

**Report to District Development Control
Committee**

Date of meeting: 1 December 2009



**Epping Forest
District Council**

Subject: Planning Application EPF/1448/09 – 5 Moores Estate, off Church Road/Harlow Road, Roydon, Essex, CM19 5HF – Two further pitches with hard standing (revised application)

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

Recommendation:

That planning application EPF/1448/09 be granted subject to the following conditions:

- 1. The 2 additional pitches hereby approved shall be occupied only by Kathleen Moore and John Moore and any dependants.**
- 2. The development shall be implemented in accordance with the submitted site layout plan ref: PLAN 2 BLOCK PLAN OF SITE LAYOUT, unless otherwise agreed in writing by the Local Planning Authority.**
- 3. No more than 2 mobile homes and 2 touring caravans shall be stationed on the site at any one time.**
- 4. Prior to any additional caravans being bought 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 bought on site, 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.**
- 6. 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.**
- 7. 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.**
- 8. Prior to the commencement of development details of screen walls, fences or such similar structures shall be agreed in writing by the Local**

Planning Authority, and shall be erected and maintained in the agreed positions.

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 two additional pitches with additional hardstanding, which would result in a total of 3 no. pitches on this site. Alongside this proposal there is a current application for 1 additional pitch on plot 3A (EPF/1585/09), 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 half hectare piece of land owned by Relley Moore, 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, and bounded to the south west by a stream. The area edged in blue on the location plan (that owned by Relley Moore) contains one mobile home on the site and one touring caravan. There is a small dayroom building with conservatory, a stable building (which is being used as an aviary), and four small sheds in domestic storage use. Most of the site, including the application site outlined in red, is undeveloped. There are substantial hedgerows along the front and rear boundaries and 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:

4. The existing residential mobile home on the site was granted consent on appeal (EPF/1136/90) in 1991 for use by a gypsy family and has been occupied by the applicant ever since. The touring caravan that is currently on site is occupied by members of her family.
5. EPF/2315/08 - Four additional gypsy pitches for family members residential caravan site (making 5 in total) – refused 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. 55 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. Should await the outcome of the Gypsy and Traveller Consultation.

1 letter of support has been received for the following reasons:

- Ms Moore (applicant) is a model citizen and pays for the grass to be cut at the United Reform Church in Roydon.

80 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.

Some members of the Moore family object as the original landowner wished for no further plots on this area.

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 an existing established site that has been occupied by the applicant (Relley Moore) and her family for approximately 20 years. The previously refused application was for four additional pitches, two of which were for Relley Moore's children and two of which were for her Cousins. It was raised at the previous DDCC meeting regarding this site that the 'Cousins' were not considered as immediate family and have only had loose association with the site over the years (visiting whilst travelling). It was therefore considered that this element of the previous scheme in particular did not constitute 'Very Special Circumstances' to allow for inappropriate development in the Green Belt. It was however indicated by Members that the provision of additional pitches for the two children, who have always lived on the site, may constitute very special circumstances.

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 these two pitches (and that currently under consideration on plot 3A) 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 2 additional plots, as can be seen on the submitted Site Plan. The revised application site is considerably smaller than that previously proposed, ensuring that the remainder of this predominantly undeveloped plot (outlined in blue) remains that way. 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 future occupiers of the pitches have resided on the site, 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.
14. Due to the above, it is considered that the reduction in both the number of pitches proposed (from 4 down to 2), and the decrease in the site area (from 0.5 hectares to 0.08 hectares), is significant enough to overcome the previous reason for refusal relating to impact on the Green Belt.

Highway and Transport Issues

15. The second reason for refusal on the previous proposal related to the 'substandard access' to the application site and it was considered that this access "*fails to provide safe and convenient access for pedestrians and vehicles*". 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.
16. This access has served the site and the adjacent land for many years, however it was previously considered that the intensification of use of this access by an additional 4 pitches would be detrimental to all users of the highway. The previous application proposed 2 pitches for the applicants Cousins, who do not currently live on site, and therefore this would have resulted in further vehicle movements. As this revised application proposes just 2 additional pitches, which would serve two Gypsy families already living on site, it is considered that this would overcome the previous reason for refusal.
17. The previous report to Committee suggested that no commercial activity should take place on site, and part of the reason for this was to reduce the likelihood of larger commercial vehicle using this substandard access. Members previously

expressed concerns that this restriction was unreasonable and would be difficult to enforce, and therefore this condition has not been suggested in this instance. Any independent or significant commercial activity taking place on the site would be unlawful even without this condition, as planning permission would be required for a change of use, however if there is concern regarding larger commercial vehicles using the access then a suitably worded condition could be re-added if deemed necessary.

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. As stated above it is not considered that these additional pitches would noticeably increase vehicle movements, and no commercial activity could be undertaken on site without further planning consent.
19. 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

20. 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

21. 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 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 will significantly impinge on the enjoyment or use of these paths.

Gypsy and Traveller Consultation Document

22. Concern was previously raised that allowing such applications as this on an *ad hoc* basis undermines the current Consultation of Options document, as this relates to District wide policy considerations. Whilst the Consultation of Options document is only under consideration at present, and as such bears little weight on such an application, it has identified this site as a possibility for expansion. Notwithstanding this, the Planning Authority cannot choose not to determine an application and any applications received must be determined on their merits and in the light of current adopted policies and other material considerations.

23. Regardless of the Consultation of Options document, the unmet demand for Gypsy sites in the District is a material consideration. The decision on this application does not imply that other plots within the Moores Estate would have the same outcome, and any future applications would need to be assessed on their merits. However, the approval of this development on a permanent basis would reduce the overall District wide need for 34 additional Gypsy and Traveller pitches.
24. Issues were raised regarding the proposed temporary time period of the previous application, specifically whether such a temporary consent would count against the overall requirement for additional pitches and whether the removal of the pitches would be enforced or in fact reasonable after this period. Due to this concern, and as it is considered that the application site is suitable for 2 additional pitches, no time restriction condition has been suggested (although a personal condition relating to John Moore and Kathleen Moore and their dependants has been). However 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 a temporary consent would not alter the required figure for 34 additional pitches throughout the District.

Drainage and Sewerage

25. 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*”. It is considered that suitably worded conditions should be added to address the above.

Refuse disposal.

26. At present domestic refuse is picked up from the junction with Little Brook Road, and it is considered that the same procedure would be undertaken for the additional pitches, particularly as it is unlikely that a refuse lorry would be able 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

28. 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 two additional pitches would be served (and conditioned to) the Son and Daughter, and their respective families, of Relley Moore. These future occupiers currently reside with Relley Moore in cramped conditions and have occupied the site all their life. 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 pitches would serve two families currently living on site, so there would be no increase in vehicle movements. Other issues, such as drainage and refuse storage, can be sufficiently controlled by condition.

29. 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.