

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H20-0513-20 **Applicant:** Ms T West

Proposal: 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

Location: The Stables 88 Baulkins Drove Sutton St James

Terminal Date: 26th August 2020

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
20	Accommodation for Gypsies, Travellers and Travelling Showpeople
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 1, 2, 3, 4, 5, 11, 12, 14 and 15

DCLG Planning Policy for Traveller Sites, August 2015
Gypsies and Travellers: Planning Provisions

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

Planning permission was granted for a "residential gypsy caravan site for one family with 2 caravans (retrospective)" in October 2012 (ref. H20-0287-06). Condition 1 stipulates that "this permission shall operate for the benefit of Mr S Manning, his widow and resident dependents and the structures hereby approved shall be removed in their entirety from the site and the residential occupation cease at such time as Mr S Manning, his widow and resident dependents ceases to occupy the property".

This application is to modify Condition 1 to allow the name on the planning approval to be changed to Ms West.

Site description

The site is located on the western side of Baulkins Drove and is currently occupied by a static caravan/cabin and also a touring caravan. It is currently kept neat and tidy and has a single gated access and high Lleylandii hedging along its frontage.

An agricultural holding is located to the north and residential properties are situated opposite (Nos 77 and 79 Baulkins Drove).

Planning history

H20-0287-06 - Full - Residential gypsy caravan site for one family with two caravans (retrospective)
- Granted 29 October 2012.

Consultation responses

Sutton St James Parish Council - The parish council is concerned that this application is more than just a name change, feel the original application was given on compassionate grounds is this still the case?

SHDC Licensing - Application for a site licence will be required if approved.

Planning considerations

The main issues in this case are policy and the likely impact upon the amenity of nearby residents.

Policy

As indicated in paragraph 47 of the National Planning Policy Framework, 2019, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The proposed development is outside a defined settlement limit within the South East Lincolnshire Local Plan (SELLP), 2019. It is therefore within an area regarded as countryside. Policy 1 of the South East Lincolnshire Local Plan states that development will be permitted in the countryside 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.

Policy 20 specifically relates to accommodation for Gypsies, Travellers and Travelling Showpeople. It specifically designates the site as an "Existing Residential Travelling Showperson's Site". It states that the re-development 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.

The above policy is consistent with Central Government advice on Travellers sites, as well as advice within the National Planning Policy Framework, 2019. Paragraph 59 states that to support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed

without unnecessary delay. Paragraph 61 specifically stresses that within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).

In this case, permission was originally granted for a residential gypsy caravan site for one family with two caravans. A static caravan and touring caravan are currently on site. The original permission was for Mr S Manning, his widow and resident dependents. The current application is for Ms West, who is a relative. It is considered that there is still a requirement for the site to meet the needs of the Gypsy/Traveller/Travelling Showpersons communities and that the proposal is therefore consistent with Policy 20.

Amenity

An agricultural holding is located to the north and residential properties are situated opposite (Nos 77 and 79 Baulkins Drove). The caravans would still be occupied by a single family. It is considered that the amenity of nearby residents would not be harmed to a significantly greater degree in terms of lack of privacy, noise and disturbance, etc.

Other matters

The situation would not significantly alter in terms of matters such as traffic, highway safety, flood risk and drainage.

Conclusion

The proposal satisfactorily complies with Policies 2, 3 and 20 of the South East Lincolnshire Local Plan, 2019. It is therefore recommended that the application be approved under delegated powers.

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.