

**Report to District Development Control
Committee**

Date of meeting: 8 June 2010



**Epping Forest
District Council**

Subject: Planning Application EPF/1892/09 – Springfields, Tylers Cross Nursery, Epping Road, Nazeing, Essex EN9 2DH – Variation of condition 3 of EPF/0960/98 (allowed at appeal) to permit alterations to pitch boundaries and siting of 2 additional mobile homes/caravans for residential purposes for gypsy family.

**Officer contact for further information: J Cordell Ext 4294
Committee Secretary: S Hill Ext 4249**

Recommendation:

That the Committee considers the recommendation of Officers to grant planning application EPF/1892/09 to vary the condition.

Report Detail

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

Planning Issues

Description of Development:

2. Variation of condition to allow provision of two additional mobile homes/caravans for family members within the pitch known as Springfields for family occupation and the addition of integral boundary treatments. This would not provide the rights associated with having new pitches or the day room as sought under EPF/1893/09.
3. Condition 3 attached to EPF/0960/98 previously required:
The number of mobile homes/caravans per pitch hereby permitted shall be limited to two, one of which shall be a touring caravan.

Description of Site:

4. The red lined application site is a roughly rectangular area of land encompassing the pitch known as Springfields, and the 'L' shaped building immediately adjacent to the south. The additional caravans would be provided within these two areas. This proposal would result in the plot known as Springfields extending into the previously non-residential area to the south where there is an existing static building.

5. The Springfields pitch is part of the larger Brede and Breaker site comprising 9 pitches approved under EPF/0960/09. The overall Tylers Cross site comprises a number of nurseries and 15 authorised Gypsy and Traveller pitches.

Relevant History

6. There is an extensive history associated with the wider Tylers Cross site. The most relevant history for the purposes of this application is EPF/0960/98 which permitted an additional 7 pitches onsite resulting in a total of 9 within the Brede/Breaker area of the Tylers Cross site. This application was refused by the Council, Dismissed at appeal by the Planning Inspector and allowed by Go East. Conditions attached to that consent permitted that each pitch may comprise two mobile homes/caravans one of which must be a touring caravan (relevant appeal decisions are attached in the previous committee item).

Policies Applied:

7. 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:

8. Two neighbouring properties were consulted and site notices were erected both originally on receipt of the application and after revisions were made to the site boundaries on the application. No neighbouring comments have been received.
9. ROYDON PARISH COUNCIL: Object. Green Belt, wait for the outcome of Gypsy and Traveller consultation.

Issues and Considerations:

10. The main issues to be considered is whether the condition should be varied or whether its retention will still meet the requirements of the tests set out in Government Circular 11/95. These tests set out that the condition must be necessary, relevant to planning, relevant to the development, enforceable, precise and reasonable. Issues relating to the Green Belt, nearby Conservation Area, neighbouring amenity and access issues in relation to the highway must also be considered.
11. The reason underpinning the original condition was to prevent the overdevelopment of the pitches as surmised by the Inspector at appeal in paragraph 65 of his statement. This application seeks to vary this condition in respect of the pitch known as Springfields only; the condition would remain in force across the remainder of the site.

Existing need

12. The proposed accommodation would solely benefit the children of Mr Breaker. The Gypsy status of the family which is well established onsite is not disputed. Furthermore, consideration may be given to the need for further family accommodation which was identified by the Planning Inspector in paragraph 36 as part of the 1998 appeal, however at this time this need was merely foreseeable not demonstrable at that time.
13. The East of England Plan set out the requirement for additional pitches in the District and the Councils Consultation on Options Development Plan Document set out where it may be considered reasonable to make provision for these pitches generically. This document recommended that no expansion of the site at Tylers Cross take place as the site has 15 authorised pitches overall and this is the usual upper limit on the desirable number of pitches and also because of the concentration of pitches in this area. This recommendation was reached from a generic viewpoint and was not offered in the context of looking to provide additional accommodation of direct relatives of established families onsite.

Green Belt

14. Additional accommodation in the Green Belt for the Gypsy and Traveller community is not identified as an exception to usual policy in PPG2, therefore the proposals are by definition harmful. Therefore it remains to be considered whether there are very special circumstances to justify the proposed development.
15. Historically it has been considered that the demonstrable need for accommodation in the District and for the established families on site, alongside the desirability of retaining a traditional gypsy unit on one site with direct family ties and an established historic link to the locality has been considered by the Government Office as sufficient to justify development in this location due to its visual isolation from the surrounding area and the circumstance outlined above. These factors remain applicable to the request to vary this condition, therefore on this pitch alone, which is of a greater size than those additional pitches previously permitted, is considered reasonable.

Conservation Area and Street scene

16. The site is situated close to the Conservation Area and public highway. Due to the enclosed nature of the site views into the site from beyond Tylers Cross are not possible, therefore there would be no demonstrable impact visually on the Street scene or Conservation Area.

Neighbouring Amenity

17. The neighbouring pitches are occupied predominantly by direct family ties and others by families with established associations both with the site and the application family. There have been no objections raised and the independent residential occupation of additional caravans is unlikely to have any significant additional impacts to neighbouring amenity.

Highways and access

18. The additional vehicular movements associated with the independent occupation of 2 caravans/mobile homes by family member is considered to have minimal impact on the vehicular movements associated with the access to the Tylers Cross site which currently exist therefore no concerns are raised.

Conclusion:

19. Mindful of the very special circumstance identified historically in relation to the Breaker's occupation of this site and that the condition can be varied in relation to the plot known as Springfields alone, with the condition remaining enforceable for the remainder of the original application site, plus Springfields is capable of accommodating the additional two caravans/mobile homes, Officers recommend that the variation be allowed as follows:

"The number of mobile homes/caravans per pitch hereby permitted shall be limited to two, one of which shall be a touring caravan, with the exception of the extended pitch known as Springfields which may be limited to four mobile homes/caravans, of which at least one shall be a touring caravan."