Design and Access Statement

PROPOSED GYPSY TRAVELER PLOT FOR A MOBILE HOME, DAY ROOM, STABLE BLOCK AND ENTRANCE AT THE SECOND FIELD TO THE SOUTH OF

THE STABLES

88 BAULKINS DROVE

SUTTON ST JAMES

This report's aim is to demonstrate how the design process has been established and created the thought process behind the planning application. The report outlines the provisions of a high standard of design with the inclusion of accessibility for all, whist complying with planning legislation.

JJW192 Alexandra Design
Southfork Farm, Seadyke Bank, Murrow, Wisbech, Cambs, PE13 4SD
T: 07891175649 E: info.alexandradesign@gmail.com W: www.alexandradesign.co.uk

Design and Access Statement

1. **Introduction: -**

This Design and Access Statement supports the full planning application for the design of a Gypsy and Traveller site comprising of one mobile home and one day room which is situated between 2 traveller site within 1 mile of each other. The immediate family member to the applicant lives at 88 The Stables, they will be the applicants support allowing them to be a family unit.

Mobile homes are technically regarded as 'Caravans'. There are touring caravans, Motor homes, static caravans, twin unit mobiles. These are all caravans. You will also hear the terms 'Park home' 'leisure lodge' 'log cabin'. These are not legal definitions. We use the term 'mobile home' because this refers to static caravans and twin unit mobile homes.

2. **Compliance with Planning Policies:-**

Caravan Sites Act 1968 Defines a caravan as:

(1) A structure designed or adapted for human habitation which—

(a) Is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices; and

(b) Is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer),

shall not be treated as not being (or as not having been) a caravan within the meaning of Part I of the Caravan Sites and Control of Development Act 1960 by reason only that it cannot lawfully be so moved on a **[**highway**]** **[**road**]** when assembled.

(2) For the purposes of Part I of the Caravan Sites and Control of Development Act 1960, the expression "caravan" shall not include a structure designed or adapted for human habitation which falls within paragraphs (*a*) and (*b*) of the foregoing subsection if its dimensions when assembled exceed any of the following limits, namely—

(a) Length (exclusive of any drawbar): **[**65.616**]** feet (**[**20**]** metres);

(b) Width: **[**22.309**]** feet (**[**6.8**]** metres);

(c) Overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level): **[**10.006**]** feet (**[**3.05**]** metres).

(3) The **[**Minister**]** **[**Secretary of State**]** may by order made by statutory instrument after consultation with such persons or bodies as appear to him to be concerned substitute for any figure mentioned in subsection (2) of this section such other figure as may be specified in the order.

(4) Any statutory instrument made by virtue of subsection (3) of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

LP Policy HG7 deals with housing development in the countryside. It says that new residential development will not be permitted outside the confines of an existing village unless it constitutes one of a series of exceptions.

3. Case Law

Case Law

Miller-Mead v Minister of Housing and Local Government (1963)

Skerrits of Nottingham Limited v Secretary of State for the Environment, Transport and the Regions (2000)

Measor v Secretary of State for the Environment, Transport and the Regions, and Tunbridge Wells Borough Council (1998)

Cardiff Rating Authority v Guest Keen Baldwin's Iron and Steel Company Limited (1949)

Carter v Secretary of State for the Environment (1991)

Barvis Ltd v Secretary of State for the Environment (1971) 22 P&CR 710, DC

Hobday v Nicol [1944] 1 All ER 302

Wyre Forest District Council v Secretary of State for the Environment

Carter and another v Secretary of State for the Environment and another

Mr and Mrs Carter appealed to the High Court from that decision under section 246 of the Town and Country Planning Act 1971. The appeal first came before Judge Marder QC, sitting as a deputy judge of the Queen's Bench Division. In fact he did not deal with the matter in substance because he required the presence of the local authority in order to assist him. He did, however, make some observations in passing, which were not definitive. His observations cannot carry any weight in the context of the consideration by this court of this appeal.

Following the necessary adjournment for the local authority to appeal, the matter was considered substantively by another deputy High Court judge, Mr Lionel Read QC. He gave judgment on February 28 1990. He allowed the appeal and held that the inspector had fallen into error in failing to consider whether the park home was a caravan within the statutory definition. He observed at p15G of the transcript of his judgment:

Prima facie -- I say no more than that -- park home was a caravan within the statutory definition. The Secretary of State remitted the matter for redetermination concerning the enforcement notice to which I have referred. A second inspector considered the matter on further written representations, and then reported to the Secretary of State on August 12 1991. In the report he described the structure

which he had been to see. He considered the terms of section 29(1) of the Caravan Sites and Control of Development Act1960, and he expressed his view in para 18 of his report. I cite the whole of that paragraph in order to indicate how he expressed his opinion:

In relation to the definition of the word "caravan" in S29(i) of the Caravan Sites and Control of Development Act 1960 Part 1 it is my opinion that the 4 units which make up the Park Home form a structure "designed or adapted for human habitation". The Park Home is capable of being moved from one place to another. The evidence at the inquiry was that it was delivered to the site on a lorry in 4 prefabricated sections. It is clearly capable of being moved again in like manner. There is no criteria to require that the 4 units have to be moved together as a single unit, nor is there any criteria which state that the movement has to be by road. Limitations as to the size of loads that can be moved on public highways do not in my opinion have any bearing here. The ability to move it from one place to another, say within the same field, appears to me to be embraced in the overall definition. The Park Home is not a motor vehicle and (a) and (b) of the definition do not apply either. In my view the Park Home is a caravan in terms of the definition in the 1960 Act.

BYRNE v. SECRETARY OF STATE FOR ENVIRONMENT and ARUN [1997J EWHC Admin 190 (27th February, 1997)

"Turning to the statutory definition of a twin unit, which I understand to mean two caravans joined together, sub section 13 (1)(a) of the 1969 Act describes a structure of not more that two sections separately constructed and designed to be assembled on site by means of bolts, clamps or other devices. When assembled it should physically be capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and that it should be treated as a caravan even though it cannot legally be moved on the highway when so assembled."

4. Appeal Decisions

Appeal

- PINS ref-3321099-Rochford District Council- Application for a LDC for siting of proposed mobile home-ALLOWED- Note: For the "PJL categories" and "Case law references", see the related appeal decision 3232209.
- PINS ref 3225877-Aylesbury Vale District Council- Application for a Lawful Development Certificate for a Proposed use of a replacement mobile home with new twin unit mobile home, foul water services to be linked into existing septic tank system. -ALLOWED.
- PINS ref 3210200-East Staffordshire Borough Council- The provision of a mobile home to provide additional accommodation for family members as part of one household. - The use for which a certificate of lawful use or development is sought is the provision of a mobile home to provide additional accommodation for family members as part of one household. -ALLOWED
- Ref: APP/Z2830/X/13/2190381-The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC). -ALLOWED- 08/01/2014.

PINS ref 3192114-Breckland Council-Lawful Development Certificate for a Proposed Use or Development for the siting of mobile homes for permanent residential occupation. The use for which a certificate of lawful use or development is sought is siting of mobile homes for permanent residential occupation. ALLOWED

The application should be determined in accordance with polices such as FLP policy LP5 in respect of specific traveller development and including the PPTS and NPPF as well as general policies. Paragraph 25 state that LPAs should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing undue pressure on the local infrastructure. In its recent decisions the Council has accepted that planning permission can be granted on sites in the countryside, acknowledging that the identified need will not be met by land within existing towns and villages. The application should be determined in accordance with polices such as FLP policy LP5 in respect of specific traveller development and including the PPTS and NPPF as well as general policies.

PPTS

10.5 Under PPTS Policy B planning authorities should, amongst other things, set pitch targets for gypsies and travellers which address likely needs in their area, working collaboratively with neighbouring local planning authorities. In producing their local plans they should amongst other things:

a) identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets;
b) identify a supply of specific, developable sites or broad locations for growth, for years six to ten and, where possible, for years 11-15.
d) relate the number of pitches to the circumstances of the specific size or location of the site and the surrounding population's size and density;
e) protect local amenity and environment.

PPTS 2015

“ensure the fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community”. In order to do this PPTS sets out a number of aims including:

• to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites:
• to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply
• to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure.

This application echoes the ruling of the European Court of Human Rights in Chapman v UK1 which placed a positive obligation on the UK government to facilitate the traditional way of life of Gypsies.

- Policy B: Planning for Traveller sites
- Policy C: Sites in rural areas and the countryside
- Policy H, paragraph 22 of the PPTS notes that planning law requires applications for planning permission to be determined in accordance with the provisions of the development plan, unless material considerations indicate otherwise. Applications should also be assessed and

determined in accordance with the presumption in favour of sustainable development in the NPPF and the PPTS. It says that local planning authorities should consider the following issues, amongst other relevant matters, when considering planning applications:
a) the availability (or lack) of alternative accommodation for the applicants,
b) other personal circumstances of the applicant,
c)the existing level of local provision and need for sites,
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 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.

Planning Policy for Traveller Sites (PPTS):
States, at paragraph 13, that local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally. the local planning authorities should ensure that policies reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability.

The site is outside the built-up area of a settlement and therefore, in planning policy terms it is in an area which is considered to be in the countryside. Except on statutorily designated Green Belt land the Planning Policy for Traveller Sites (PPTS) published in August 2015 is not opposed in principle to traveller sites in the countryside. It does however state in Policy H (paragraph 25) that Local Planning Authorities (LPAs) should "very strictly limit" new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. As this site is for 1 mobile and one day room, this is a limited amount.

A temporary permission will normally only be appropriate either where the applicant proposes temporary development, or when a trial run is needed in order to assess the effect of the development on the area'. The development is intended to be permanent and provide a family home for the occupiers, and it is unreasonable to expect its removal and reinstatement after two years, especially when the council has a shortfall according to its GTAA, and there is no proposal of any further sites being made available in the future.

Human Rights Act 1998;
Article 8 of the Human Rights Act 1998 is of relevance to the applicant's case as failure to grant permission would constitute an interference with home and family life. The site is small and accommodates only 1 family consisting of 3 people.

Section 149 of the Equality Act 2010:

149 Public sector equality duty
(1) A public authority must, in the exercise of its functions, have due regard to the need to—
(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).

(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

(c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

(5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

(a) tackle prejudice, and

(b) promote understanding.

(6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

(7) The relevant protected characteristics are—

- *age*
- *disability*
- *gender reassignment*
- *pregnancy and maternity*
- *race*
- *religion or belief*
- *sex*
- *sexual orientation*

(8) A reference to conduct that is prohibited by or under this Act includes a reference to—

(a) a breach of an equality clause or rule;

(b) a breach of a non-discrimination rule.

5. Use and amount:-

This statement has been produced to show the concept and development of the proposal and to ensure that a high-quality development is produced, ensuring that it follows the guidelines laid down in Government Guidance but perhaps, more importantly, that the proposed development respects the local context that it will sit within.

The development is a modest one, comprising caravan pitch and ancillary development for a single family, who are providing for themselves at their own expense, with no recourse to public funds. This site is well equipped to offer the family a day room that we feel corresponds with the current legislation and the gypsy status the family have are within their rights to use a day room of this size on site appeasing human rights, planning legislation and the welfare of the family to remain together.

My client has a large family and thus requires a large day room to seat their family and their extended family when they visit. The immediate family is located at 88 The Stables, Baulkins Drove.

The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 to 'Planning policy for traveller sites' (Department for Communities and Local Government, August 2015), namely "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".

Article 8 of the European Convention on Human Rights, enshrined into UK law by the Human Rights Act 1998, imposes a positive obligation to facilitate the gypsy way of life in that the vulnerable position of gypsies as a minority group means that some special consideration should be given to their needs and lifestyle in reaching planning decisions in particular cases. This provides some justification for a bespoke policy document addressing gypsy traveller developments – the PPTS. There can be no dispute that if the applicants and their family were prevented from living in caravans on their land this falls within the scope of Article 8 as relating to their right to respect for their family life, private life and home.

The floor levels of any habitable structure shall be a minimum of 500mm above the level of the adjacent highway. The day room is also to have attic trusses installed for safe refuge into the loft if there was to be a flood over 500mm in height.

6. Design/Layout:-

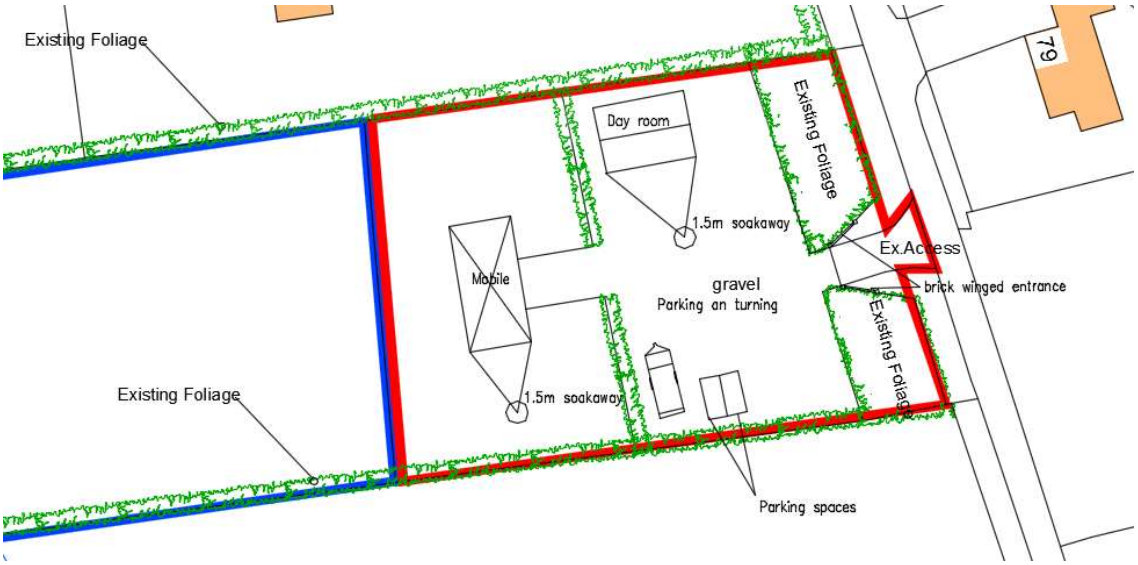
The site is situated between an approved traveller site and brick built dwelling, it would not be overly prominent and would be substantially lower in scale and massing than the adjacent dwelling and therefore will have a relatively low visual impact on the open countryside.

Given the flatness of the locality and the substantial vegetation along the roadsides and ditches, the site is readily apparent in wider views it appears to be similar to the various developments around, and in my opinion the boundary fencing and the caravans within the site serve to emphasise the domestic nature of the scheme. This means it does not positively enhance the environment but rather erodes the rural nature of the locality and detracts harmfully from its character and appearance. Mindful though of the presence of the development around and the effect this has on the nature of the area, the scale of this harm is limited. This scheme can be treated as being a visual extension.

The development is considered to be relatively small-scale providing a day room and 1 mobile home. Furthermore, the site is set a notable distance away from the nearest settled community. In this regard the development would not dominate the nearest settled community and would be unlikely

to give rise to any obvious amenity harm, certainly which could not otherwise be controlled though Environmental Protection legislation e.g. noise, odour or pollution should it arise.

Proposal that was approved in the area for the daughter of the applicant to which this application relates.



Caravan definition

(1) A structure designed or adapted for human habitation which—

(a) Is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices; and

(b) Is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer), shall not be treated as not being (or as not having been) a caravan within the meaning of Part I of the Caravan Sites and Control of Development Act 1960 by reason only that it cannot lawfully be so moved on a [highway] [road] when assembled.

(2) For the purposes of Part I of the Caravan Sites and Control of Development Act 1960, the expression "caravan" shall not include a structure designed or adapted for human habitation which falls within paragraphs (a) and (b) of the foregoing subsection if its dimensions when assembled exceed any of the following limits, namely—

(a) length (exclusive of any drawbar): [65.616] feet ([20] metres);
(b) width: [22.309] feet ([6.8] metres);
(c) overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level): [10.006] feet ([3.05] metres).

Caravan act conformity:

SIZE:

• Caravans conform to Section 29 of the Caravan Sites and Control of Development Act 1960 because they are of a size and construction that allows them to be moved from one place to another.

• All **Twin-Unit Caravans** are designed to conform to the Caravan Sites Act 1968 as they sit within a footprint no greater than 6.8m wide x 20m length and have in internal height no greater than 305cms.

MOBILITY:

Mobile Home conform to Section 29 Caravan Sites and Control of Development Act 1960 in that they are designed to be moved from one place to another by road. The structural integrity of all our caravans is such as to enable them to be lifted by a crane on to a low-loader vehicle with no complicated procedures or adaption and every unit has the appropriate Dynamic Loading Capacity, that will allow it to moved at speed on a road.

The caravan is of timber frame construction with timber frame walls external and internally and can be lifted from the ground in one piece same as a static caravan. The design of the proposal is the same principles of a static caravan but the appearance is pleasing to the eye; raising the character of the area.

CONSTRUCTION:

Twin-Unit Caravans designed to conform to the 1968 Caravans Act in that;

(1) the central ridge beam is manufactured in two separate and dividable lengths, one to each half of the structure, joined together by means of bolts, fitted as the last act of construction
(2) centrally running partition walls are made from 2 x separate panels, permanently unconnected, allowing direct separation
(3) the timber floor cassettes sit inside a timber 'ring beam' around the edge of each section. The two halves are separately constructed and remain permanently unconnected down the central length and only joined at the external ends by means of bolts.
(4) The final act of construction is to join the two halves by means of bolts or clamps.

• **Twin-Unit caravans** are separately constructed on-site in that; there is a physical space between the two halves. Enough that a saw blade can run between the halves uninterrupted

• All our Caravans sit unconnected, unfixed, to the groundwork/base.
The proposal is to be erected as a static caravan construction with removable bases which are not constructed from foundations but simply sit on top of the concrete base the same as a static caravan.

History land use: The land has always seen the presents of agriculture and was granted planning permission for an agricultural shed, dwelling and double garage providing the owners are to use the land for agricultural purposes and not garden land. My client intends to erect an agricultural shed (reason for this planning application) and create a business from pigs and chickens.

7. **Access:-**

Site access is existing with clear visibility in both directions, the road is frequented with agricultural traffic which is accessible and thus wide enough to tow a horse trailer without concerns of damaging any verges.

The site has an existing access that will need to be upgraded.

Fire appliance Turning

The close proximity of the site against Baulkins Drove allows the Fire brigade to gain access to the site should the event of a fire break out.

8. **Biodiversity Checklist: Protected Species:-**

Bats- has the site been surveyed for bats? NO

Are there any structures on site which have the potential to support roosting bats? NO

Structures with high potential include all agricultural buildings, buildings with weather boarding, tunnels, mines, ice houses, bridges, cliff faces with crevices and woodland. Further guidance can be found in 'Bat Surveys: Good Practice Guidelines' available from www.bats.org.uk and the Bat Mitigation Guidelines available from Natural England.

Are there any trees on the site which have the potential to support roosting bats? NO

Barn Owls- has the site been surveyed for barn owls? NO

Is there any evidence of barn owls nesting in or near the site or are there suitable nesting areas on the development site? NO

Breeding Birds- has the site been surveyed for breeding birds? NO

Will areas of hedgerow/scrub/woodland/trees or other features likely to be used? NO

Badgers- has the site been surveyed for badgers? NO

Is there any evidence of badgers on or near the application site? NO

Are badgers commuting through the site to foraging areas? NO

Badgers use a wide variety of habitats and setts can be found in hedgerows, woodlands, scrub and field margins, as well as on Brownfield land. Wherever appropriate, safe routes to foraging areas should be incorporated into the development proposal. Further information can be found in 'Badgers and Development' available from Natural England.

Dormice- has the site been surveyed for dormice? NO

Is there suitable habitat for dormice on, or close to the application site? NO

Dormice are found in a variety of habitats including ancient semi-natural woodland, scrub, young plantations (both broadleaved and coniferous) and hedgerows. Occasionally they are recorded in gorse, scrub, heath land and alder trees in reed beds. Further information can be found in The Dormouse Conservation Handbook available from Natural England.

Found only in parts of Essex and Suffolk in the East of England region.

Great crested newts- has the site been surveyed for great crested newts? NO

Is there suitable habitat for great crested newts on, or close to the application site? NO

Great crested newts are often recorded in ponds, reed beds, ditches and mineral workings. Terrestrial

habitat used by newts is varied and includes semi-natural grassland, woodland, hedgerows and pasture and are often found in urban sites including gardens. Further guidance on great crested newts can be found in the Great Crested Newt Mitigation Guidelines available from Natural England and the Great Crested Newt Conservation Handbook available from www.froglife.org.

Reptiles- has the site been surveyed for reptiles? NO

Is there suitable habitat on the site for reptiles? NO

Reptiles use a variety of habitats including rough grassland, heath land, allotments, scrub, Brownfield sites, field margins and abandoned gardens. Further information can be found in 'Reptiles: Guidelines for

Developers' available from Natural England.

Other protected species (white-clawed crayfish, water voles, otters)

Has the site been surveyed for any other? NO

Is there suitable habitat on the site for any other? NO

A current list of protected species is available from the Joint Nature Conservation Committee and the Office of Public Sector Information.

** If the answer to any of the above questions is 'Yes', then the survey report should include details of the species concerned, the population level at the site, the direct and indirect effects of the development upon that species, full details of any mitigation or compensation required and whether the impact is acceptable and/or licensable.*

Other features of nature conservation interest

Does the application site support habitats of principal importance or local biodiversity action plan priority habitats? NO

Details of Habitats of Principal Importance can be found on Natural England's web site and BAP Habitats can be found at www.natureonthemap.org.uk. Where such habitats are present on site, the application should include details of the habitat, the significance and recommendations for mitigation and compensation

If 'YES' list types of habitat:

Does the application site support species of principal importance or local biodiversity action plan species?

If 'YES' list species……

Details of Species of Principal Importance can be found on Natural England's web site. Where such species are present, the application should include details of the species, the significance and recommendations for mitigation and compensation

Have details of biodiversity enhancements been included with the application? NO

Additional information

1. **Growth and sustainability**

The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 to 'Planning policy for traveller sites' (Department for Communities and Local Government, August 2015), namely "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".

2. No commercial activities shall take place on the land, including the storage of materials. No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site. No more than one commercial vehicle per pitch shall be kept on the land for use by the occupiers of the caravans hereby permitted, and they shall not exceed 3.5 tonnes in weight. No person other than a permanent resident of the pitch to which this planning permission relates shall bring a laden commercial vehicle to the site, or park, or keep laden commercial vehicles on the site.