

**Report to District Development Control
Committee**

Date of meeting: 1 December 2009



**Epping Forest
District Council**

Subject: Planning Application EPF/1585/09 – 3A Moores Estate, off Church Road/Harlow Road, Roydon, Essex – Retrospective consent for the stationing of one mobile home and one mobile caravan for use by one gypsy family

**Officer contact for further information: G Courtney
Committee Secretary: S Hill Ext 4249**

Recommendation:

That planning application EPF/1585/09 be granted subject to the following conditions:

- 1. The development hereby approved shall be occupied only by Cheriann Moore and any dependants.**
- 2. No more than 1 mobile home and 1 touring caravan shall be stationed on the site at any one time.**
- 3. Within 3 months of the date of this notice, 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. Within 3 months of the date of this notice, details of a 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.**
- 5. Within 3 months of the date of this notice, details of additional landscaping of the site shall be submitted in writing for the approval of the Local Planning Authority, and shall be carried out as approved.**
- 6. Within 3 months of the date of this notice, details of foul and surface water disposal shall be submitted to and approved by the Local planning Authority and shall be implemented in accordance with such agreed details.**

Report

- 1. This application is before this Committee since it is an application for development of wider concern and is recommended for approval (Pursuant to Section P4, Schedule A (c) of the Council's Delegated Functions).**

Planning Issues

Description of Proposal:

2. This application is for the provision of one pitch consisting of one mobile home and one caravan. The stationing of these mobile homes took place in January 2009, so this application is retrospective. Alongside this proposal there is a current application for 2 additional pitch on plot 5 (EPF/1448/09), which is reported elsewhere in this Agenda.

Description of Site:

3. The application site is a 0.08 hectare area of land located within the Moores Estate, which itself is located to the south east of Little Brook Road. The application site is accessed via a track from Harlow Road which crosses Little Brook Road. It is believed that the site was previously undeveloped, however as this application is retrospective it now contains the proposed mobile home and caravan with associated hardstanding.

Relevant History:

4. The existing residential mobile home on plot no. 5 was granted consent on appeal (EPF/1136/90) in 1991 for use by a gypsy family and was previously occupied by the applicant (along with her Mother who still resides there).
5. An application for four additional gypsy pitches on plot no. 5 (EPF/2315/08) was refused on 12/06/09 on the following grounds:

1. *The site is within the Metropolitan Green Belt. The proposed works represent inappropriate development and are therefore at odds with Government advice, as expressed in PPG2, policies GB2A and H10A of the adopted Local Plan and Alterations and the East of England Plan 2008. They state that within the Green Belt permission will not be given, except in very special circumstances for the construction of new buildings or for the change of use or extension to existing buildings except for the purposes of agriculture, mineral extraction or forestry, small scale facilities for outdoor participatory sport and recreation, cemeteries, or similar uses which are open in character. In the view of the Local Planning Authority the application does not comply with these policies and there are no very special circumstances sufficient to justify the grant of permission.*

2. *There is inadequate and sub-standard access to the site and the addition of 4 additional gypsy pitches therefore is unacceptable because the current access fails to provide safe and convenient access for pedestrians and vehicles, particularly emergency vehicles, and is therefore contrary to policy ST2 of the Adopted Local Plan and Alterations 2006.*

Policies Applied:

6. 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:

7. 56 neighbouring properties were consulted and a Site Notice displayed. The following representations were received.

PARISH COUNCIL – Object as the site is within the Green Belt and there are no special circumstances to support this application. Additionally the site access is very difficult and inadequate for both vehicles and pedestrians.

33 letters of objection have been received for the following reasons:

- No significant change from previous application (EPF/2315/08).
- Inappropriate development in the Green Belt.
- Insufficient very special circumstances.
- Inadequate access.
- Large proportion of Gypsy and Traveller sites in Roydon already.
- Impact on neighbouring residents.
- Impact on users of footpath.
- Will set a precedent for further expansion of estate.
- Increase in anti-social behaviour.
- Concern about disposal of sewage and rubbish.
- Concern regarding noise and pollution problems.

Issues and Considerations:

8. 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.
- Highways and transportation matters
- Impact on neighbouring amenity
- Sustainability
- Visual amenity and landscape
- Impact on the Gypsy and Traveller Consultation document
- Drainage and Sewage
- Refuse disposal

Green Belt Issues:

9. PPG2 and local Green Belt policies do not specifically identify Gypsy sites among the land uses that are appropriate in the Green Belt, however PPG2 does recognise that consideration must be given to whether there are very special circumstances sufficient to outweigh the harm from the development. Further to

this Local Plan policy H10A states that “*in determining planning applications for gypsy caravan sites within the Green Belt, the Council will have regard to: (i) whether there are any 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*”.

10. The Single Issue Review of the East of England Plan (July 2009) requires this Council to make provision for an additional 34 Gypsy and Traveller pitches by 2011. Further to this, Circular 01/06: Planning for Gypsy and Traveller Caravan Sites requires a significant increase in pitches for the travelling community, with a particular focus on the period up to 2011. This Central Government requirement and identified need for additional pitches, combined with the current short-fall of identified sites that could accommodate this need, does clearly add weight to the application and the very special circumstances argued.
11. The site is within the established Gypsy site known as the Moores Estate, which has been occupied by the applicant and her family for approximately 20 years. The applicant, Cheriann Moore, previously lived on plot no. 5 with her Mother (Relley Moore) and family in cramped conditions. Due to personal issues the applicant was forced to move off this site, however remained on the Estate. The applicant has lived on the Estate all her life. Further to this, it is stated within the submitted Gypsy and Traveller Pro-forma that the applicant suffers from uncontrolled epilepsy, registered at Haily View Surgery in Hoddesdon, and is currently unemployed due to this. Her husband is her registered carer, her daughter (Angel – 2 years old) is to start nursery in January, and she has a 10 month old baby (Rocky).
12. Although the current Gypsy and Traveller DPD Consultation on Options is just a consultation document at this stage, and therefore holds little weight as a material consideration, the Moores Estate has been identified as a site having “*potential to expand by up to 4 pitches*”. These additional 4 pitches are indicated throughout the entire Moores Estate, however should this pitch (and those currently under consideration on plot 5) be approved then this would provide 3 of those 4 potential pitches, and would reduce the total number of additional pitches required throughout the District.
13. Realistically most, if not all, new Gypsy and Traveller pitches will be location in the Green Belt, mainly as the travelling community cannot pay the price for urban land and there are many other competing uses for such sites. This site is of adequate size to accommodate a mobile home and a caravan. Furthermore, given the existing landscaping and surrounding landform, the longevity in which the Moores Estate has been in place, and the length of time that the applicant has resided on the site and her personal situation, it is considered that the particular circumstances in this instance constitute ‘Very Special Circumstances’ sufficient to outweigh the harm caused to the openness of the Green Belt.

Highway and Transport Issues

14. The existing access track to the site is a single track and runs from Harlow Road to the site, crossing Little Brook Road at one point in its extent. The access is single lane and unmade, and is recognised as being substandard. The Essex County Council Draft Sustainability Appraisal and Strategic Environmental Assessment relating to the Consultation of Options document states that “*the existing single track access provides poor visibility on to the highway network at present, this and a possible lack of manoeuvrability onto the estate road may*

potentially require improvement following further investigation prior to expansion of the site". However, notwithstanding this, Essex County Council Highway Officers have raised no objection to the application.

15. This access has served the site and the adjacent land for many years. The applicant has lived on the site all her life, albeit on plot 5, and therefore the relocation of herself and her family to plot 3A would not result in any increased vehicle movements.

Impact on Neighbouring Amenity

16. The site is located a considerable distance from the nearest houses in Little Brook Road and it is not considered that the positioning of one additional mobile home and one additional caravan within the site will have a direct impact on the amenity of neighbours. As stated above it is not considered that this additional pitch would increase vehicle movements to and from the site.
17. There have been reports of anti-social behaviour in relation to the existing site, and due to this there is a concern from neighbouring residents regarding a subsequent increase in such behaviour. However an increase in the number of Gypsy pitches within a site cannot be seen as inevitably resulting in an increase in such problems.

Sustainability

18. 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 of the application, along with limited access to public transport. Therefore, whilst not ideal, this site is better located than other identified and existing Gypsy and Traveller sites throughout the District.

Impact on visual amenity and landscape

19. The application site is well screened and sits within a valley, and therefore is not visually prominent from outside of the site. This factor was mentioned by the Planning Inspector when the original unit on plot 5 was allowed in 1991. Furthermore, a landscaping condition can be applied to ensure that the existing boundary vegetation is retained and supplemented to better screen the proposed development. There are public footpaths running to the south and west of the site; however it is not considered that the proposal significantly impinges on the enjoyment or use of these paths.

Gypsy and Traveller Consultation Document

20. The unmet demand for Gypsy sites in the District is a material consideration, however the decision on this application does not imply that other plots within the Moores Estate would have the same outcome as any future applications would need to be assessed on their merits. Although the approval of this development on a permanent basis would reduce the overall District wide need for 34 additional Gypsy and Traveller pitches. A 3 year temporary condition could be added to this decision, should the application be approved, which is consistent with other approvals throughout the district and would allow for the alternative

sites to be identified through the Gypsy and Traveller DPD. However such a temporary consent would not alter the required figure for 34 additional pitches throughout the District.

Drainage and Sewerage

21. Concern has been raised that the intensification of use of this site could result in problems of drainage and sewage. The Essex County Council Draft Sustainability Appraisal and Strategic Environmental Assessment relating to the Consultation of Options document recognises that “*a Local Wildlife Site and an area within flood risk zone 2 are identified downstream on the watercourse on the western boundary of the site*” and that “*expansion of the site should be subject to a suitable drainage system being provided to address water run-off and water quality issues*”. Whilst this application is retrospective it is considered that suitably worded conditions should still be added to address the above.

Refuse disposal.

22. At present domestic refuse is picked up from the junction with Little Brook Road, and it is understood that the same procedure is being undertaken for this additional pitch, particularly as refuse lorries are unable to access the site due to the narrow track. Details of a storage area for refuse within the site can however be sought via condition.

Conclusion

23. In conclusion, the site is within the Metropolitan Green Belt where there is a strong presumption against inappropriate development. There therefore need to be very special circumstances sufficient to outweigh the harm to the Green Belt in order for the development to be considered favourably. The proposed additional pitch would be served (and conditioned to) the applicant and her respective family. The applicant and her family previously resided with Relley Moore on plot no. 5 in cramped conditions, and has occupied the Estate all her life. It is stated that she suffers from serious health issues, and is registered with a Doctor in Hoddesdon, and has a two year old and a 10 month old. 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. 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. 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 (albeit limited) village facilities and bus routes. Whilst the access to the site is substandard this has served the Moores Estate for several years and the proposed additional pitch would serve the applicant and her family, who previously lived on plot no. 5, so there would be no increase in vehicle movements. Other issues, such as drainage and refuse storage, can be sufficiently controlled by condition.

24. Due to the above it is considered that, on balance, the proposal would comply with Government guidance and the relevant Development Plan policies, and as such the application is recommended for approval.