

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H08-1133-20 **Applicant:** Mrs H Bower

Proposal: Extend the existing Travellers Site into part of the adjacent paddock to accommodate two touring caravan parking spots. (Static already approved - chalet to remain on original axels) and erection of day room for the pitch.

Location: Travellers Lodge Beck Bank Gosberton Clough

Terminal Date: 8th February 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
19	Rural Exception Sites
20	Accommodation for Gypsies, Travellers and Travelling Showpeople
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

National Planning Policy Framework (NPPF), 2019

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment

DCLG Planning Policy for Traveller Sites (August 2015)

Policy A: Using evidence to plan positively and manage development

Policy B: Planning for traveller sites
 Policy C: Sites in rural areas and the countryside
 Policy D: Rural exception sites
 Policy H: Determining planning applications for traveller sites
 Policy I: Implementation
 Annex 1

The Housing and Planning Act 2016

Caravan Sites and Control of Development Act 1960 - Section 5

Planning Practice Guidance (PPG)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	2	1
OTHER STATUTORY BODIES	0	0	1	0

CASE OFFICER ASSESSMENT

PROPOSAL

Extend the existing Travellers Site into part of the adjacent paddock to accommodate two touring caravan parking spots. (Static already approved - chalet to remain on original axels) and the erection of a brick and slate day room for the pitch.

The purpose of the new pitch is to accommodate a member of the family who has grown up on the site. Vehicular access to the site would be via the existing traveller site. Post and rail/rustic fencing and landscaping are proposed to the boundaries, which could be controlled via condition.

Foul sewage is to be disposed of via a septic tank.

SITE DESCRIPTION

The site is a paddock located on the eastern side of Beck Bank. To the north is the existing travellers site and to the south is the church. On the western side of Beck Bank there is one dwelling, which is slightly further to the north of the existing travellers site. The land lies within the countryside, with the settlement of Gosberton Clough to the west and south, which is considered in the SELLP to be an "Other Service Centres and Settlement".

In the Countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

The land is located within Flood Zone 1.

RELEVANT HISTORY

H08-0888-16. Use of site for permanent traveller site to include siting of 3 mobile caravans and 3 touring caravans. APPROVED 25-11-16.

H08-0758-12. Two timber day rooms. APPROVED 19-11-12.

H08-0300-12. Erect 4 lighting columns. APPROVED 09-07-12.

H08-0467-11. Change of use to permanent gypsy/traveller site (3 pitches). APPROVED 08-11-11.

Recent planning decisions within the District preceding the adoption of the SELLP

H16-0772-04. Caravan Site, Junction with A16/Drain Bank North. Change of use of agricultural land to caravan site (Retrospective). Granted on appeal.

H16-1676-07. Caravan Site, Junction with A16/Drain Bank North. Continuation of permission without complying with Condition 2 of H16/0772/04 (Appeal Ref: App/A2525/A/05/1174845) relating to occupation time. No further action taken regarding the fencing to the site.

H16-1003-13. Land off Drain Bank North, Spalding - Provision of gypsy and traveller caravan site with 10 pitches each accommodating up to 10 caravans (permanent site). Approved 20 May 2014.

H23-0440-17. Eccles Place, Hurdletree Bank, Whaplode St Catherine - Use of land for siting of caravan. Approved. 22 January 2018.

Recent planning decisions within the District post adoption of the SELLP (March 2019).

H06-0233-19. Green Acres Park, Ropers Gate, Gedney - Change of use of land (part retrospective) to provide five additional gypsy/traveller pitches with one day room per pitch and existing stables converted to dayrooms. Also, erection of one new store and retention of sheds for pitch 1, with construction of internal road to facilitate separate ingress and egress to and from the site, including hardstanding. Approved 5 September 2019.

H16-0734-19. Akita Place, Clay Lake, Spalding - Siting of mobile home (retrospective) - re-submission of H16-0030-17. Approved 20 September 2019.

H23-0848-19. Bleu Raye Farm, Millgate, Whaplode - Proposed residential gypsy/traveller site. Approved 26 June 2020.

H20-0513-20. The Stables, Baulkins Drove, Sutton St James - Residential gypsy caravan site for one family with 2 caravans (retrospective) - approved under H20-0287-06. Modification of Condition 1 to allow the name on the planning approval to be changed to Ms West. Approved 25 August 2020.

H23-0841-20. Foxes Lowe. Change of use from paddock to travellers site for applicants' and family only (part retrospective). Approved 18-12-20.

H16-0932-20. Oak Tree Meadow, A16, Spalding. Caravan site for one traveller family (3 caravans), with associated hardstanding, cesspit drainage and portakabin/dayroom (retrospective). UNDER CONSIDERATION.

CONSULTATION RESPONSES

Gosberton Parish Council

No comments.

LCC Highway and Lead Flood Authority

Does not wish to restrict the grant of permission.

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the existing access to the site is suitable to serve the proposed extension without having an unacceptable impact upon highway safety and therefore does not wish to object to this planning application.

SHDC Environmental Protection

No comments or objections.

Private Sector Housing

No objection.

Public

None received.

PLANNING CONSIDERATIONS

Policy/Principle
Identifiable Need for this Development
Sustainability
Impact on Neighbouring Dwellings
Flood Risk
Planning Balance

Policy/Principle

The principle of this proposal is to be considered in the light of the NPPF, the Government's Planning Policy for Traveller Sites (August 2015, published by DCLG) and the policies of the South East Lincolnshire Local Plan, 2019.

The DCLG document, Planning Policy for Traveller Sites, sets out that in determining planning applications for such sites, applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the National Planning Policy Framework and this planning policy for traveller sites.

Policy C of the DCLG document sets out that:

When assessing the suitability of sites in rural or semi-rural settings, Local Planning Authorities should ensure that the scale of such sites does not dominate the nearest settled community.

Policy H sets criteria for determining planning applications for traveller sites and, in particular, paragraph 24 states:

Local Planning Authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- 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*

The South East Lincolnshire Local Plan, 2019 (SELLP) acknowledges there is both a 'known' and 'unknown' unmet need for additional Gypsy/Traveller residential accommodation within its district

between the period 2011-36.

At 3.2.17, the SELLP states *Housing needs may also, by exception, be justified in the Countryside; for example, for Gypsy, Traveller and Travelling Showpeople accommodation (Policy 20: Accommodation for Gypsies, Travellers and Travelling Showpeople)...*

Below, Policy 20, Accommodation for Gypsies, Travellers and Travelling Showpeople, is set out in full.

The redevelopment or change of use of an Existing Residential Gypsy/Traveller Site or Existing Residential Travelling Showperson's Site (as identified on the Policies Map) will be permitted only if an assessment has been undertaken which has clearly shown that the site is no longer required to meet the accommodation needs of the Gypsy/Traveller or Travelling Showpersons communities.

Between 2011 and 2036, evidence suggests that, in South East Lincolnshire, there will be a need for the provision of:

4 new permanent residential pitches for gypsies and travellers; and 1 new permanent residential plot for travelling showpeople.

This need will be met through the development of the sites identified on the Policies Map and listed below:

Land at The Stables, Baulkins Drove, Sutton St James allocated as a 'Proposed Residential Travelling Showperson's Site', to provide accommodation for one additional household; and

Land at Bleu Raye Farm, Mill Gate, Whaplode Fen, allocated as a 'Proposed Residential Gypsy/Traveller Site', to provide accommodation for four households.

Planning permission will be granted for the development of these sites, provided that proposals:

- 1. will be adequately provided with appropriate infrastructure such as electricity, drinking-water, waste-water treatment and recycling/waste management;*
- 2. will not have a significant adverse effect on the amenities of existing local residents or adjoining land users (and proposals must, therefore, give careful consideration to layout, landscaping, external lighting schemes, and the type of business uses that would be appropriate (if mixed residential and business use is proposed); and*
- 3. will be successfully assimilated into both their immediate environs and the wider landscape.*

The SELLP identifies 4 new permanent residential pitches for gypsies and travellers; and 1 new permanent residential plot for travelling showpeople, subject to criteria relating to appropriate infrastructure, such as electricity, drinking-water, waste-water treatment and recycling/waste management; no significant adverse effect on the amenities of existing local residents or adjoining land users; and will be successfully assimilated into both their immediate environs and the wider landscape.

Additional needs which may arise during the Local Plan period will be met through the determination of planning applications on other, unallocated sites. Planning permission will be granted for proposals on such sites, provided that they meet criteria 1 to 3 above, and they:

- a. provide occupants with an acceptable standard of amenity;*
- b. are not located adjacent to uses likely to endanger the health of occupants, such as a refuse tip, water recycling centres or contaminated land;*
- c. respect the scale of the nearest settled community;*
- d. will not place undue pressure on local infrastructure;*
- e. will not adversely affect heritage assets or areas of importance to nature conservation;*
- f. will not prejudice highway safety or give rise to problems of parking or highway access;*
- g. for sites for permanent residential use they:*

- i. provide occupants with access to education, health care and recreational facilities, shops and employment within reasonable travelling distances, preferably by walking, cycling or public transport;*
- ii. are suitable (or capable of being made suitable) for mixed residential and business use;*
- iii. are not located within Flood Zone 3a or 3b and, if located in Flood Zone 2, the Sequential and Exception Tests have been passed; and*
- h. for sites for transit or stopping place use, are not located within Flood Zone 3b and, if located within Flood Zone 3a, the Sequential and Exception Tests have been passed.*

It is considered that this application proposal meets all points of this policy and is, therefore, acceptable in principle. The matters of flooding and impact on neighbouring properties is addressed further below.

Identifiable Need for this Development

As part of the SELLP work, an independent Gypsy and Traveller Accommodation Assessment was undertaken on behalf of the Joint Planning Unit, and the report published in November 2016. At the time of the report, in South Holland there were no public sites; 10 private sites with a total of 57 pitches; 1 unauthorised site with 10 pitches; and 3 Travelling Showpeople yards with 14 plots. There was no other provision for Gypsies, Travellers or Travelling Showpeople.

This report concluded that at the time of publication there are 5 Gypsy or Traveller households identified in South Holland that meet the government definition and 37 'unknown' households that may meet the definition. This approach is consistent with the outcomes of a recent Planning Appeal where access to a site was not possible but basic information was known about the number of households residing there. (Planning Inspectorate Ref: APP/Z6950/A/14/2212012).

The components of future need are as follows:

- Older teenage children in need of a pitch of their own.
- Households living on sites with temporary planning permissions.
- New household formation.
- In-migration.

The need for 4 additional pitches for the household that meets the definition is made up of new household formation based on the demographics of household members - this allocation has been set as the land at Bleu Raye Farm.

In addition, the report goes on to set out that there may be a need across the plan period for up to 13 additional pitches for 'unknown' households.

It is considered that the provision of a site for the applicant and his family immediately adjacent to existing family and the site on which they grew up, would contribute to the future need for pitches within the local plan period, in accordance with the policies set out above. In addition the application is effectively an extension of the existing family site.

The facilities on this site and the wider site, are typical to gypsy and traveller sites, in that facilities in the form of day rooms, static and touring caravans are provided.

Sustainability

The site is located within Flood Zone 1. The applicant has submitted a justification relating to the applicant having grown up on the main site, being part of that family.

The application site is located adjacent to existing gypsy and traveller accommodation, and although within the open countryside, is part of a small enclave of similar development.

Taking into account that the proposal would contribute to the future need for pitches within the Local Plan period and the aforementioned factors it is considered, on balance, that the proposed development is sustainable.

Impact on Neighbouring Dwellings

The proposal is to enable a member of the family and their dependant family to continue to live with the wider family. It is considered that the amenity of nearby residents would not be materially harmed in terms of lack of overlooking, lack of privacy, noise and disturbance, etc.

Flood Risk

The site is located within flood zone 1 and a Sequential Test is not required.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

There is an identified need for the development, which is considered to be a sustainable form of development because of the factors set out above. The proposal satisfactorily complies with Policies C and H of the Government's Planning Policy for Traveller Sites (August 2015, published by DCLG) and Policy 20 of the South East Lincolnshire Local Plan, 2019. The amenity of neighbouring residents would not be materially harmed.

Taking into consideration the planning policies set out above and the justifying factors submitted, , the proposal is considered to comply with Policies 1, 2, 3, 4, 10, 20, 28, 30, 32 and 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), 2019.

The are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the proposal and the policies referred to above.

Conclusion

There is an identified need for the development, which is considered to be a sustainable form of development because of social, educational and health factors. The proposal satisfactorily complies with Policies C and H of the Government's Planning Policy for Traveller Sites (August 2015, published by DCLG) and Policy 20 of the South East Lincolnshire Local Plan, 2019. The planning balance is in favour of the proposal.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

RECOMMENDATION

Approval subject to conditions.