

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-0419-22 **Applicant:** Mr T Connors

Proposal: Use of land for the stationing of caravans for residential purposes, together with the formation of hardstanding and utility/day room ancillary to that use

Location: Land North Of Gatehouse 86 Langhole Drove Pinchbeck

Terminal Date: 1st July 2022

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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02	Development Management
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04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
20	Accommodation for Gypsies, Travellers and Travelling Showpeople
28	The Natural Environment
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APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

National Planning Policy Framework Sections

Section 2: Achieving sustainable development
Section 4: Decision-making
Section 5: Delivering a sufficient supply of homes
Section 9: Promoting sustainable transport
Section 12: Achieving well-designed places
Section 14: Meeting the challenge of climate change, flooding and coastal change
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Planning Practice Guidance

Planning Policy for Traveller Sites

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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	1	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	1	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
BLACK SLUICE INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	1	0	0	1
RESIDENTS	3	0	0	0

CASE OFFICER ASSESSMENT**Proposal**

This is an application for the change of use of land for the stationing of caravans for residential purposes, together with the formation of hardstanding and utility/day room ancillary to that use. The proposal incorporates one mobile home, one touring caravan and one utility/day room.

The current application is a revision to a previously refused planning application for the siting of a park home for residential purposes (Ref: H14-0565-19).

Site Description

The proposal site is a significant distance from the defined settlement limits of Pinchbeck and as such is classed as being located in the open countryside. The surrounding area is predominately rural and is characterised by sparse development of buildings of varying ages and designs. The current permitted use for the land is agricultural. The site is in Environment Agency Flood Zone 3, with a low hazard area and a predicted maximum flood depth of 500mm on the 2115 South Holland

Strategic Flood Risk Mapping. Directly east of the site run a trainline with agricultural land directly north.

History

Site History:

-H14-0565-19 - Siting of park home for residential purposes - Refused 30th January 2020.

-An Enforcement Notice was served on 12/11/19 requiring cessation of residential uses and removal of the mobile home and associated domestic paraphernalia.

Planning decisions relating to permanent residential sites for Gypsies and Travellers within the District since the start of the Local Plan period (1 April 2011).

-H06-0145-13 - Ropers Gate, Gedney - Change of use of paddock to gypsy/traveller site comprising 2 pitches, including alterations to access and construction of roadway and hardstanding - Approved September 2013.

-H16-1003-13 - Land off Drain Bank North, Spalding - Provision of gypsy and traveller caravan site with 10 pitches each accommodating up to 3 caravans (permanent site) - Approved May 2014.

-H06-0558-15 - Green Acres Park, Ropers Gate, Gedney - Change of use of paddock to gypsy/traveller site comprising of 2 pitches, including alterations to existing accesses and construction of roadways and hardstanding - Approved October 2015.

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

-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 September 2019.

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

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

-H23-0841-20 - Foxes Lowe, Hurdletree Bank, Whaplode St Catherine - Change of use from paddock to travellers site for applicants' and family only (part retrospective) - Approved December 2020.

-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) - Approved January 2021.

-H08-1133-20 - Travellers Lodge, Beck Bank, Gosberton Clough - 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 - Approved January 2021.

-H09-0010-21 - Rear of 6 Rose View Drive, Holbeach - Proposed 4 traveller pitches for family linked with pitch No.6 - Approved May 2021.

-H06-0772-21 - The Orchards, Blazegate, Gedney - Change of use from agricultural land to provide 5 Gypsy/Traveller family pitches, each having a static mobile home, a dayroom, parking for a tourer and two vehicle spaces, together with a treatment plant, laying of hardstanding, and associated

work - Refused January 2022.

-H09-0087-22 - Land to the rear of Emmanuel House, Main Road, Holbeach Drove - Change of use from paddock to residential use for Gypsy and Travellers (retrospective) to include 2 static caravan pitches and associated touring caravans - re-submission of H09-0845-21 - Refused May 2022.

Consultation Responses

Pinchbeck Parish Council

Object to the proposal as it is outside the settlement boundary and prone to flooding.

Environment Agency

Object to the proposal.

Network Rail

No objections.

Lincolnshire County Council Highways and SUDS

No objections.

Black Sluice Internal Drainage Board

No objections.

Anglian Water Services

No comments.

South Holland District Council Environmental Protection

No objections, subject to the imposition of conditions.

Cllr E J Sneath

Objects to the proposal on the basis of it being sited outside the settlement boundary and flooding impacts.

The Rt Hon Sir John Hayes CBE MP - South Holland and The Deepings

Objects to the proposal on the basis of it being sited outside the settlement boundary, flooding impacts, increase traffic movements, loss of wildlife and incompatibility of a 'day room'.

Public (three comments summarised below)

- The site is liable to regular flooding
- Highway unsuitable for many vehicles
- The site is outside the settlement boundary
- Wildlife on site

Planning Considerations

Principle of development

The principle of this proposal is considered in the light of the National Planning Policy Framework (2021), Planning Policy for Traveller Sites (August 2015, public by DCLG) and the policies of the South East Lincolnshire Local Plan (SELLP) (2019).

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

"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 this 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 relevant policy at a local level is Policy 20 of the SELLP, which sets out a framework for assessing proposals for gypsy, traveller and travelling showpeople accommodation. It is considered that Policy 20 of the SELLP, which has been subject to considerable public consultation and scrutiny, the scrutiny and amendment of the Planning Inspectorate and adoption by South Holland District Council and Boston Borough Council, is sound and in accordance with the DCLG advice, and gives sound and clear criteria for the assessment and consideration of applications for gypsy and traveller sites.

Policy 20 states that "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 they meet the following criteria:

- 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.

And,

- 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.

Assessing the proposal against the above:

1.The application form indicates that refuse/recycling would be stored from collection in a dedicated space adjacent to the access, surface water would be disposed of via the existing water course and foul sewage would be disposed of via package treatment plant. Other utilities/infrastructure are capable of being provided.

2.The impact of one mobile home and one touring caravan on this site, together with the associated vehicular movements, is not considered by officers to represent a form of development of a nature and intensity that would warrant refusal of planning permission on the grounds of having a significant adverse effect on the amenities of existing local residents or adjoining land users.

3.The proposed development would be directed towards the north-west corner of the plot utilising the existing access off Old Fen Lane. The western boundary comprises a row of deciduous trees that offer some visual protection to the site with the remaining boundary open. It is proposed to plant additional native hedge and tree planting enclosing the site. Subject to the imposition of conditions to agree specific landscaping/boundary treatment details, it is considered that the proposal could be successfully assimilated to its environment and landscape.

a)Directly north of the site is agricultural land and directly east is the Flax Mill railway. Whilst the neighbouring land uses are likely to result in some noise and disturbance impacts on the occupants of the proposed development, it is considered that these can be mitigated/reduced with an acceptable boundary treatment plan. This can be secured via suitably worded planning conditions on any permission granted.

b)The site is not located adjacent to any known uses likely to endanger the health of occupants,

such as a refuse tip, water recycling centres or contaminated land;

c) Given the small scale of the proposal, it is considered that the site respects the scale of the nearest settled community.

d) It is not considered that an additional mobile home and one touring caravan in this location would place undue pressure on local infrastructure.

e) There are no designated or non-designated heritage assets in the immediate vicinity of the site, nor areas of importance to nature conservation.

f) Concerns have been raised during the course of the application in regard to the suitability of this development in relation to the highway network. Lincolnshire County Council Highway Authority have been consulted on the application and have raised no concerns in relation to the proposed development given the adequate vehicular visibility splays. Furthermore, it is considered there is adequate provision of off-street car parking provision.

g) i. The closest primary school is Pinchbeck East C of E Primary School which is approximately 1km away - however, large stretches of the journey do not include a pedestrian footpath and therefore a likely to be accessed via private vehicle. The closest secondary school is Spalding Grammar School which is approximately 5.7km away. With regards to healthcare, recreational facilities and shops the site is approximately 1km away from Knight Street, Pinchbeck which provides these day-to-day facilities. While a town the size of Pinchbeck is likely to offer some employment opportunities, it is more likely that the occupants of the site will seek employment elsewhere and frequently have their own businesses.

ii. The application states the proposal would be for residential purposes only.

iii. The site is located within Flood Zone 3 and the Environment Agency have objected to the proposal. Matters relating to flood risk are discussed in more detail later in the report; and

h) Not applicable to this particular proposal.

Taking the above into account, the proposal generally accords with the provisions of Policy 20 of the Local Plan, on the basis that need for the development is accepted. There is clear conflict in terms of flood risk. Need and flood risk are discussed further later in the report.

Gypsy and Traveller Status

The planning definition of "gypsies and travellers", as set out in DGLG's Planning Policy for Traveller Sites is 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 showpeople or circus people travelling together as such."

Annex 1 to the above document highlights that in determining whether persons are "gypsies and travellers" for the purposes of that 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.

Whilst specific details have not been provided as part of this application to indicate the exact situation of the proposed occupants, a suitably worded planning condition would be imposed on any planning permission granted to secure that only someone of gypsy/traveller status and their dependents could live on site.

Identifiable need for this development

As part of work to support the preparation of the South East Lincolnshire Local Plan, an independent Gypsy and Traveller Accommodation Assessment (GTAA) 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.

In terms of need, 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 (as set out above) and 37 'unknown' households that may meet the definition. The SELLP therefore acknowledges that there is both a 'known' and 'unknown' unmet need for additional Gypsy/Traveller residential

accommodation within its district between the period 2011-36.

The need for 5 additional pitches for the households that meet the government definition will be met by two allocations in the Local Plan - Bleu Raye Farm (Mill Gate, Whaplode Fen) and land at The Stables (Baulkins Drove, Sutton St James).

In addition, the report goes on to conclude that there may be a need across the plan period for up to 13 additional pitches for 'unknown' households (on the bases that there are 37 'unknown' households that may meet the definition) to accommodate new household formation, plus any concealed adult households or need arising from older teenagers living in these households. This translates to paragraph 5.12.4 of the SELLP, which states that:

"The GTAA identifies an 'unknown' need for up to 16 additional residential pitches for gypsies and traveller households (up to 3 in Boston Borough and up to 13 in South Holland. 'Unknown' needs are those which may arise from gypsy, traveller and travelling showperson's households who were not interviewed by the GTAA consultants. This 'unknown' need will be met by determining planning applications, taking into account the provision of the NPPF, Planning Policy for traveller sites and the policies of this Local Plan (in particular Policy 20)".

The base date for the GTAA is August 2016 and, taking into account permissions that have been granted since that date, a total of 15 additional pitches have been approved. The total number of pitches granted approval thus far therefore exceeds the 13 pitches specified in the GTAA and referred to in paragraph 5.12.4 of the SELLP. However, in consideration of H09-0010-21 (Proposed 4 traveller pitches for family linked with pitch No. 6 at Rose View Drive, Holbeach), a view was taken that the exact number of pitches approved towards the 13 additional pitches required for 'unknown' household accommodation, new household formation was likely to be less than approved on the face of it because 5 of 6 of those permitted since August 2016 did not relate to new household formation, rather they were required for reasons such as a teenager now requiring their own pitch, a relative occupying the pitch instead or the individuals looking for somewhere more suitable to live for a more continual period.

In addition to the above, Local Planning Authorities are required to identify a 5-year supply of specific deliverable sites against their locally set targets (Planning Policy for Traveller Sites, 2015). Whilst South Holland District Council has not formally published a position statement in this regard, work has been undertaken towards this and the total number of years supply as at 31st March 2022 exceeded the requirement, standing at 10.57 years.

To conclude, whilst the matter of need is a debatable and challengeable area, and speculative applications of this nature could be taken to indicate that there is an outstanding need for pitches, in the context of the refusal of applications H09-0087-22 and H06-0772-21 and the Council's evidence base in respect of need remaining the same, it is the view of officers that the present application be refused on the basis of the specified need having been met. The relevant policy provision being Policy 1 of the SELLP, which states that new development in the 'Countryside' should be necessary to such a location and/or meet the sustainable development needs of the area in terms of economic, community or environmental benefits.

Flood Risk and Drainage

The site is located within Environment Agency Flood Zone 3 and is at risk from fluvial flooding from the River Glen. Table 2 in the Planning Practice Guidance (PPG) classifies development types according to their vulnerability to flood risk with the proposed development being classified as 'highly vulnerable'. Table 3 addresses flood risk vulnerability and flood zone 'compatibility'. This table indicates that 'highly vulnerable' development is not compatible with Flood Zone 3 and should not therefore be permitted. Furthermore, the Environment Agency have objected to the application as the proposed development is not compatible with Flood Zone 3.

It is also worth noting that Policy 4 of the SELLP states that "caravans, mobile homes and park homes intended for permanent residential use will not be permitted in areas at risk of flooding" and Policy 20 of the SELLP states that planning permission will be granted for sites for permanent residential use provided they are not located within Flood Zone 3a or 3b.

It is proposed to dispose on surface water via the existing water course and foul sewage via package treatment plant. Black Sluice Internal Drainage Board raised no immediate concerns with the above, however, advised that separate consents would be required should planning permission be granted.

Overall, the application is considered to be unacceptable in terms of flood risk and therefore will be refused as it is contrary to Policies 4 and 20 of the South East Lincolnshire Local Plan and national guidance on flood risk.

Impact on Neighbouring Dwellings

As previously stated, the impact of one mobile home and one touring caravan on this site, together with the associated vehicular movements, is not considered by officers to represent a form of development of a nature and intensity that would result in detrimental noise and disturbance impacts on neighbouring properties amenities or adjoining land users. Furthermore, the proposal would be partially screened by new hedgerow/tree planting and is considered to be a sufficient distance to the closest neighbouring residential properties.

The proposal satisfactorily accords with Policies 2, 3 and 30 of the Local Plan in this regard.

Other Matters

The site is in close proximity to the Flax Mill railway level crossing and as such, Network Rail have provided comments on the application. Whilst no objections in principle have been raised, they have requested planning conditions relating to boundary treatments, landscaping and lighting be imposed on any planning permission granted.

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.

The proposal generally accords with the provisions of Policy 20 of the South East Lincolnshire Local Plan, 2019. However, flood risk represents a significant material consideration against the granting of planning permission. The policy and technical objection from the Environment Agency in this regard is clear and unambiguous. There is clear conflict with Policies 4 and 20 of the Local Plan and national guidance on flood risk.

It terms of need, the Local Planning Authority has already granted planning permission for sufficient pitches within the plan period to satisfy both the known and unknown need outlined in the Gypsy and Traveller Accommodation Assessment (November 2019), and as set out in the South East Lincolnshire Local Plan, 2019. Whilst it could be argued that speculative applications of this nature indicate that there is an outstanding need for pitches, it is the view of officers that any need that may be construed, does not in itself tip the balance sufficiently in support of a planning permission for this site by outweighing the harm and risk to occupants of this type of development being situated within a high flood risk zone.

Conclusion

The application is in conflict with Policies 4 and 20 of the adopted South East Lincolnshire Local Plan as well as national guidance on flood risk, outweighing any potential argument of need that may be construed by the virtue of this speculative nature of this application and therefore should be refused.

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.