

**Report to District Development Control  
Committee**

**Date of meeting: 2 February 2010**



**Epping Forest  
District Council**

**Subject: Planning Application EPF/2254/09 – Greenleaves Mobile Home Park, Hoe Lane, Nazeing, Essex – Change of use to include the stationing of caravans for 5 no. family gypsy pitches with utility/day room buildings and hard-standing ancillary to that use.**

**Officer contact for further information: Graham Courtney – Ext 4228**

**Committee Secretary: S Hill Ext 4249**

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**Recommendation:**

**That Planning Application EPF/2254/09 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 the following named occupants and their dependents, and by no other persons:**
  - 1. William Claydon, Jade Claydon**
  - 2. Mary Marshall**
  - 3. Robert Kennedy, Tawny Kennedy**
  - 4. Joseph Gaskin, Montanna Marshall**
  - 5. Charles Botten, Amber 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 be carried out at 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 would site 1 mobile home and 1 touring caravan together with an ancillary utility/day room building and hardstanding. The proposal would 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 and is currently used as a paddock. It is located immediately to the south east of the existing hard standing area of Greenleaver Mobile Home Park, which is located on the eastern side of Hoe Lane. The existing site has 10 plots and is accessed via a private access off Hoe Lane that 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.
6. An application for the erection of a stable block and refurbishment of a barn was refused in June 1994.
7. An application for use of the site as a transit caravan site for 15 pitches was refused in January 1999.
8. An application for the erection of a toilet block, including showers and a recreation room was refused in January 1999.
9. 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.
10. 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.
11. 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.
12. In August of 2009 permission was refused by District Development Control Committee for 5 additional pitches. The grounds of refusal were:

*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 5 additional gypsy pitches to the 10 already granted planning permission for the site would result in an over-intensification of the use of the site and this access, and is therefore contrary to policy ST2 of the Adopted Local Plan and Alterations 2006.*

**Policies Applied:**

13. Epping Forest District Local Plan and Alterations

GB2A - Development in the Green Belt.

H10A - Gypsy caravan sites  
RP5A - Adverse environmental impacts  
DBE9 - Loss of amenity  
ST1 - Location of development  
ST2 - Accessibility of development  
ST4 - Road safety.  
CP2 - Protecting the quality of the rural and built environment  
HC6 - Character, appearance and setting of conservation areas  
LL1 - Rural landscape  
LL2 - Inappropriate rural development

### **Summary of Representations:**

14. 15 neighbouring properties were notified and a Site Notice was erected, the following representations were received;

PARISH COUNCIL – None received.

EVA END, HOE LANE – Object as there are no special circumstances to allow for this application. There would be additional noise and light pollution and traffic increase. There are insufficient local amenities to cater for additional residents and the development is out of keeping with and visible from the surrounding area.

JAYNESS, HOE LANE – Object as the development is inappropriate in the Green Belt, there is an inadequate and substandard access, and as there would be an increase in traffic.

GREENLEAVES, HOE LANE – Object. Attempt to pre-empt the consultation on options exercise. The occupiers of the site have changed and restrictions regarding named occupiers cannot be controlled and are ineffective. 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:**

15. 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”*. The previous application (EPF/0508/09) was refused planning permission as it constituted inappropriate development in the Green Belt and utilised an inadequate and sub-standard access, and it was considered that there were insufficient very special circumstances to outweigh this harm. Previously issues regarding the effect on residential amenity, visual amenity, sustainability and flood risk were assessed, however these were considered acceptable and did not form the grounds of refusal. Due to this the only matters considered in this report are regarding Green Belt and Highways matters.

### **Green Belt**

16. The site lies within the Metropolitan Green Belt and the proposal constitutes inappropriate development which, by definition, is harmful to the Green Belt. As

such planning permission should only be given if there are considerations that outweigh this harm. Greenleaver is an already established and lawful Gypsy site and the previous application proposed the additional 5 pitches to be used by the applicant as family members, although no specific named occupants have been put forward.

17. The current application has named the proposed occupiers of these sites, and have given details regarding their personal circumstances. These potential occupiers are:

**William Claydon and Jade Claydon:** These occupiers have a 6 week old daughter (Shakira) and previously lived with a parent on an existing pitch on Greenleaves.

**Mary Marshall:** This is the applicants mother who has angina and a hip replacement and therefore requires regular treatment.

**Robert Kennedy and Tawny Kennedy:** These occupiers have two teenage children aged 17 (Robert Jnr. and Kazar). Robert Jnr. has asthma and Robert Snr. has a heart condition and sleep apnoea. The family have previously lived in Doncaster, Manchester and Essex.

**Joseph Gaskin and Montanna Marshall:** Montanna is related to the applicant and these occupiers used to live with a parent on an existing pitch on Greenleaves. They are registered with a local doctor.

**Charles Botten and Amber Marshall:** Amber is related to the applicant and these occupiers used to live with a parent on an existing pitch on Greenleaves. They are registered with a local doctor.

18. Whilst the above occupiers have now been named, and the specific circumstances may add weight to this application (particularly with regards to those registered with the local doctor and those that previously lived on existing pitches on Green Leaves), this in itself adds little weight to the previous application, as this specified that the pitches would be used by family members of the applicant.
19. Notwithstanding the above, 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 Greenleaves site is identified as an existing authorised site and proposes an expansion by 5 additional pitches. 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.
20. Whilst it is not considered that the additional personal information submitted is sufficient to overcome the previous reason for refusal, there have been several appeal decisions since the previous refusal whereby consent for Gypsy and Traveller pitches have been allowed almost solely on the above identified need. However several of these have only been granted temporary consent. The most recent of these was at Hallmead Nursery, Nazeing Road, which allowed for 4 pitches within the Green Belt despite identified flood risk. It was stated by the Planning Inspector in this instances that "*the flooding issue, in itself, is sufficient to justify the withholding of a general permanent planning permission for a gypsy*

*caravan site in this location*" however due to the need for pitches within the district, along with the personal circumstances of the applicants, a 5 year consent was given regardless of the flood risk and potential hazard to occupiers as a result of this. Due to this it is considered that the proven need for additional pitches, which has been upheld at appeal, is in itself sufficient to outweigh the harm to the Green Belt.

21. 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.
22. 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

23. 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. Whilst the previous application was refused due to the existing substandard access, the Highway Authority has raised no objections to the proposal. Although no attempt has been made to overcome the previous reason for refusal, the appeal at Hallmead Nursery, whereby temporary consent was granted for Gypsy and Traveller pitches despite an identified flood risk, has set a precedent in that the proven need for additional Gypsy and Traveller pitches is given sufficient weight. Due to this it is considered that the intensification of use of this existing access would not be detrimental enough to warrant refusal of this application.

### **Conclusion:**

24. In conclusion it is considered that whilst the previous reasons for refusal have not been sufficiently overcome, the proven need for additional Gypsy and Traveller pitches within the District outweigh the harm resulting from the development. Furthermore the site is well located, relatively close to shops and services, and has only minimal impact on the character and amenity of the countryside as it is 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. As such the application is recommended for approval.
25. Notwithstanding this recommendation, should permanent consent not be forthcoming a temporary 5 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.