

## **Committee Report**

**Item No: 2**

**Reference:** 0443/17

**Case Officer:** Elizabeth Thomas

**Ward:** Rickinghall & Walsham.

**Ward Member/s:** Cllr Jessica Fleming. Cllr Derek Osborne.

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### **Description of Development**

Renewal of existing temporary planning permission for the permanent use of land as a gypsy caravan site, including the siting of 2 No. mobile homes and 3 touring caravans, amenity block and shed.

### **Location**

The Smallholdings, Walsham Road, Wattisfield IP22 1PB

**Parish:** Wattisfield

**Site Area:** 1,786 m<sup>2</sup>

**Conservation Area:** Adjacent to

**Listed Building:** None in immediate vicinity

**Special Landscape Area** within

**Received:** 01/02/2017

**Expiry Date:** 12/07/2017

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**Application Type:** FUL - Full Planning Application

**Development Type:** Major Small Scale - Gypsy/Traveller site

**Environmental Impact Assessment:** Environmental Assessment Not Required

**Applicant:** Mrs Upton

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### **DOCUMENTS SUBMITTED FOR CONSIDERATION**

This decision refers to drawing number 12-3369-103 REV A – SITE LOCATION PLAN as the DEFINED RED LINE PLAN with the site shown edged red. This application is submitted as a Full application. Therefore, the following drawings are also of relevance:

- 12-3369-103 REV A – Site Location Plan submitted 2<sup>nd</sup> Feb 2017
- 17-5679-02 REV A - Block Plan submitted 9<sup>th</sup> Feb 2017
- 07-3369-A02 REV – Landscape Plan submitted 2<sup>nd</sup> Feb 2017

The application, plans and documents submitted by the Applicant can be viewed online at [www.babergh.gov.uk](http://www.babergh.gov.uk) or [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk).

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## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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The application is referred to committee for the following reason/s:

Local Member call-in for the following reasons:

- County level and public interest in the locations of gypsy and traveller sites of all kinds
- Concerns about how the site would be controlled if not temporary
- Cumulative effects of housing multiple sites
- The present stable and well accepted family occupying the site would continue in the long term
- Reference to local policy H12 (gypsy sites)

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## **PART TWO – APPLICATION BACKGROUND**

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### **History**

The planning history relevant to the application site is listed below. Relevant consideration to the planning history including any material Planning Appeals will be carried out as necessary in the assessment section of Part Three of this report:

- 1692/12 – granted: Continued use of land as a gypsy caravan site including the retention of the siting of 2 mobile homes and 3 touring caravans and the amenity block and shed. Retention of road planing surface, close boarded fencing and gate (temporary period of 4 years). Proposed stable block.
- 1734/09 – granted: Variation of time scale for agreeing site development scheme imposed under Condition 4 of temporary planning permission 0974/07 dated 7th July 2008 granted on appeal for the siting of 2 mobile homes and 3 caravans and retention of stable block, re-surfacing with road planings of existing hardstanding, replacement close boarded fencing and provision of close boarded fence and 5 bar field gate to south east boundary.
- 0974/07 – Refused appeal allowed: Siting of 2 mobile homes and 3 caravans and retention of stable block, re-surfacing with road planings of existing hardstanding, replacement close-boarded fencing and provision of close boarded fence and 5 bar field gate to south east boundary.
- 0498/96 – Refused appeal dismissed: Retention of mobile home for agricultural use for a period of two years
- 0055/96/OL – Refused: Erection of a house for agricultural use using existing vehicular access
- 0280/94/ - R appeal dismissed: Retention of mobile home for family claiming romany status
- 0131/93/OL – Refused: Erection of agricultural worker's dwelling using existing vehicular access
- 0032/93/ - granted: Retention of mobile home for purpose of establishing viable horticultural unit (previously allowed on appeal 749/89)
- 0749/89/ - Refused appeal allowed: Retention of mobile home for purpose of establishing viable horticultural unit
- 0197/89/OL – Refused: Erection of detached house with use of existing access
- 0021/88/OL – Refuse: Erection of detached house and double garage with use of existing access
- 0607/85 – Refused: Retention of use of land for temporary stationing of a mobile home

### **All Policies Identified As Relevant**

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. Highlighted local and national policies

are listed below. Detailed assessment of policies in relation to the recommendation and issues highlighted in this case will be carried out within the assessment:

### **Summary of Policies**

FC01 - Presumption In Favour of Sustainable Development  
FC01\_1 - Mid Suffolk Approach to Delivering Sustainable Development  
FC02 - Provision and Distribution of Housing  
CS1 - Settlement Hierarchy  
CS2 - Development in the Countryside  
CS10 - Gypsy and Travellers  
SB02 - Development appropriate to its setting  
GP01 - Design and layout of development  
HB08 - Safeguarding the character of conservation areas  
H15 - Development to reflect local characteristics  
H16 - Protecting existing residential amenity  
H17 - Keeping residential development away from pollution  
CL02 - Development within special landscape areas  
CL08 - Protecting wildlife habitats  
CL11 - Retaining high quality agricultural land  
T09 - Parking Standards  
T10 - Highway Considerations in Development  
RT12 - Footpaths and Bridleways  
RT19 - Static Caravans and Holiday Chalets

The following parts of the NPPF are considered to be applicable to this proposal:

NPPF section 04: Promoting sustainable transport  
NPPF section 06: Delivering a wide choice of high quality home  
NPPF section 07: Requiring good design  
NPPF section 10: Meeting the challenge of climate change, flooding and coastal change  
NPPF section 11: Conserving and enhancing the natural environment  
NPPF section 12: Conserving and enhancing the historic environment

Supplementary Planning Documents & Evidence Base:

Emerging Gypsy, Traveller, Travelling Show people and Boat Dwellers Accommodation Needs Assessment (ANA) for Babergh, Ipswich, Mid Suffolk, Suffolk Coastal and Waveney

National Planning Policy for Travellers Sites (2015)

Joint Babergh & Mid-Suffolk District Council Landscape Guidance (Aug 2015)

Wattisfield Conservation Area Appraisal (2009)

Mid-Suffolk AMR (2016-2017)

Mid-Suffolk SHMA (2017) Part 2 section 6 identifies within the accommodation needs assessment that an additional pitch need from 2016 to 2036 for Mid Suffolk as 9, however an alternative figure is provided and increases the need to 30 – all the Mid Suffolk sites are in private ownership and the availability of pitches is not within the Councils control.

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## **Consultations and Representations**

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

### **A: Summary of Consultations**

#### Wattisfield Parish Council

Strongly oppose the application. The site was originally illegally occupied, to allow permanent use would encourage other unauthorised development elsewhere, would not oppose continuation of temporary arrangement.

#### Environmental Health – other issues

No objection

#### Environmental Protection Officer

No objections from a land contamination perspective

#### Enforcement Officer

No current planning enforcement investigations as at 16th Feb 2017. An updated telephone conversation on the 5th April 2018 with the enforcement officer confirmed there is still no current enforcement file on this site.

#### SCC Highways

Due to the fact that there have been no highway safety related concerns or recorded accidents since the original grant of permission. SCC highways do not wish to restrict the grant of permission.

#### Heritage Officer

The Heritage Team considers that the proposal would cause less than substantial harm to a designated heritage asset because the proposal would adversely affect the rural setting and significance of the Conservation Area. The Heritage Team recommends that consideration be given to whether justification for the proposal is clear and convincing; and if so, that this harm, and any other, be weighed against any public benefit.

#### Public Rights of Way

Public footpath 10 is recorded adjacent to the proposed development area. No objections, but recommends the following informative:

- No obstruction to the PROW

#### Landscape Architect

The site is currently well screened from the surrounding residential development by existing hedgerow and tree planting and does not have a major impact on the surrounding landscape.

The following recommendations are made:

- If the renewal is granted, the applicant will be required to maintain the existing planting and to provide additional planting to ensure an appropriate level of screening is achieved.
- There is an existing hedge to the eastern boundary of the site. As part of this application, we would recommend that this is extended, further down to the south to meet the southern boundary of the site, to mitigate the visual impact of this prolonged use.

#### Planning Policy

It is recommended that evidence should be sought as to whether the applicant has attempted to find a site or pitch elsewhere. The response to this should be considered alongside other considerations.

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It is understood that the initial application (ref 0974/07) was refused due to impact upon the Special Landscape Area and the character and setting of the Wattisfield Conservation Area. Temporary permission was subsequently granted on appeal in June 2008 on the basis that this would enable the applicant's time to find an alternative site. A further temporary permission (ref 1692/12) was granted in February 2013. Should a personal permission be applied, this should be applied in a way which covers the family members presently occupying the site.

#### Strategic Housing

No objection, and recommends a personal permission

#### Ecology

No records of bats, newts or hedgehogs within 2km no biodiversity survey and assessment requested. Recommend an informative for the trimming of hedges, trees etc outside of bird breeding season and if Gt crested newts are found for a suitably qualified ecologist to be contacted.

#### **B: Representations**

Three objection comments have been received raising the following concerns/matters:

- Temporary permission was given to allow the applicant's time to seek alternative land. More than sufficient time has passed to allow for this to have been sought.
- There is already a travellers site the other end of the village and more recent on further along Walsham Road.
- Temporary means to live temporarily
- Living behind gates is not inclusive to the village

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## **PART THREE – ASSESSMENT OF APPLICATION**

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This proposal seeks Full planning permission to replace existing temporary planning permission (ref: 1692/12) with permanent use of the land for gypsy caravan site including the siting of 2 mobile homes and 3 touring caravans, amenity block and shed.

Part two of this committee report (above) identifies a range of planning history on the site, some historic and some more recent that is a material consideration in this case and will be included as necessary in this report.

The site is located adjacent to the conservation area, and within the special landscape area. The site is outside the designated development boundary, but adjacent to it. There is also a public right of way that runs along the northern boundary of the site and protected species are known in the area (in particular kestrels). It is apparent through the existing context of the site, the site is clustered with existing loose nit sporadic development form along Walsham Road. In particular, property number 14 sits immediately north/west of the application site and Moat House sits south of the application site.

It is also important to note the case officer has changed during this application process and additional information has been requested from the agent regarding what attempt has been made to find a site or pitch elsewhere as it is apparent in reviewing all information, understanding the site history and constraints that the initial application (ref 0974/07) was refused due to impact upon the Special Landscape Area and the character and setting of the Wattisfield Conservation Area. Temporary permission was subsequently granted on appeal in June 2008 on the basis that this would enable the applicant(s) time to find an alternative site. A further temporary permission (ref 1692/12) was granted in February 2013, which allowed the applicant time to seek an alternative site/pitch.

The main matters pertinent in this case are:

- Principle of development
- Design, layout, landscape, character and heritage impacts
- Residential amenity
- Highways, access and Public Right of Way
- Ecology
- Other matters related to the case
- Assessment of sustainable development

## 1. **Principle of development**

1.1 The site already has temporary consent for the use of land as a gypsy caravan site including the retention of the siting of 2 mobile homes and 3 touring caravans and the amenity block and shed, retention of road planning surface, close boarded fencing and gate and proposed stable block. An appeal was allowed for application 0974/07 and subsequent applications 1734/09 and 1692/12 granted consent for variations and continued use of land.

1.2 The application site history and constraints identify that the initial application (ref 0974/07) was refused due to impact upon the Special Landscape Area and the character and setting of the Wattisfield Conservation Area. Temporary permission was subsequently granted on appeal in June 2008 on the basis that this would enable the applicant(s) time to find an alternative site. A further temporary permission (ref 1692/12) was granted in February 2013. This application did lack information with regard to evidence/explanation of what attempt has been made to find a site or pitch elsewhere since temporary consent was granted. Therefore, further information has been sought from the agent. The agent has provided additional email information dated 16<sup>th</sup> April 2018 informing of a discussion with the applicant of what alternative sites have been sought within the past 12 months. The information provided in the email most relevant is:

- Two daughters have obtained alternative accommodation in Cambridgeshire, where there were vacant sites, but no additional available plots currently
- The applicants mother is of a certain age, who requires care for health needs on a day-to-day basis and the best person for that is the applicant
- The applicant has approached the owners of a site at Beck Row, but all 11 plots have been taken and there are no vacancies on the existing Skeltons Drove, Beck Row (Forest Heath District)
- There are also no vacant plots on the Woolpit site

1.3 The planning policy consultation comments informed adopted Local Plan Policy CS10 of the Mid-Suffolk Core Strategy 2008 identifies a need for a total of 41-43 pitches over the period 2006-2011 and 14-15 pitches over the period 2011-2016. CS10 states that the number of pitches needed may be subject to updating following reviews of the need for pitches in subsequent GTAAs. The need figures have since been updated – firstly within the 2013 GTAA and more recently within the emerging Gypsy, Traveller, Travelling Show people and Boat Dwellers Accommodation Needs Assessment (ANA) for Babergh, Ipswich, Mid Suffolk, Suffolk Coastal and Waveney. The needs figures have been published within the Strategic Housing Market Assessment (SHMA) (Volume 2) albeit the full ANA report have not been published. It is apparent there is a need for pitches, but the local planning authority, currently do not have an adopted planned provision for implementation.

1.4 The SHMA (2017) Part 2 section 6 identifies within the accommodation needs assessment that an additional pitch need from 2016 to 2036 for Mid Suffolk as 9. However, an alternative figure is provided and increases the need to 30 – all the Mid Suffolk sites are in private ownership and the availability of pitches is not within the Councils control.

1.5 Since the report was published last June, a site by site caravan count has been carried out in January as required by the Ministry of Housing, Communities and Local Government. This site in question was visited and remains in good order and standard of accommodation is considered good.

1.6 The government guidance recognises the long-standing under-provision of sites for Gypsies and Travellers and the need for identification of suitable pitches in appropriate locations.

1.7 The 2017 ANA sets out that there are some vacant plots on existing sites, generally family-owned sites would not be willing to sell vacant plots to someone outside of their family group. The existing traveller pitch provision in Mid-Suffolk is provided through mainly smaller private sites owned by traveller households. It is also widely acknowledged that smaller sites are generally considered to be easier to manage and maintain. There have been no reported issues with this site and the applicants are considered integrated into the community. It is also highlighted through the strategic housing officer small family sites tend to work best when integrated into local settled communities, which this site provides an example of.

1.8 The agent has provided additional information in an email on the 16/04/2018 informing of alternative site/pitches in combination with a discussion with the applicant and although I note there is a lack of evidence to support what is stated in the email. I also note the Council does not have any available pitches. The site in question has seen a series of temporary permissions some delegated and some allowed on appeal and it is apparent the site context has changed over the years of the temporary permissions. In particular, the existing boundary treatments to the site have significantly matured, which prevents any significant visual harm to the special landscape area, wider countryside and adjacent conservation area. I also note the site is clustered by existing sporadic properties in the area, which are within close proximity to the settlement boundary of Wattisfield. Consequently, previous consents have allowed the site to fall within the definition of previously developed land (also known as brownfield) even though the site is on agricultural land and situated within the countryside. This report focuses on a balanced assessment between any harms and any benefits of the proposal to conclude a sound recommendation acknowledging the lack of a five year land supply and lack of pitches available in Mid-Suffolk.

## **2. Design, layout, landscape, character and heritage impacts**

2.1 It is apparent the proposal is mainly the same as previous application 1692/12 except that the current application omits the stable block and in its place, would position a touring caravan with a few minor adjustments to the layout insofar as the way structures are positioned on the site. Also, this current application proposes a landscape scheme under drawing reference 07-3369-A02 REV (Landscape Plan submitted 2<sup>nd</sup> Feb 2017).

2.2 I consider the proposal has a limited negative impact on the designated special landscape area and the wider setting to the adjacent conservation area by virtue of the design, siting and use of material of the existing caravans, mobile units and amenity facilities on the site and the fact that at this location the road and area starts to open up into countryside. The heritage officer is concerned the proposal would adversely affect the rural setting and significance of the conservation area and recommends that consideration be given to whether justification for the proposal is clear and convincing to weigh any harm against benefits. However, I also note the site is well screened from the main highway by the existing mature trees and hedgerow along Walsham Road and the fact the existing temporary development on the site is low rise, also this current application proposes to omit the stable block and adjusts the layout accordingly, which means the impact to surroundings would be less than the 2012 temporary application. Furthermore, the landscape architect has highlighted there is an existing hedge to the eastern boundary of the site and that this should be extended, further down to the south to meet the southern boundary of the site, to mitigate the visual impact of this proposed prolonged use. This means any limited harm can

be mitigated against. Therefore, given the time that has passed since the temporary permissions in combination with the maturity of the site I do not consider the proposal to significantly harm the Special Landscape Area or the adjacent conservation area. Consequently, there is considered limited conflict with Local Plan Policies CS2, SB02, GP01, HB08, H15 and RT19 and sections 11 and 12 of the NPPF (2012).

2.3 I also do not consider the proposal to have a significant effect on agricultural land as although the land was originally designated as agricultural given the context of the site with a public footpath to the north and hedgerow between the site in question and the wider agricultural land countryside. It is apparent the site in question is naturally enclosed by these elements and contains an awkward land form to practically farm due to the sites narrowness and sharp point to the north/east. Therefore, there is considered limited conflict with Local Plan Policy CL11.

### **3. Residential amenity**

3.1 The site is positioned on the curve of the Walsham Road with other sporadic loose nit development form to the south and north of the site. The site is also well screened with existing mature tree and hedgerow treatments. The majority of movement activity takes place within the centre of the site with the existing mobile units around the edges of the site. Whilst I acknowledge there may be some intensified use on the site as a result of the access serving 2 mobile homes, 3 touring caravans, amenity block and shed given the sites separation distance from existing properties, its existing mature screening and its previous temporary permissions I am of the view the site has stood the test of time to demonstrate there are no significant amenity issues as a result of this proposal. Furthermore, the proposed development is single storey, so there is not considered any significant impacts with regard to overlooking, overbearing or overshadowing impacts.

3.2 The proposal does give rise to loss of open spaces, which significantly contributes to the character and appearance of the rural area and backdrop to the adjacent conservation area, which is important for the recreation of the public right of way and public amenity benefits, which creates some conflict with Local Plan Policy H16. However, given the existing mature tree and hedgerow screening to the site and a condition that could further enhance and mitigate visual impacts further down to the south to meet the southern boundary of the site the level of harm is considered modest to the conservation area and special landscape area, which subsequently limits the harm with regard to appearance of an area for recreation and public amenity benefits. Furthermore, the Public Rights of Way (PROW) officer has no objection to the proposal and confirms no obstruction is to be made to the PROW, which can be added to the decision as an informative. Therefore, the proposal is not considered to have significant conflict with Local Plan Policy H16.

### **4. Highways, access and Public Right of Way**

4.1 The highways authority does not raise any concerns from a highways safety perspective and the existing access is considered acceptable. The Highways authority has also mentioned that there have been no highway safety related concerns or recorded accidents since the original grant of permission, which informs the development has been able to demonstrate that the proposal does not give rise to highway safety issues, parking or manoeuvring. Therefore, the proposal is considered to comply with Local Plan Policies T9 and T10.

4.2 The public rights of way officer (PROW) has made no objection to the proposal from a PROW perspective, but has recommended an informative reminding the applicant that there is to be no obstruction to the PROW, which is on the northern side of the application site. The proposal complies with Local Plan Policy RT12.



## **5. Ecology**

5.1 No formal consultation was made with the ecologist. However, I have informally discussed the proposal with the ecologist. Protected species dataset have been checked and there are no records of bats, newts or hedgehogs within 2km, so it is considered unreasonable to require a biodiversity survey and assessment in this case. On this bases, the ecologist does not feel a formal consultation is necessary, but has recommended an informative with regard to trimming of hedges and trees etc outside of bird breeding season and if Gt crested newts is found during works, a suitably qualified ecologist should be contacted for advice to avoid wildlife crime. A suitable informative will be added to the decision to remind the occupiers of their statutory obligation, duty and responsibilities under Wildlife and Countryside Act (WCA) 1981 with regard to biodiversity conservation given the location of the site within the designated countryside. The ecologist has recommended informatives regarding nesting birds and reptiles and amphibians. Therefore, there is considered limited conflict with Local Plan Policies CS2 and CL08.

## **6. Other matters related to the case**

6.1 Concerns have been raised and highlighted by the local member call-in. The local member call-in has made reference to Local Plan Policy H12 (Gypsy sites). However, this policy has not been saved as part of the Mid-Suffolk District Council Live Policies list as of June 2016, and therefore can no longer be referred to for decision-making purposes. This decision has taken into consideration Local Plan Policies RT19 - Static Caravans and Holiday Chalets and CS10 - Gypsy and Travellers, which are saved local policies along with relevant evidence base highlighted earlier in the policy section of this report.

6.2 Also, concerns have been raised as to how the site would be controlled if not temporary permission. The site would contain a personal permission condition to apply in such a way to cover the family members presently occupying the site to secure the existing situation remains long-term, which is also recommended by the planning policy officer and strategic housing officer.

6.3 I do not consider the proposal to raise any cumulative effects. The proposal integrates with existing sporadic lose nit form of this area and the duration of the temporary permissions so far has highlights no significant harm.

6.4 I have spoken with the enforcement officer with regard to a third party objector comment informing there is already a travellers site the other end of the village and more recent on further along Walsham Road. The enforcement officer is not aware of any such activity, and any such concerns should be raised with the enforcement team in the first instance. Also, given the delay on this application I have also checked with the enforcement officer as to whether there have been any change in enforcement activity on the site and it has been confirmed there is still no current enforcement file on this site.

6.5 Some third party objection representations have been received. I have considered all material planning comments and addressed within this report.

## **7. Assessment of sustainable development**

7.1 Paragraph 49 and 14 of the NPPF requires housing applications to be considered in the context of the presumption in favour of sustainable development, which includes traveller pitches in the same way as for residential housing developments.

7.2 The proposed development is considered to represent a sustainable development, having due regard to the three tests (social, economic and environmental) set out in the NPPF, by virtue of the lack of harm to biodiversity, the adjacent conservation area and special landscape area, the layout, design and impact

is modest and the site has matured over the period of the temporary permissions to create significant mature tree and hedgerow screening to prevent any significantly harmful effects to the special landscape area and conservation area. Furthermore, the site provides need for a gypsy provision, which currently is not in place elsewhere. There are considered more benefits in this case than harms and it is apparent through the recommended conditions any modest harms as a result of the proposal can be mitigated via condition, such as applying personal permission condition and enhanced hedgerow screening in addition to the existing hedgerow and trees.

7.3 For this reason, the proposed development for permanent permission is not considered to significantly conflict with the aims of the NPPF to secure sustainable development, acknowledging the advice in paragraph 14 and 49.

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## **PART FOUR – CONCLUSION**

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### **8. Conclusion**

8.1 The proposed development does not give rise to any significant or demonstrable harm and it is apparent there is need for gypsy and traveller pitches within the Mid-Suffolk district.

### **RECOMMENDATION**

Approve with Conditions

### **Recommended conditions**

- In accordance with submitted drawings
- Additional hedgerow to the eastern boundary of the site to be extended further down to the south to meet the southern boundary of the site
- Personal permission - covering the family members presently occupying the site

Informatives:

- No obstruction to the PROW
- Ecology - Trimming of hedges and trees etc outside of bird breeding season and if Gt crested newts is found during works, a suitably qualified ecologist should be contacted for advice to avoid wildlife crime