

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H20-1140-20 **Applicant:** Ms T West

Proposal: Residential gypsy caravan site for one family with 2 caravans - approved under H20-0513-20. Modification of Condition 1 to allow amendments to previously approved plans (part retrospective).

Location: The Stables 88 Baulkins Drove Sutton St James

Terminal Date: 26th 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
20	Accommodation for Gypsies, Travellers and Travelling Showpeople
28	The Natural 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

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

Caravan Sites and Control of Development Act 1960 - Section 5

DCLG Planning Policy for Traveller Sites, August 2015

Gypsies and Travellers: Planning Provisions

Representations:

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

HIGHWAYS & SUDS SUPPORT	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

REASON FOR PANEL CONSIDERATION

The proposal raises issues that warrant consideration by Chairman's Panel.

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 stipulated that the permission shall operate for the benefit of Mr S Manning, his widow and resident dependents. This was recently altered to Ms West, who is a relative and member of the Gypsy community, and her resident dependents (ref. H20-0513-20).

The current application is essentially to revise the site layout, including a new twin unit mobile home, dayroom and winged gated entrance. An existing mobile home/day room and other outbuildings/stores would be demolished because they are old and dilapidated. Work has commenced on site.

For the avoidance of doubt, a statutory definition of a caravan is to be found in the Caravan Sites and Control of Development Act 1960, as supplemented by sec.13 of the Caravan Sites Act 1968. The 1960 Act at sec. 29 states that a "caravan" means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any other motor vehicle so designed or adapted. This includes twin-unit mobile homes composed of not more than two sections, constructed or designed to be assembled on site by means of bolts, clamps or other devices, and should not exceed some 60 feet in length, 20 feet in width and 10 feet in height overall.

SITE DESCRIPTION

The site is located on the western side of Baulkins Drove and is currently occupied by a touring caravan, mobile home/dayroom and other outbuildings/stores. It has a single gated access and high Lleylandii hedging along its frontage. High Leylandii hedging within the centre of the site has recently been removed.

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 for the benefit of Mr S Manning, his widow and resident dependents.

H20-0513-20 - S73A Continuation - 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 - Granted 25 August 2020.

REPRESENTATIONS

Sutton St James Parish Council - No response.

LCC Highways - Does not wish to restrict the grant of permission.

North Level Internal Drainage Board - No comments.

PLANNING CONSIDERATIONS

The main issues in this case are:

- Policy;
- Character/appearance;
- The likely impact upon the amenity of nearby resident;
- Other material considerations such as highways, flood risk and drainage.

Policy/principle

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

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 Gypsy/Traveller Site" and states that its change of use 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 Gypsy/Traveller 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 touring caravan and mobile home/dayroom are currently on site. The original permission was for Mr S Manning but was recently altered to the applicant, who is a relative and member of the Gypsy community, and her resident dependents (ref. H20-0513-20). Consequently, the use of the site to meet the needs of the Gypsy/Traveller community has already been established and it is designated as such within the Local Plan. The current proposal is typical of a gypsy/travellers pitch, which often includes a static/mobile home, touring caravan and dayroom/utility block for washing, showering, washing clothes etc. The proposal is therefore consistent with development plan policy and advice within the Framework.

Character/appearance

The mobile home and dayroom are set back behind an existing high Leylandii hedge and are essentially a replacement of existing utilitarian buildings upon the site. The entrance gates would be set back from the road and are considered acceptable. It is considered that the proposal would not materially harm the character/appearance of the rural locality/countryside. It therefore accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.

Residential Amenity

An agricultural holding is located to the north and residential properties are situated opposite (Nos 77 and 79 Baulkins Drove). The mobile home and dayroom would still be occupied/used by a single family. Although there may be some noise and general disturbance during the construction stage this would be temporary. Issues such as burning of materials, etc would be dealt with under separate environmental legislation if they were to arise.

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. The proposal therefore satisfactorily complies with policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.

Highway Issues

The existing access would be utilized and there is ample space for parking on the site. The County Highways Authority has raised no objections on highway safety grounds.

The proposal therefore satisfactorily accords with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019 in terms of highway safety.

Flood Risk

The site lies within Flood Zone 3 defined by the Environment Agency Flood Map. However, the hazard mapping within the SFRA shows the site to be unaffected if a breach of the flood defences were to occur. The proposal therefore satisfies the sequential test. Concerning the exceptions test, it is recommended that finished floor levels be set no lower than 500mm above ground level and that the mobile home be securely fastened to the ground.

Drainage

Foul sewage would be disposed of to an existing septic tank and surface water to soakaways. This arrangement is considered acceptable in this location.

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 use of the site to meet the needs of a family within the Gypsy/Traveller community has previously been established and it is designated as such within the Local Plan. The current proposal is typical of a gypsy/travellers pitch, which often includes a static/mobile home, touring caravan and dayroom/utility block for washing, showering, washing clothes, etc.

There are no objections to the proposal on visual or residential amenity grounds, or on grounds of highway safety. There are no significant flood risk issues.

The proposal therefore satisfactorily complies with Policies 1, 2, 3, 4, 20, 30 and 36 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), 2019. There are no significant factors in this case that indicate against the proposal and outweigh factors in favour and the policies referred to above.

CONCLUSION

The planning balance lies 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

That the application be approved under delegated powers.