

**Report to District Development Control
Committee**

Date of meeting: 8 June 2010



**Epping Forest
District Council**

Subject: Planning Application EPF/1893/09 –Tylers Cross Nursery, Epping Road, Nazeing, Essex EN9 2DH – Subdivision of existing pitch to provide 2 additional pitches for gypsy/traveller occupation and use of existing building as day room.

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/1893/09 subject to the following conditions which would correlate directly with those attached to the original consent:

- (1) The use hereby permitted shall be carried on only by the children of Mr Breaker and their dependants;**
- (2) No more than one lorry parking space per pitch shall be provided and no such space shall be used for parking a Heavy Goods Vehicle. Subject thereto, no part of the development hereby permitted shall be used for any business or open storage purposes**
- (3) The number of mobile homes/caravans per pitch hereby permitted shall be limited to two, one of which shall be a touring caravan; and**
- (4) The day room use hereby permitted shall not at any time be used as sleeping accommodation or occupied as an independent unit.**

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. The applicant seeks to subdivide the areas presently serving as a single pitch known as Springfields and the area to the south presently not designated as a residential pitch. The result would be the Springfields plot being split to provide an additional pitch and the plot behind being used as the second pitch with the

provision also of a communal day room making use of an existing building. The whole of the Springfields site is occupied by the Breaker family.

3. This differs from the consent sought under EPF/1892/09 in that additional pitches would benefit from the ability to contain 2 caravans, one of which should be a touring caravan. In real terms the occupation of the caravans would not differ between applications, the physical number of caravans could be two greater as part of this application (with each pitch allowed 2 caravans) and the provision of pitches can offset the provision the District is required to make under the East of England Plan whereas provision of caravans alone can not (as per the other simultaneous application).
4. The proposals would provide accommodation for Mr Breaker's children.

Description of Site:

5. 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.
6. 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

7. 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. (Appeals attached as appendix).

Policies Applied:

8. 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:

9. Four 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.
10. ROYDON PARISH COUNCIL: Object. Green Belt, inappropriate development and no special circumstances. Subdivision of plots should not be allowed as they are enough plots in both the immediate area and further afield. Await the outcome of the Gypsy and Traveller Consultation.

Issues and Considerations

11. The main issues for consideration are whether there is a clear demonstrable need for further gypsy and traveller accommodation and whether this can be linked directly to this site, whether there are very special circumstances to overcome Green Belt in principle objections, if there will be any adverse impacts to the nearby Conservation Area or street scene, neighbouring amenity and highway issues.

Existing need

12. 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.
13. 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. The need is clearer, now that the Breaker children have grown up and require their own accommodation and the existing family members have remained in accommodation at the site.
14. It should be noted that the provision of additional pitches in this location for existing family members may provide an opportunity to reduce Council targets for pitches as set out in the East of England Plan without significantly altering any existing strain on local resources.

Green Belt

15. 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.

16. 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

17. 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

18. 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 provision of two additional pitches and a community building is unlikely to have any significant additional impacts to neighbouring amenity, particularly as the structure proposed for use as a community building already exists.

Highways and access

19. The additional vehicular movements associated with the addition of two pitches for occupation by family members 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:

20. The area proposed for the additional pitches is of sufficient size to accommodate the division into additional pitches. The need for gypsy and traveller accommodation is well established across the District and this would provide opportunity to contribute toward District targets without any significant strain on local resource beyond that which may currently exist.
21. The circumstance of the site, the family ties involved in the application and the desirability to maintain a traditional gypsy family unit have historically in the 1998 appeal decision provided sufficient very special circumstance to overcome Green Belt objections and actual demonstrable harm would be minimal due to the Tylers Cross site being entirely enclosed and viewed only within the site.
22. The use of the existing structure as a day room for use by families onsite is not considered harmful as the structure is already in place and subject to a condition preventing this being used as sleeping accommodation, its ancillary use appears reasonable.
23. There are no significant issues raised in the respect of the Conservation Area, street scene, neighbouring amenity or highways, therefore mindful of the above Officers recommend approval.