

# **Report to District Development Control Committee**



**Epping Forest  
District Council**

**Date of meeting: 4 August 2009**

**Subject: Planning application EPF/0508/09 – Greenleaver Mobile Home Park, Hoe Lane, Roydon – Change of use to include the stationing of caravans for 5 family Gypsy pitches with utility/day room buildings and hard standing ancillary to that use (to bring total number of pitches to 15)**

**Officer contact for further information: J Shingler Ext 4106  
Committee Secretary: S Hill Ext 4249**

---

## **Recommendation(s):**

**That Planning Application EPF/0508/09 be granted subject to the following conditions:**

- (1) The development hereby permitted must be begun not later than the expiration of 3 years beginning with the date of this notice.**
- (2) The additional pitches hereby approved shall be occupied only by family members of the named occupants of the 10 pitches already approved at the site and by no other persons. The named occupants of the 10 pitches previously approved are;
  - 1. Joe Jones, Rosie Jones (his wife) and Dorothy Gaskin (Mother of Rosie Jones)**
  - 2. Billy Jones (Brother of Joe Jones)**
  - 3. Joe Mitchell (son of Joe Jones) and his wife Charmaine Mitchell**
  - 4. Sean Jones (Son of Joe Jones) and his wife and Lisa Jones**
  - 5. Sean Lee (son-in-law of Joe Jones) and his wife Julie Lee**
  - 6. Tony Marshall and Lila Marshall**
  - 7. John Buckland and his wife Maria Buckland (daughter of Joe Mitchell Senior).**
  - 8. Joe Mitchell Jnr (son of Joe Mitchell Senior) and Tracey Mitchell, his wife**
  - 9. Thomas Lee and his wife Charmaine Lee (daughter of Joe Mitchell Senior)**
  - 10. James Russell and his wife Lila Russell (daughter of Tony Marshall)****
- (3) 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.**
- (4) The site shall be used for residential purposes only. No commercial Industrial or retail activity shall take place on the site, including the storage of goods, materials or other items (other than household/domestic effects relating to the specific pitch on which they are stored).**
- (5) There shall be no more than 1 static caravan and 1 touring caravan stationed on each pitch at any one time (a total of 5 static caravans and 5**

tourers on the site as a whole). No more than 2 vehicles shall be parked on each pitch at any one time.

(6) 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.

(7) A flood risk assessment shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using Windes or other similar programme. The approved measures shall be undertaken prior to the first occupation of the building hereby approved and shall be adequately maintained in accordance with a management plan to be submitted concurrently with the assessment.

(8) The roadway and turning area shown on the approved plans shall be completed prior to any caravans or mobile homes being stationed on the site.

(9) The development, including site clearance, must not commence until a scheme of landscaping and a statement of the methods of its implementation have been submitted to the Local Planning Authority and approved in writing. The approved scheme shall be implemented within the first planting season following the completion of the development hereby approved.

(10) There shall be no stationing, parking, or storage of vehicles over 1.5 tonnes or the maintenance or repair of vehicles on the entire site.

### **Report Detail**

1. This application is brought before committee as the proposal is of major importance and is affected by the current consultation process for the Gypsy and Traveller DPD.

### **Planning Issues**

#### **Description of Development:**

2. Change of use of land to form an extension to existing mobile home park to allow for 5 family gypsy pitches. Each pitch to site 1 mobile home and 1 touring caravan together with an ancillary utility/day room building and hardstanding. The proposal is to bring the total number of pitches on the site up to 15. The new plots would be accessed and serviced from the existing access driveway off Hoe Lane and the proposal includes a turning head and additional tree planting.

#### **Description of Site:**

3. The red lined application site is a roughly rectangular area of land measuring approximately 86m x 37m, currently used as a paddock, located immediately to the south east of the existing hardened area of Greenleaver Mobile Home Park which is located on the eastern side of Hoe Lane. The existing site has 6 plots and at the

time of the Officer's site visit the hardstanding for the 4 additional plots approved last year was being laid. The site is accessed via a private access off Hoe Lane which crosses the Nazeing Brook. The site and the larger area of land within the applicants ownership is well screened from the road and from adjacent residential properties by substantial hedgerows and lies between an established business park and horticultural development.

**Relevant History:**

4. The Greenleaver site has the following planning history:

5. In 1991 an Enforcement Notice was issued regarding the stationing of a mobile home on the land. An appeal against the notice was upheld and planning permission for the stationing of 6 mobile homes for named persons was granted in September 1992.

An application for the erection of a stable block and refurbishment of a barn was refused in June 1994.

6. An application for use of the site as a transit caravan site for 15 pitches was refused in January 1999.

7. An application for the erection of a toilet block, including showers and a recreation room was refused in January 1999.

8. The site was extended without planning permission and Enforcement Notices were issued in October 2001 in respect of change of use of use of the land and breach of various conditions as imposed by the appeal inspector when allowing the 6 units on the land in 1992.

9. Planning permission was granted in October 2003 for the 6 pitches that now exist on the land, each with one mobile home, one touring caravan and ancillary sheds, parking and access. This permission was personal to named gypsies and their dependants (under the age of majority) and included Mr Tony Marshall the current applicant.

10. In February of 2008 permission was granted for 4 additional pitches at the site for use by named family members, all related to the owner of the site. These works are currently underway.

**Policies Applied:**

11. Epping Forest District Local Plan and Alterations

GB2A Development in the Green Belt.

H10A Gypsy caravan sites

RP5 Development likely to cause a nuisance.

DBE9 Amenity issues

ST1, ST2 Location and accessibility of development

ST4 Road safety.

CP2 quality of environment

HC6 Development affecting conservation areas.

LL1, LL2 impact on landscape.

## Summary of Representations:

12. 13 neighbouring properties were notified and a site notice was erected, the following representations were received;

PARISH COUNCIL – Object. 10 The site is in the MGB and the development is contrary to Policy GB2A with no special circumstances. 1) Greenleaver mobile home park is very close to the conservation area and access to it can only be achieved by passing through the area. 3) Hoe lane is narrow with over-hanging trees. Passage of large mobile homes has caused damage in the past to those trees, and given the increase in industrial traffic those problems have increased. 4) the entrance to the site is on a sharp bend with poor visibility. 5) The site is actually at the point where the stream from Upper Nazeing meets Nazeing Brook. As such there is a serious risk of flooding and actually adding more hard surfacing increases could cause problems downstream. 6) Nazeing Primary School has presently 18 children from Gypsy and Traveller families. That represents 7% of the total roll of 225. The equivalent average percentage across Essex is under 0.5%. That represents a challenge to resource because of the turbulence caused from the frequent movement. In addition, there are 21 children with the status of English as an Additional language. 7) The application has been made in advance of any decisions resulting from the recent Consultation on Options by EFDC. In that consultation there is reference to the concentration of gypsies in Nazeing and Roydon. In paragraph 5.4 there is focus on the fact that in these villages there are 11 of the 18 gypsy and traveller sites in the District comprising 81% of the pitches. Since then Mamelons in Waltham Road has been expanded by another four pitches which has been the subject of enforcement now abandoned. At the Parish Meeting the applicant stated that the reason for the application was to accommodate members of his family but this was not specifically detailed in the supporting documentation. This was of course, the purpose of the expansion from 6 to 10 pitches in early 2008. Furthermore, this is a different purpose from the statement made by him in the public meeting about the consultation. Then he appeared to be suggesting that Greenleaver could be used as an alternative to the rejected site next to Allmains in Bumbles green and be available to gypsies generally. The Parish Council would like these objections to be given proper consideration and relayed in full to Members of the Planning Committee.

TAYNESS, HOE LANE – Object. First 6 pitches then an additional 4 have already been granted for named family members. The current application is for 5 more for gipsy non family members. The proposal will harm the Green Belt and worsen the already dire traffic problem in Hoe Lane. Nazeing already has more than its fair share of caravan sites.

GREENLEAVES, HOE LANE – Object. Attempt to pre-empt the consultation on options exercise. Consent was granted on appeal to the Jones family in the 1990's, Mr Marshall only appeared later and is not one of the names listed by the Inspector. His right to reside there has never been pursued by the Council. Previous permissions have been for named family members, now the expansion is to open the site to anyone who calls himself a gypsy to stay there, which defeats the object of a family site. This is just an attempt to get in first. The site is Green Belt and adjacent to the Conservation Area and sits at the junction of Nazeing Brook and its tributary. It is liable to flooding. Hoe Lane is narrow and access is on a sharp bend with restricted viewing. Taking large caravans in out is risky. Concerned that the primary school will be even more disrupted, as already disproportionate number of gypsy children and there is a perception amongst some parents that the school will not

devote sufficient resource to their children. So they may take them to Broxbourne for education.

### **Issues and Considerations:**

13. Policy H10A of the Local Plan Alterations states: "In determining applications for Gypsy Caravan sites within the Green Belt the Council will have regard to (i) whether there are any very special circumstances which would justify an exception to the Green Belt policies of restraint, and (ii) The impact on the openness of the Green Belt and the character and appearance of the Countryside". In addition, the impact of the development in highway terms, the effect on residential amenity, visual amenity, sustainability, and flood risk also need to be taken into account.

#### Green Belt

14. The site lies within the Metropolitan Green Belt and the proposal is inappropriate development, by definition, harmful to the Green Belt and permission should only be given therefore, if there are considerations that outweigh this harm.

Greenleaver is an already established and lawful Gypsy site and the proposed development is to provide additional pitches for Gypsies (described by the applicant as family members) although in this instance no specific named occupants have been put forward.

15. There is a recognised need for additional Gypsy pitches in the District, as detailed in the Consultation and Options Document, Development Plan Provision for Gypsies and Travellers in Epping Forest District. Within that document the Greenleaver site is identified as an existing authorised site and Question 11 of the document asks whether the expansion of the site by a further 5 pitches is acceptable. The responses received have not yet been fully analysed and clearly the site has not been allocated in a local development plan for such a use. At this stage therefore the application must be considered in the light of current adopted policies, but the fact that there is an identified need for additional sites to be found within the District and that at present the Council has not identified sites that could accommodate this need is an important material consideration that adds considerable weight to the application.

16. The site is of adequate size to accommodate the proposed 5 additional plots and their siting and spacing can be controlled under the Caravan Site Licence. The suggested layout as shown on the submitted plans appears appropriate and similar to the existing development.

17. Although the proposal will result in increased hard surfacing, small built day room facilities and an intensification of use, the site is well screened by existing hedgerows and will not be visually prominent in the Green Belt.

### **Highway Issues**

18. The access to the site off Hoe Lane is close to a bend in the road and has limited sight lines. Hoe Lane is narrow and very bendy, with no footways along most of its length and has a significant amount of large vehicles negotiating it. The addition of 5 further plots to the established site will result in additional traffic movements and additional turning movements into and out of the site, including towed caravans on occasion. However, the increase in traffic will be relatively small in comparison with the current level of vehicular movements in Hoe Lane and it is not considered that the development will be unduly harmful to the free flow of traffic or to highway safety. The Highway Authority has raised no objections to the proposal, stating that it is not

contrary to the County Councils Highway and Transportation Development Control Policies or ST4 and ST6 of the Local Plan.

### **Visual amenity**

19. The site area is part of a much larger field that is presently used as a paddock and is all within the ownership of the applicant. The proposed development will not be prominent from the road, from which only the entrance is visible and the existing mobile homes cannot be seen. A public footpath runs to the north of the existing development and the new proposal will not have an adverse impact on it. The site is not within the conservation area, although the existing entrance way is. No alterations are proposed to the entrance.

20. The larger site, within the applicants ownership is surrounded by established hedgerows and there are Preserved trees along the western boundary between the site and the nearest residential property (Sparrows Walk).

21. The proposed layout of the new site is logical and utilises and extends the existing access track, reducing the need for additional road and hard surfacing. Additional tree and hedge planting is proposed to further minimise the visual impact of the proposal.

22. Whilst the introduction of mobile homes and associated paraphernalia into an area of countryside is never ideal visually, this site appears particularly well hidden, between an established business park and horticultural nurseries and its visual impact will be minimal. It is not within the Conservation Area.

23. The existing site appears well maintained and tidy and there is no sign of any business activity taking place.

### **Sustainability**

24. The core policies of the 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 private car. This site is not ideally located, in that access is from a narrow and winding road with no pavement which will not encourage people to access it on foot, however the site is not an isolated rural site, it lies less than 1.5km from the shops in Nazeing and the primary school, and less than 1km from a bus route. As such it is not considered that there are strong sustainability grounds for refusal.

### **Other Issues**

Ownership and occupation of the site.

25. A neighbour has raised concern that the original applicant, Mr J Jones has not occupied the site, it is not clear whether this is the case, however Mr Tony Marshall, the current applicant is now the owner and is one of the named occupants of the 6 plots approved in 2003. We have no evidence that anyone other than those authorised to do so are currently residing at the site.

26. Concern has been raised that this application does not put forward named occupants and in this respect is speculative, unlike the previous consents. No specific personal circumstances are being argued and the application must be determined on its merits with regard to its suitability as a site for any Gypsy or

Traveller. This clearly presents lesser very special circumstances than have been demonstrated in the previous permissions on the site, whereby the named occupants demonstrated local family links to the site, and a clear and personal need for a site, but it does not mean that the application should be dismissed out of hand. The specifics of the site and the identified need for additional sites in the District must also be taken into account. The applicant has specified that the occupants will be family members and it is suggested therefore that as with the recently approved addition to the Mamelons Farm site in Bumbles Green a condition restricting occupation to family members would be appropriate.

27. The application is not for a transit camp, which would potentially lead to more significant movements of caravans, but would provide settled facilities for those members of the community that wish for a home base from which to travel whilst providing for stable schooling for their children.  
Flooding.

28. Concern has been raised that the site is liable to flood. The site is not within an Environment Agency Flood zone, although it is, like much of the district within an Epping Forest District Council flood risk assessment zone, wherein details are required to ensure that development will not result in any increased risk of flooding on site or elsewhere. Land Drainage has therefore been consulted and has advised that a condition requiring a Flood Risk Assessment is required. Land drainage consent is also required and details of means of disposal of foul and surface water drainage can be required by condition.

#### Gypsy and Traveller Consultation Document

29. Concern has been raised that this application has come 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, can not 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. Until such time as a Development Plan for Gypsies and Traveller is in place each application of this kind must be treated on its own merits.

#### **Conclusion.**

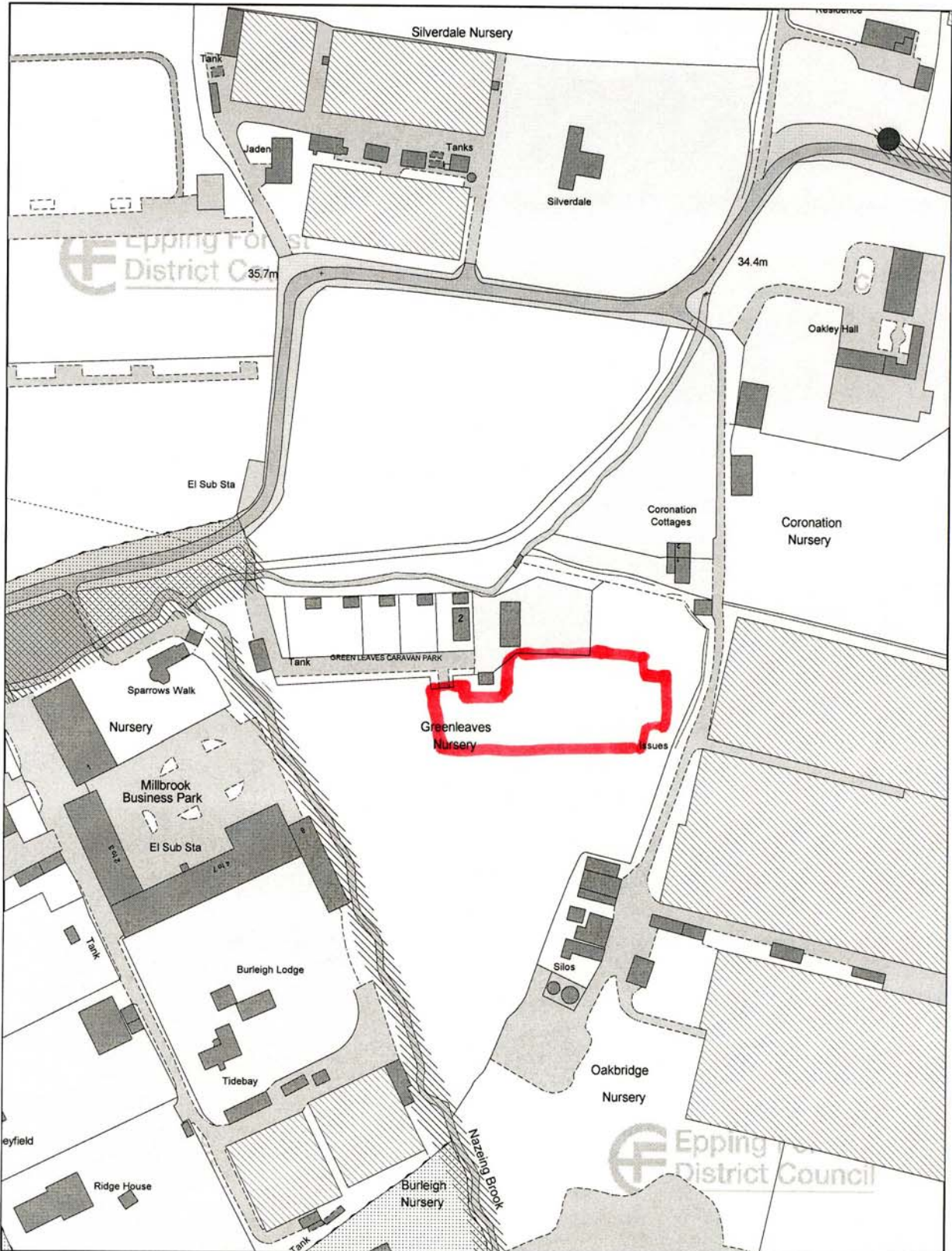
30. In conclusion it is considered that in this instance the arguments for and against the development are quite finely balanced. The site is well located, relatively close to shops and services, and has only minimal impact on the character and amenity of the countryside, being located between an established industrial estate and horticultural site and well screened from public view. It is an already established Gypsy site that has operated well for several years. There is an unmet requirement to provide for Gypsies and Travellers in the District that needs to be addressed and this site provides an opportunity to potentially reduce the number of sites that will need to be found in the future.


31. However the site is within the Green Belt and the proposal is not appropriate development in the Green Belt and is therefore, by definition harmful. The judgement therefore needs to be made, as to whether there are very special circumstances in this case sufficient to outweigh the harm that would result from the development. On other sites, such as Mamelons, it has been considered that a temporary 3 year

consent may be appropriate, to help meet the identified need for sites until such time as the Gypsy and Travellers Development Plan provision has been finalised. In this instance the proposal includes significant works, including hardstanding, roadway and turning area and provision of day room buildings and it is not considered that a temporary consent would be appropriate due to the costs involved in this provision.

32. On balance, it is considered that due to the location of the site, the minimal impact on visual amenity and the established nature of the existing facility, the addition of 5 further plots as shown on the submitted plan would have minimal impact on the character and amenity of the area and on the open nature of the Green Belt. Subject therefore to conditions to restrict occupation to family members of the named individuals who already have permission to occupy the site (to ensure that it is occupied only by Gypsies and Travellers) and to prevent the use of the site for any business purpose, the development is considered to be in accordance with the adopted policies of the Local Plan and Local Plan Alterations and is recommended for approval.





 <p> <b>Epping Forest District Council</b>                  Planning Services                  Civic Offices                  High Street                  Epping CM16 4BZ             </p>			Centre X: 540346.667
			Centre Y: 206462.510
		Scale: 1:2000	Width: 360.000
		Date: 21 Jul 2009	Angle: .000
		Time: 12:31:47 PM	
Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office. Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecutions or civil proceedings. Epping Forest District Council - Licence 100018534.			