

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 3rd July 2013**

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<b>APPLICATION REF. NO:</b>	<b>13/00124/CU</b>
<b>STATUTORY DECISION DATE:</b>	<b>14/04/13</b>
<b>WARD/PARISH:</b>	<b>Hurworth</b>
<b>LOCATION:</b>	<b>Oakwood, Roundhill Road, Hurworth Moor</b>
<b>DESCRIPTION:</b>	<b>Change of use of land and laying of hardcore for use as residential land for three Gypsy pitches.</b>
<b>APPLICANT:</b>	<b>Mr George Watson</b>

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**APPLICATION AND SITE DESCRIPTION**

This application relates to the extension of an existing Gypsy caravan site, allowed on appeal for four pitches, by an additional three pitches. No additional structures are proposed at this time but naturally draining road planings are to be laid down over the site.

The site lies in open countryside about half a kilometre south of the A66 on the road to Hurworth. It is currently open land immediately to the east of the approved site which currently has within it a number of mobile homes/chalets and associated outbuildings.

Access to the application site would be via the existing site adjacent.

**PLANNING HISTORY**

Adjacent site : 01/00645 – Continued use of land for four residential Gypsy pitches. Refused but allowed on appeal May 2003.

**PLANNING POLICY BACKGROUND**

Government Planning Policy for Traveller Sites March 2012. (PPTS).  
The National Planning Policy Framework (NPPF).  
Darlington Local Development Framework Core Strategy – Policy CS 13 Accommodating Travelling Groups.

The recently published Tees Valley Gypsy and Traveller Accommodation Needs Assessment 2009 is also a material consideration.

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## RESULTS OF CONSULTATION AND PUBLICITY

A site notice was posted and local residents consulted. Two objections have been received raising the following issues :

- Traffic is very heavy in this area – more families would cause increased safety problems. No footpaths.
- The area floods regularly.

Consultee responses –

Environment Agency – Withdraw their earlier objection on drainage information grounds. Requests a condition in this regard. No objection on flooding grounds.

Environmental Health – No objections.

Highways Engineer – No objections; access is adequate for the site.

Parish Council – Object on road safety grounds.

Planning Policy - We did assessments for each of the sites we were looking at for the Gypsy sites study consultation. When we went to Cabinet, it was chosen with Honeypot Lane and Neasham Road as a Preferred Option, based on these site assessments, and this would involve them addressing any of the flooding issues, and meeting the requirements of highways, etc. As we haven't been through Preferred Options as yet, this is all the information we have other than an intention from the landowner to deliver this, so its very much dependent on the other relevant development management issues.

## PLANNING ISSUES

The main issue to consider in relation to this application is whether the proposal is in compliance with the relevant planning policies for Gypsies and travellers, also bearing in mind that the site has been chosen as a Preferred Option.

Darlington Local Development Framework Policy CS13 (Accommodating Travelling Groups) is relevant in the determination of this application. This policy sets out criteria against which applications for planning permission and sites for eventual allocation, as gypsy sites should be considered. The policy indicates :

*Provision will be made for travelling groups at the existing sites of Honeypot Lane, Neasham Road and other small sites within the Borough. Where required, additional sites for Gypsies and Travellers and Travelling Showpeople will be allocated in accordance with the following criteria, which will also be the basis for determination of windfall sites, ensuring that sites:*

- a) have appropriate access, and are in a sustainable location for schools, shops, employment opportunities and other local facilities and services; and*
- b) are located and designed so as not to have an unacceptable negative impact on existing residential amenity or existing landscape character; and*
- c) are appropriate to provide a safe and healthy environment for residents; and*
- d) are located in areas not at risk from flooding; and*

- e) are located and designed so as not to have a significant negative impact on the natural, archaeological or historic environment.*

*Preference will be given firstly to locations within and then adjacent to existing settlements, and then to the re-use of brownfield land in other locations.*

The principle of the use of the adjacent land as a residential Gypsy site has been established via the appeal decision in 2003, so it can be assessed that a precedent has been set for the proposed use on the application site.

Appeal decisions on other sites nearby have not given much weight to the sustainable location criteria included in the above policy, and Snipe Lane in particular was seen by Inspectors to be reasonably located in sustainability terms. Bearing this in mind therefore it is considered that it would not be appropriate to reject the application on the basis of this criterion.

The impact on the character of the immediate locality will be limited as the proposed site lies beyond the existing gypsy site on land which is partially brownfield, away from residential properties and has no known historical or archaeological importance. In view of this therefore it is considered criteria b and e of the above policy are being complied with.

Finally the site does not represent an unsafe or unhealthy location for the proposed use; the Highways Engineer is happy with the proposed access, and the Environment Agency have no objections on flooding grounds. In view of this therefore it is considered criteria c and d of the above policy are being complied with.

The recently issued Government advice note “ Planning Policy For Traveller Sites – 2012” broadly reflects the aims of Core Strategy Policy CS13 and is therefore supportive of this proposal.

In conclusion therefore it is considered that the development is acceptable in this location, being adjacent to an existing residential Gypsy or Traveller site, with the material planning considerations referred to above outweighing any minor conflicts with adopted local planning policies.

### **SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

### **RECOMMENDATION**

That Planning Permission be granted with the following conditions:

1. A3 – Implementation time
2. B5 – Accordance with plans.

- 3 The site shall only be occupied by gypsies as defined in Department for Communities and Local Government document “Planning Policy For Traveller Sites” 2012. Reason – In order that the development complies with Core Strategy Policy CS13
- 4 The site shall be for three individual pitches. Reason – For the avoidance of doubt.
- 5 The site shall be used for residential purposes only and no commercial vehicles over 3.5 tonnes shall be parked on the site without the prior written permission of the Local Planning Authority. Reason – In the interests of the character of the locality.
- 6 No commercial activities shall take place on the land, including the storage of materials. . Reason – In the interests of the character of the locality.
- 7 Details of the proposed mobile homes, utility blocks and other structures shall be submitted as a planning application to and approved in writing by the Local Planning Authority before development commences. Reason – No such details have been submitted.

### **SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION**

Reason 2