

Report to District Development Control Committee



**Epping Forest
District Council**

Date of meeting: 9 June 2009

Subject: Planning Application EPF/2315/08 - 5 Moores Estate, Church Lane, Roydon - Four additional gypsy pitches for family members residential caravan site (making 5 in total)

Officer contact for further information: J Shingler Ext 4106

Committee Secretary: S Hill Ext 4249

Recommendation(s):

That Planning Application Planning Application EPF/2315/08 be granted subject to the following conditions:

- (1) This consent shall inure for a period of 3 year(s) from the date of this consent, after which the site shall be returned to use for 1 gypsy caravan only and all other caravans shall be removed from the site.**
- (2) The 4 additional pitches hereby approved shall be occupied only by Kathleen Moore, John Moore, John Scott and Ellie Scott and any dependants.**
- (3) Prior to any additional caravans being brought on site, a site layout plan shall be submitted to and agreed in writing by the Local Planning Authority, and the development shall be implemented in accordance with such agreed details.**
- (4) Prior to any additional caravans being brought on site, details of means of disposal of sewage from the site shall be submitted to and agreed in writing by the Local Planning Authority and the agreed scheme shall be implemented accordingly.**
- (5) Prior to any additional caravans being brought on site details of storage area for domestic refuse shall be submitted to and agreed in writing by the Local Planning Authority and the agreed facility shall be installed and thereafter maintained accordingly.**
- (6) No commercial activity of any sort shall be carried out at the site at any time.**
- (7) Before the commencement of the development or any works on site, details of the landscaping of the site, including retention of trees and other natural features, shall be submitted in writing for the approval of the Local Planning Authority, and shall be carried out as approved.**
- (8) No more than 5 mobile homes and 5 touring caravans shall be stationed at the site at any one time.**

- (9) Details of foul and surface water disposal shall be submitted to and approved by the Local Planning Authority before any work commences and the development shall be implemented in accordance with such agreed details.**

Report Detail

1. This application is before committee as it was referred directly from the Area Planning Sub Committee West with no discussion and no recommendation on the basis that the proposal is of major importance and is affected by the current consultation process for the Gypsy and Traveller DPD.

Planning Issues

Description of Proposal:

2. This application is for the use of land for 4 additional gypsy pitches for family members, to bring the total number of pitches within the site to 5.

Description of Site:

3. The application site is roughly half a hectare of land located to the south east of Little Brook Road and accessed via a track from Harlow Road which crosses Little Brook Road, and bounded to the south west by a stream. At the time of the officer's site visit there was one mobile home on the site and one touring caravan. There is a small dayroom building with conservatory, a stable building (which was being used as an aviary) and 4 small sheds in domestic storage use. Most of the site is undeveloped.
4. There are substantial hedgerows along the front and rear boundaries. There is open agricultural land to the east. To the immediate north there is a plot of land with a mobile home on it and beyond that (between this site and the properties in Little Brook Road) there are various plots of land which have been used for different transient uses over the years.

Relevant History:

5. The larger area of land known as the Moores Estate of which the application site is just a small part, has a fairly complex history. Dating back to the second world war there were a number of plotlands that were occupied by people escaping the bombing in London. Prior to the land to the north being developed by Cala Homes for housing (Little Brook Road) in the early 1980's John Moore gained a temporary 2 year planning permission to occupy one of the plots.
6. The existing residential mobile home on the application site was granted consent on appeal (EPF/1136/90), in 1991, for use by John Moore's daughter Relley, and has been occupied by the applicant and her family ever since. This permission was followed by a single application for two residential plots by Roseanne and George Moore, which was granted in 1993. These plots are currently vacant, allegedly due to a family dispute, but they could still be occupied by Roseanne and George and their families.
7. Despite the original consent for John Moore being temporary it is clear that he and his wife occupied the plot for many years along with other members of his

family including his daughter Rubies Moore. John Moore sadly died in 2004, and his mobile home was burnt in accordance with tradition, but the base is still in existence.

8. The ownership of much of the land owned by John Moore (deceased) has been split between different family members and in some cases is still in dispute. Rubies Moore is one of several executors of her father's estate, although she is not currently resident on the site, and it is likely that there will be a further application for occupation of that and other Plots within the Estates in due course.

Policies Applied:

9. Epping Forest District Local Plan and Alterations

CP2 Quality of rural and built environment
CP6 Sustainable urban development patterns
GB2A Development in the Green Belt
GB5 Residential moorings and non permanent dwellings
RP3 Water Quality
RP5 Adverse Environmental impacts
H10A Gypsy caravan sites
LL2 Inappropriate rural development
LL10 provision for landscape retention
ST1 Location of development
ST2 Accessibility of development
ST4 Road safety
ST6 Vehicle parking

Summary of Representations:

10. 34 neighbouring properties were consulted and a site notice was erected. The following representations were received;

Comment.

ROYDON PARISH COUNCIL - No objection in principle providing permission is given to named family members only.

Support

CHALET DU PRE, GRANGE LANE – The Moore family have lived here for more than 40 years and have as much right to live on their property as we do and to accommodate members of their extended family more in line with the numbers living there in the past. There have been problems from time to time but most of the problems in the village cannot be laid at the door of the travellers. Concerned about pressure being put on local people by the Little Brook residents association. Also concerned over total number of pitches proposed in the wider Roydon/Nazeing area which is disproportionate.

Objections

Letters raising concern or objection have been received from the following:

1 LITTLE BROOK ROAD, ROYDON
CAMPAIGN TO PROTECT RURAL ESSEX
BILL RAMMELL MP, HOUSE OF COMMONS
29 KENDAL AVENUE, EPPING
5 BAKERY CLOSE, ROYDON
BRADWELLS, EPPING ROAD, ROYDON
4 ELEANOR TERRACE, EPPING ROAD, ROYDON
KINGSMEAD LODGE, EPPING ROAD, ROYDON
KINGSVIEW, EPPING ROAD, ROYDON
STEPPING STONES, 1A EPPING ROAD, ROYDON
VILLA COLLINA, EPPING ROAD, ROYDON
JASMINE, GRANGE LANE, ROYDON
MOEL TRYFAN, GRANGE LANE, ROYDON
NEWCROFT, GRANGE LANE, ROYDON
LINCROFT, GRANGE LANE, ROYDON
34 HANSELLS MEAD, ROYDON
HAWKHURST, HARLOW ROAD, ROYDPN
HILL COTTAGE, HARLOW ROAD, ROYDON
WOODBURY, HARLOW ROAD, ROYDON
204 HIGH STREET, ROYDON
2 LITTLE BROOK ROAD, ROYDON
6 LITTLE BROOK ROAD, ROYDON
7 LITTLE BROOK ROAD (2 LETTERS), ROYDON
10 LITTLE BROOK ROAD (2 LETTERS), ROYDON
11 LITTLE BROOK ROAD, ROYDON
14 LITTLE BROOK ROAD, ROYDON
16 LITTLE BROOK ROAD, ROYDON
17 LITTLE BROOK ROAD, ROYDON
WOODLANDS, 18 LITTLE BROOK ROAD, ROYDON
19 LITTLE BROOK ROAD, ROYDON
20 LITTLE BROOK ROAD, ROYDON
21 LITTLE BROOK ROAD, ROYDON
22 LITTLE BROOK ROAD, ROYDON
23 LITTLE BROOK ROAD, ROYDON
RESIDENTS ASSOCIATION, LITTLE BROOK ROAD, ROYDON
9 TEMPLE MEAD, ROYDON
13 TEMPLE MEAD, ROYDON
15 TEMPLE MEAD, ROYDON
17 TEMPLE MEAD, ROYDON
37 TEMPLE MEAD (2 LETTERS), ROYDON
39 TEMPLE MEAD (2 LETTERS), ROYDON
34 STANDINGFORD, HARLOW
12 SPENCEFIELD LANE, LEICESTER
33 PARKFIELDS, ROYDON

The concerns raised can be summarised as follows:

- Precedent for increased numbers on other plots on the Moores Estate
- Too many Gypsy pitches in Roydon and Nazeing already (79% of all pitches in the district)
- Rubbish disposal problematic
- Harm to character of area
- Development out of keeping with character of the village
- Inappropriate development in the Green Belt

- Trees will be lost – harm to appearance of area
- Site is at risk of flooding
- Site is adjacent to County Wildlife Site
- Detrimental to pleasure of walkers using footpaths
- Site does not meet Government’s good practice guide (only 1 access – more than 50m from a road)
- Inadequate access for fire engines
- Infrastructure in the village is inadequate for any further development
- Limited public transport links
- The access is unsuitable for more traffic, no passing spaces
- Increased risk of accidents at junction with Little Brook road and the Harlow Road junction
- Harlow Road itself very busy
- Sewerage system may not be able to cope
- Concern about pollution of the brook and impact on the water table and adjacent Water Board borehole
- Junction of track with Little Brook Road is dangerous
- Volume of traffic accessing the estate will grow
- Already get commercial vehicles using the site – increased highway danger, noise and pollution
- The proposal is too close to housing
- Potential damage to property
- Inability to police the land effectively
- Business uses of the travellers results in inappropriate traffic using the residential road for the single track access
- Noise and pollution problems
- Vandalism and antisocial behaviour have risen in last 3-4 years
- Too soon in the Gypsy/Traveller consultation exercise to consider the application
- Property devaluation

Additionally THE LITTLE BROOK ACTION GROUP have forwarded a document signed by more than 720 Local Residents in connection with the EFDC Consultation Document on the Development Plan for Gypsies and Travellers in Epping Forest District. The signatories, signed to state that they had viewed the consultation document and that they agree to the Little Brook Action Group submitting responses on their behalf.

Question 11a of the Questionnaire asked, “Do you agree with the expansion of the site at Little Brook Road, Roydon, by up to 4 pitches?”

The Action Group have responded “No” to this question and they are acting on behalf of all the above signatories. This is clearly relevant to the current application.

Issues and Considerations:

11. The main issues that arise with this application are considered to be the following:
 - Whether the development is appropriate in the Green Belt and if not whether there are very special circumstances sufficient to outweigh the harm.
 - Impact on neighbouring amenity
 - Highways and transportation matters

- Sustainability
- Visual amenity and landscape

Green Belt Issues

12. National and local Green Belt policies state that Gypsy sites are not among the land uses that are appropriate in the Green Belt, however consideration must be given to whether there are very special circumstances sufficient to outweigh the harm from the development.
13. This application comes at a time when the council is seeking, in accordance with Government directive, to identify sites that may be suitable for accommodating Gypsies, as there is an identified need for additional sites. The Council has carried out a consultation on options for development plan provision for Gypsies and Travellers.
14. The fact that a need has been identified and that at present the Council does not have identified sites that could accommodate this need does add weight to the application.
15. The site is an existing established site that has been occupied lawfully by the applicant and her family for nearly 20 years. Two of the proposed plots are for her children who have always lived at the site but are now of an age to require their own homes, (one of whom has three children of her own) the other two plots are intended for two other named Gypsies who are cousins of the applicant, who have not previously lived at the site but have visited the site while travelling and are currently of no fixed address.
16. The site is of adequate size to accommodate 4 additional plots and their siting and spacing can be controlled under the caravan Site Licence, details of the siting can be required by condition as the submitted drawings do not show a proposed layout, hardstanding and access details.
17. Although the proposal will result in increased hard surfacing and an intensification of use of the site, the site is well screened by existing hedgerows, and it is not considered that the proposal will be visually prominent within the Green Belt.

Impact on Neighbouring Amenity

18. The site is located a considerable distance from the nearest houses in Little Brook Road and it is not considered that the location of additional plots within the site will have a direct impact on the amenity of neighbours, however there is concern that the intensification of use will result in additional traffic movements through the residential area and the access track does run immediately behind residential properties, albeit protected by high walls.
19. The proposal does not include any intention to use the site for business uses that would generate heavy traffic and it is not considered that the increased residential traffic through the estate would have a significantly adverse impact on neighbouring amenity.
20. Concern has been raised about anti social behaviour, but an increase in the number of Gypsy plots within a site cannot be seen as inevitably resulting in such problems. Given the location of the site and the separation from the

residential area it is not considered that there will be harm to residential amenity as a result of the proposal.

Highway and Transport Issues

21. The addition of 4 further plots at the site will result as has been mentioned above in additional traffic movements, and considerable concern has been raised by neighbours with regard to the safety and suitability of the access road to take this additional traffic.
22. The access track to the site is a single track and runs from Harlow Road to the site, crossing Little Brook Road at a bend in that road. The access is far from ideal but has served the site and the adjacent land for many years. The Highway Authority has raised no objection to the proposal and state that the development meets the adopted policies. Given the relatively small amount of traffic that would be generated by the addition of 4 plots at the site it is not considered that the proposal would result in harm to highway safety.

Sustainability

23. The core policies of the adopted Local Plan Alterations seek to ensure that new development is directed to urban areas with good access to facilities and public transport, to reduce reliance on the car. This site is not ideally located in this respect as Roydon's facilities are relatively restricted, however, there are shops, a primary school and other village facilities within walking distance and access to public transport. And the site is far from isolated.

Impact on visual amenity and landscape

24. As has been stated above, and was mentioned by the appeal inspector who allowed the single unit on the site in 1991 the site is well screened and sits within a valley so is not visually prominent from outwith the site. The applicant has explained her intention to further landscape the site, and a landscaping condition can be applied to ensure that the existing boundary vegetation is retained and supplemented. There are public footpaths running to the south and west of the site but it is not considered that the proposal will significantly impinge on the enjoyment or use of these paths.

Vandalism and Antisocial Behaviour

25. Concern has been raised that there has been a recent increase in vandalism and anti-social behaviour in the area that has been connected with Relley's site. Additionally it is clear that there are tensions within the Moore Family possibly as a result of the ongoing land ownership issues. However, these are not strictly planning issues. For many years the Gypsies resident on the Moores Estate lived in close proximity to the residents of the new housing development of Little Brook Road without major problems arising or tensions emerging, Since the death of the head of the family this may have changed, but this is not something that the Planning system has control over. Even within the settled non Gypsy community considerable tensions and problems can arise between neighbours.

Other Issues

Gypsy and Traveller Consultation Document

26. Concern has been raised that this application has come in while the Council is in the process of carrying out consultation on suggested sites for Gypsies and travellers in the District. The concern is that to allow this development would be to pre-empt the results of the consultation exercise. However, the Planning Authority cannot simply choose not to determine an application, it must be determined on its merits and in the light of current adopted policies and other material considerations. The unmet demand for Gypsy sites in the District is a material consideration. The consultation document is not a policy document and at this stage in the process carries very little weight.
27. The decision on this application does not imply that other plots within the Moores Estate would have the same outcome, any future applications would need to be assessed on their merits, with regard to proximity to housing and overall numbers of plots in the locality and the policies at that time.

Drainage and Sewerage

28. Concern has been raised that the intensification of use of this site could result in problems of drainage and sewerage. A condition can be added to ensure that adequate provision is made prior to any additional units being moved on site. The site is not located within an area identified as being liable to flood.

Pollution and refuse disposal.

29. The proposed use is residential and it is not expected therefore that subject to the sewerage and drainage disposal details being satisfactory there will be any increased risk of pollution as a result of the development. Conditions can be imposed to prevent any business use of the site. As at present, domestic refuse will be picked up from the junction with Little Brook Road. A storage area for refuse within the site can be the subject of a condition.

Property devaluation

30. The impact on property values is not a material planning consideration.

Conclusion

31. In conclusion, the site is within the Metropolitan Green Belt where there is a strong presumption against inappropriate development, there therefore needs to be very special circumstances sufficient to outweigh the harm to the Green Belt in order for the development to be considered favourably. Unlike the recent development approved at Mamelons Farm in Nazeing, this proposal includes additional hardstanding and further intrusion of development on to an area of the site that is currently undeveloped.
32. However the site is well screened and set away from any road and will not be prominent in the landscape, such that the impact on openness is relatively limited. This is therefore a balanced matter and all other material considerations need to be taken into account. The fact that this is an existing established Gypsy site and that there is an unmet requirement to provide for Gypsies and Travellers in the District is an important issue and this proposal to

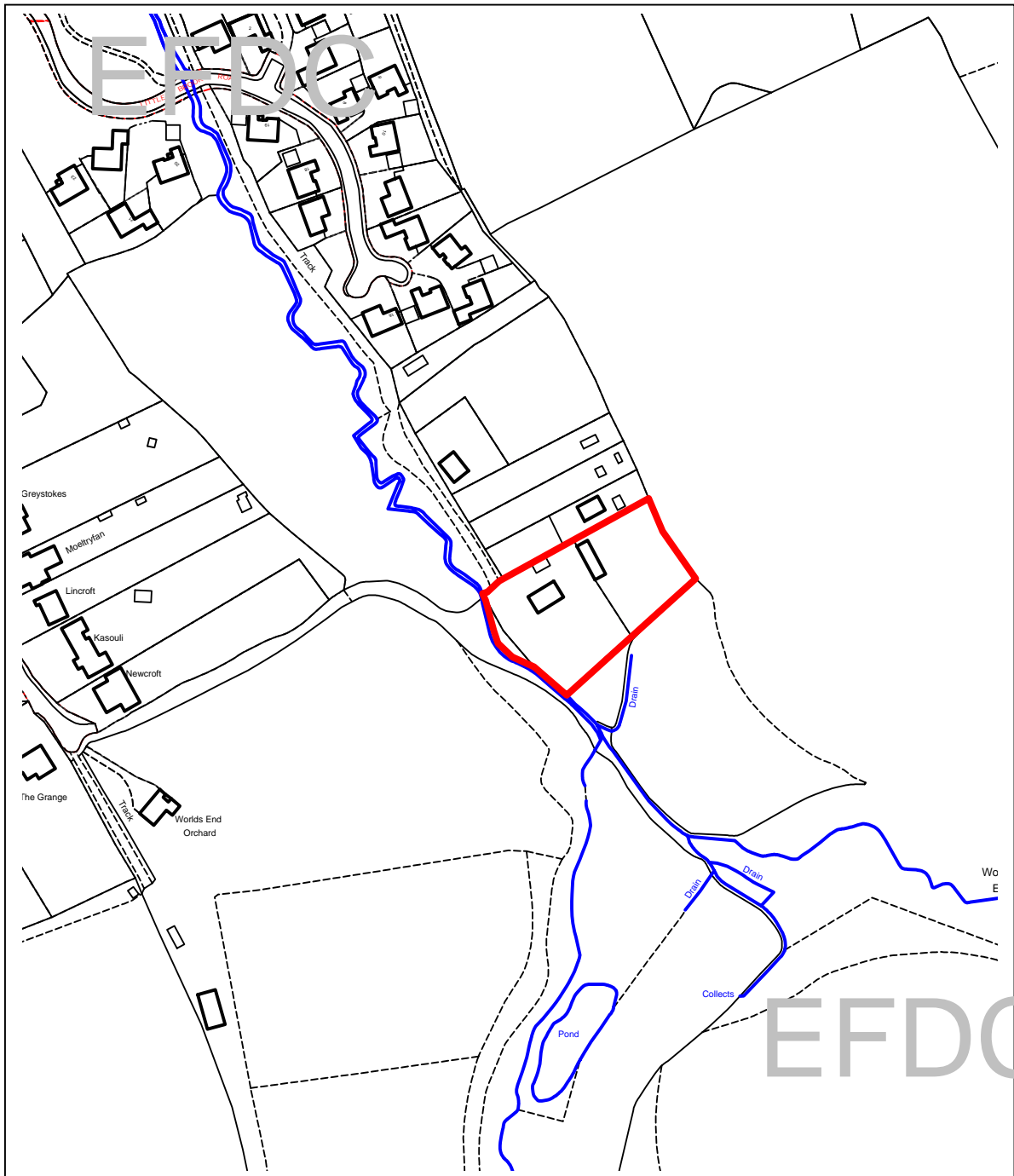
intensify the use of an existing site offers an opportunity to reduce the number of new sites that need to be found elsewhere.

33. The site is relatively well located, will not have a significantly adverse impact on residential properties or the character and amenity of the area and is within walking distance of the village facilities and bus routes. It is considered on balance that in the light of this, a temporary consent to enable the use of the site for an additional 4 pitches for a period of three years would be an appropriate way forward. Such a temporary consent would help meet the current identified need for sites until such time as the Gypsy and Travellers Development Plan provision has been finalised. The suitability of the site in the long term can then be reassessed in the light of the new policy document.
34. The application is therefore recommended for approval for a temporary period of 3 years only for the named family members and subject to conditions.



Epping Forest District Council

District Development Control Committee



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Agenda Item Number:	
Application Number:	EPF/2315/08
Site Name:	5 Moores Estate, Church Lane Roydon, CM19 5HF
Scale of Plot:	1/2500