3.1 **Mollington Parish Council:** has not commented directly in relation to the proposal however a letter has been received which raises concern about the Council's approach to planning applications on the site, enforcement issues and the status of the land.
- 3.2 **Local Highway Authority:** In view of the history of the site a recommendation of refusal would be not be sustainable. H.A. therefore offers no objections to the application subject to a condition securing the provision of an access as per the previous application and the provision of parking spaces.
- 3.3 **Head of Planning Policy and Economic Development** raises no planning policy objection to the development of an additional pitch having given consideration to the planning history for the site, the Housing Act 2004, the ODPM Circular 1/2006, the current provision for gypsy accommodation across the district, the Gypsy and Traveller Accommodation Needs Assessment (GTAA, an Examination in Public (EiP) into accommodation provision for the travelling communities, the latest Government Guidance and the DCLG Good Practice Guide on designing Gypsy and Traveller sites.
- 3.4 **Anti Social Behaviour Manager:** no objections however recommends that the public sector licensing team be consulted. NB this was carried out on 10.05.11 therefore the consultation period expires on 24 May 2011.
- 3.5 **Head of Building Control and Engineering Services:** has no comments to make
- 3.6 **Thames Water** raises no objections in relation to the water or sewerage infrastructure

4. Relevant Planning Policies and Guidance

- 4.1 Planning Policy Statement 3: Housing
 Adopted Cherwell Local Plan 1996 – Policy C13 C28
 South East Plan 2009 – Policy C4 and CC6
 ODPM Circular 01/2006

5. Appraisal

5.1 Main Planning Considerations

- 5.1.1 The main issues to consider in the determination of this application are as follows:
- Planning History
 - Principle of additional gypsy pitches
 - Highway Safety
 - Visual Amenity/Landscape Impact
 - Residential Amenity

Each of these matters will be considered in turn.

5.2 Planning History

- 5.2.1 Planning permission was originally granted following an appeal for the change of use of the land to use as a residential caravan site for one gypsy family with a total of up to three caravans (app 08/00604 refers), which related to a parcel of land to the north of the current site in question. In considering the proposal the Inspector concluded that:

- 5.2.2 'the development would not harm highway safety and that the site would be acceptable in sustainability terms. I have identified limited harm to the character and appearance of the surrounding area but consider that the impacts could be mitigated by the imposition of conditions. Notwithstanding the small element of visual harm arising from the development there are compelling factors in favour of the development arising from the need for gypsy sites in the area and the lack of available alternative sites. I also give some weight to the educational needs of the children living on the site.'

- 5.2.3 It was therefore identified that there was a need for additional gypsy accommodation at that time within the District that was not being provided.

- 5.2.4 Application 09/00622/F granted planning permission for the change of use of the same parcel of land (although slightly larger in area) to use as a residential caravan site for two gypsy families with a total of up to six caravans.

- 5.2.5 As the Inspector at the time of the preceding appeal had concluded, the development considered under 09/00622/F was not considered to be harmful and there was an existing need for gypsy sites in the district, as such the application was accepted.

- 5.2.6 Application 10/01610/F granted planning permission for a change of use of a separate parcel of land to the south of the site relating to the preceding applications to allow the siting of one mobile caravan and two touring caravans in 2010 (10/01610/F refers).

- 5.2.7 The advice from the head of Planning Policy and Economic Development in

relation to this application was that the latest advice from government at that time was that it will be for the Local Planning Authority to decide on the level of need for further gypsy and traveler pitched. At the time of application 10/01610/F the Head of Planning Policy and Economic Development advised that the Council would not dispute that there is a need for further pitched and based on the history of the wider site and the Inspector's decision, it was considered to be a suitable location for a further pitch.

- 5.2.8 The current application seeks to site an additional mobile home together with two touring caravans on the same land as application 10/01610/F (in relation to which a change of use for the siting of a mobile home has already been granted planning permission).

5.3 Principle of Additional Gypsy Pitches

- 5.3.1 As referred to above, the Head of Planning Policy and Economic Development recognises that, based on the planning history of the Corner meadow site, it is an accepted location for gypsies and travellers.

- 5.3.2 Whilst reference is made by the Head of Planning Policy and Economic Development to a number of ways in which the need for gypsy pitches has been calculated via the GTAA (12 pitches), Circular 01/2006, Oxfordshire Partnership Work (17 pitches) and an EiP into accommodation for travelling communities in 2010 (15 pitches), there remains to be a net loss of six pitches. Furthermore, the latest advice is that the Regional Strategy and Circular 01/2006 are to be revoked.

- 5.3.3 In light of this, the latest Government advice is that;

“Local councils are best placed to assess the needs of travellers. The abolition of Regional Strategies means that local authorities will be responsible for determining the right level of site provision, reflecting local need and historic demand, and for bringing forward land in DPDs. They should continue to do this in line with current policy. Gypsy and Traveller Accommodation Assessments (GTAAAs) have been undertaken by all local authorities and if local authorities decide to review the levels of provision these assessments will form a good starting point. However, local authorities are not bound by them. We will review relevant regulations and guidance on this matter in due course.”

- 5.3.4 Given this latest advice, the Head of planning Policy and Economic Development advises that at the time of writing, it is not known whether a new GTAA will be prepared or when new regulations and guidance will be published. However, the net loss of 6 pitches [within the District] since 2006 in itself suggests a need for additional pitches to be provided leaving aside the need to meet future needs.

- 5.3.5 As previously concluded therefore, based on the conclusions reached by the Planning Inspector for the 2008 application and bearing in mind the Head of

Planning Policy and Economic Development's advice in relation to need, SDPHE is satisfied that there remains to be a need for gypsy pitches within the District. The Inspector concluded that such development would not be harmful to highway safety and that the site is sustainably located. For these reasons, it is concluded that the use of the site for an additional gypsy pitch is acceptable in principle.

5.4 Highway Safety

- 5.4.1 The Inspector for the 2008 appeal concluded that, in relation to the assessment of the three caravans at that time, the proposal would not give rise to any highway safety concerns.
- 5.4.2 In light of this conclusion, the Local Highway Authority does not consider that it would be sustainable to recommend that the application be refused. It is however pertinent to require the access to be laid out in accordance with the previous plans and to secure two parking spaces in association with the additional caravan.
- 5.4.3 The conditions recommended by the Local Highway Authority are reasonable in SDPHE's view. Details of the access were submitted to and approved in relation to the conditions attached to 09/00622/F, however the access has not been carried out on site in accordance with the approved details. As the Inspector also required details of the access in relation to 08/00604/F (despite an access existing on the site at the time of the appeal) it would appear that the access was not considered to be to appropriate safety and specification standards. No changes have been made to the access since this time and therefore the access is not in accordance with what was expected in relation to the approved development, therefore a condition which requires the access to be carried out in accordance with previously approved details is reasonable in SDPHE's view. The indication of two parking spaces within the site is also considered to be reasonable to ensure that there is appropriate accommodation for vehicles to be parked clear of the highway.
- 5.4.4 Subject to the recommended conditions, SDPHE is satisfied that the proposal is appropriate in terms of its impact upon highway safety and convenience in accordance with PPG13 and Policy

5.5 Visual Amenity/Landscape Impact

- 5.5.1 The wider site is well screened, and adjacent to the area proposed under this application is a thicket of tree planting to the south together with planting along the boundaries of the wider site. Whilst glimpses through some of the boundary treatments are gained of the mobile homes and touring caravans during the winter months, the overall impact on the landscape is not significant. During the summer months, views of caravans would be reduced further.
- 5.5.2 A landscaping scheme to reinforce, in particular, the eastern hedgeline with the Southam Road has been approved in relation to the 2009 application however this has not been implemented; a matter which is currently being investigated by the Council's Enforcement Team. The site circumstances and the location of the caravans together with the Inspectors consideration of this matter leads SDPHE to conclude that the proposal would not cause undue harm to visual amenity or the wider landscape in accordance with Policies C13 and C28 of the adopted Cherwell Local Plan. It should be noted that a landscaping scheme is not considered to be

necessary in this particular case as the approved landscaping scheme (yet to be implemented) relates to the 2009 application and a wider element of the site.

5.6 Residential Amenity

5.6.1 The proposal would have no impact upon residential amenity by way of loss of light, loss of privacy or by being overbearing given the fact that the nearest neighbours are some distance from the site. The application would not therefore cause undue harm to residential amenity and therefore complies with Policy C30 of the adopted Cherwell Local Plan.

5.7 Third Party Representations

5.7.1 The third party representation (which are both material and non-material considerations) are noted and are addressed in turn below:

5.7.2 Whilst the Council refused the application, the Inspector allowed the appeal and as such this decision carried the most weight.

5.7.3 The fact that there are outstanding conditions and enforcement matters to be complied with does not automatically lead to a subsequent application being refused. The current proposal must be assessed on its planning merits and an appropriate conclusion reached.

5.7.4 The Development Control Team Leader has recently written to the Parish Council to set out the latest position.

5.7.5 None of the previous consents are tied to a particular family, only to the use of the land being for the traveling community only. It would therefore be unreasonable to now tie the site to a particular family.

5.7.6 The assessment of the application concludes that the additional units would not cause material harm therefore the opinion that there are sufficient vans and mobile homes on the site cannot reasonably lead to a reason for refusal.

5.7.7 Residential use has been established on the site as a result of the Inspector's appeal decision.

5.7.8 The Inspector and the Local Highway Authority raised no objections to highway safety subject to conditions relating to access and parking.

5.7.9 The Inspector raised no objections to the impact of the proposal upon the landscape subject to planning condition.

5.7.10 The outstanding planning conditions are being investigated.

5.7.11 The Inspector restricted the original consent to three caravans as that was the proposal before her and what she had based her assessment on. This does not preclude the applicant or others from applying for further units or stop SDPHE from considering that such units are acceptable following a balanced planning assessment.

- 5.8.12 No concerns have been raised by Thames water in relation to waste water and sewerage
- 5.8.13 In assessing additional units for gypsy accommodation on an existing site, a justification is not required, however consideration must be given to need, which has been demonstrated in this case given the shortfall across the District.
- 5.8.14 Restriction on numbers is not considered to be reasonable where additional units would not cause material harm.
- 5.8.15 Whilst the well being of the Doran family formed part of the consideration of the original application, this was not the only reason why the application was considered to be acceptable (see para 5.2.2 above).
- 5.8.16 No other gypsy sites have been established since the original consent. There has been a net loss of 6 pitches since 2006.
- 5.8.17 Under the most recent procedures for advertising planning applications, this application is not one that the Council has a statutory duty to advertise in the local Press. A site notice was posted near to the site on the Farnborough Road.
- 5.8.18 The size of the site is a matter of opinion. It has been concluded that no material harm will be caused by the siting of a further caravan pitch on the site, when considered against planning policy.
- 5.8.19 Children playing and loose dogs are not matters in relation to which an application could be reasonably refused.
- 5.8.20 SDPHE is aware of the unauthorised unit of accommodation and the necessary enforcement investigations are in motion.
- 5.8.21 If a commercial use is being carried out at the site, this is breach of previous conditions and would be controlled by condition 4 below. This is a further matter that is being investigated by the Enforcement Team.
- 5.8.22 Whilst there are some outstanding planning conditions relating to the site, the Council's Enforcement Team have been actively pursuing these matters. It is considered that all recommendation made by the Inspector have been met.
- 5.9 Conclusion
- 5.9.1 The application is acceptable in principle as there is an identified need for further gypsy pitches. The site is considered to be in a sustainable location that would not give rise to any highway safety issues. Furthermore the proposal would not cause unacceptable harm to residential or visual amenity or the character of the wider landscape. For these reasons and the policies listed below, the application is recommended for approval subject to conditions.

6. Recommendation

Approval; subject to the expiry of the consultation period and the following conditions:

1. That 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. The site shall not be occupied by any persons other than gypsies and travellers as defined within paragraph 15 of ODPM Circular 01/2006.

Reason: This consent is only granted in view of the special circumstances and needs of the applicant, which are sufficient to justify overriding the normal planning policy considerations which would normally lead to a refusal of planning consent, in accordance with the advice within ODPM Circular 01/2006.

3. No more than two gypsy pitches (one of which was granted planning permission under 10/01610/F) shall be positioned on the site which shall each include one mobile home and two associated caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 1 shall be static caravans or mobile homes) shall be stationed on the site.

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 C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

4. No commercial activities shall take place on the land, including the storage of materials and no vehicles over 3.5 tonnes shall be stationed, parked or stored on the site.

Reason - In the interests of the visual amenities of the area and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

5. That unless otherwise stipulated by conditions attached to this permission, the development hereby permitted shall be carried out in strict accordance with the following list of approved plans and documents: A2 plan containing Site Location Plan at a scale of 1:1250 and Site Plan at a scale of 1:200 and Design and Access Statement all received with the application on 23 February 2011.

Reason: To ensure that the development is carried out in a satisfactory manner in accordance with saved policy C28 and C30 of the Adopted Cherwell Local Plan 1996 and policy CC6 of the South East Plan 2009

6. That notwithstanding the approved plans, the access and access gate and associated fencing shall be constructed on site in accordance with Site Location Plan (Scale 1:500) in relation to condition 5 of planning application 09/00622/F.

Reason - In the interests of the visual amenities of the area and highway safety in accordance with Policy C28 of the adopted Cherwell local Plan and PPG13: Transport.

7. That a plan showing a car-parking provision for two spaces to be accommodated within the site, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, and that such parking facilities shall be laid out, surfaced, drained and completed in accordance with the approved plan before the first occupation of the premises. The car parking spaces shall be retained for the parking of vehicles at all times thereafter.

Reason: In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Government advice in PPG13: Transport and Policy T4 of the South East Plan 2009

SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES

The Council, as local planning authority, has determined this application in accordance with the development plan, unless material considerations indicated otherwise. Incorporating and adhering to the above conditions, the development is considered to be acceptable on its planning merits as the proposed development is considered to be acceptable in principle and would not give rise to any unacceptable risk to highway safety. Furthermore it is considered to be acceptable in terms of its impact upon residential amenity, visual amenity and its wider landscape impact. As such the proposal is in accordance with PPS3: Housing. PPG13: Transport, Policies C4 and CC6 of the South East Plan 2009 and saved policies C13, C28 and C30 of the Adopted Cherwell Local Plan 1996. For the reasons given and having regard to all other matters raised including third party representations, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions as set out above.

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