

Extract from Area Plans East 23 January 2013

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| APPLICATION No: | EPF/1996/12 |
| SITE ADDRESS: | Valley View Curtis Mill Lane Stapleford Abbots Romford Essex RM4 1HS |
| PARISH: | Stapleford Abbots |
| WARD: | Passingford |
| APPLICANT: | Ms E Stevens and Mr J Smith |
| DESCRIPTION OF PROPOSAL: | Part retrospective application for the change of use of land to include stationing of caravans for occupation by gypsy-traveller family with new access, fencing, gates, hardstanding, utility block and cess pool/septic tank. |
| RECOMMENDED DECISION: | Grant Permission (With Conditions) |

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=542497

CONDITIONS

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: Plan 1, Plan 2 and Plan 3
- 2 The change of use of the land and the siting of the mobile home hereby permitted shall be for the benefit of Ms Emma Stevens and Mr Jack Smith and their resident dependants, and shall be for a limited period ending in January 2017, or at such time the premises are no longer occupied by the persons named above, whichever is the shorter.
- 3 When the land ceases to be occupied by those named in condition 1 above, or at the end of January 2017, whichever shall first occur, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought on to the land, or works undertaken to it in connection with the use shall be removed and the land restored to its condition before the development took place.
- 4 No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any time.
- 5 Unless within 3 months of the date of this decision a Flood Risk Assessment is submitted in writing to the Local Planning Authority for approval, and unless the approved scheme is implemented within 3 months of the Local Planning Authority's approval, the use of the site hereby permitted shall cease until such time as a Flood Risk Assessment is approved and implemented; and if no scheme in accordance

with this condition is approved within 18 months of the date of this decision, the use of the site hereby permitted shall cease until such time as a scheme approved by the Local Planning Authority is implemented.

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A. (g))

Description of Site:

The red lined application site is roughly rectangular measuring 25m x 20m fronting onto Curtis Mill Lane, an unmade road within a relatively rural area. The proposal has been implemented with 2m high fencing, a utility block, and mobile home already in situ. The application site is within the Metropolitan Green Belt and is within an Epping Forest District Council flood risk assessment zone. The opposite side of Curtis Mill Lane is within Brentwood Borough Council as is the entrance to Curtis Mill Lane from Murthing Lane.

Description of Proposal:

The proposal seeks retrospective planning permission for the change of use of the land to include stationing of caravans for occupation by gypsy-traveller family with new access, fencing, gates, hard standing, utility block and cess poll/septic tank. The works have, in the main, now been completed. This application was submitted following an enforcement investigation.

Relevant History:

No relevant history

Policies Applied:

Epping Forest District Local Plan and Alterations

GB2A - Development in the Green Belt.

H10A - Gypsy Caravan Sites

DBE2 – Effect on Neighbouring Properties

CP2 - Protecting the Quality of the Rural and Built Environment

LL1 - Rural Landscape

LL2 - Inappropriate Rural Development

U2B – Flood Risk Assessment Zones

Summary of Representations:

STAPLEFORD ABBOTTS PARISH COUNCIL – The Parish Council strongly oppose the application on the following grounds:

1. The land is designated Green Belt
2. The development is not sustainable
3. The hardstandings are likely to cause a drainage problem

NEIGHBOURS

7 neighbours were consulted and a site notice erected: No responses received

BRENTWOOD BOROUGH COUNCIL – Inappropriate within the Green Belt, applicant must show special circumstances to justify granting planning permission

Issues and Considerations:

The main issues that arise with this application are considered to be the following:

- Impact on the Green Belt
- Flood Risk

Impact on the Green Belt

The site lies within the Metropolitan Green Belt and the proposal constitutes inappropriate development which, by definition, is harmful to the Green Belt as it does not fall within the exemptions listed within the NPPF/policy GB2A. Notwithstanding this 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”*. As such planning permission should only be given if there are considerations that outweigh this harm.

Given the distance to neighbouring properties it is not considered that amenity is an issue and therefore other than flood risk (discussed in detail below), the determination of this application rests on the issue of whether there are ‘very special circumstances’ to justify an exception to Green Belt policy.

The application was accompanied by a detailed statement providing further details of the circumstances of this application. The site was gifted to one of the applicants (Ms. Stevens) by her parents who own nearby Oak Farm. Ms Stevens is from the settled community however her partner, Mr Smith, is a Romany Gypsy and Ms. Stevens has adopted the travelling way of life.

Previously the couple have travelled during the summer and over-wintered with Ms. Stevens’ parents or with cousins of Mr Smith, they now need to be settled for their 4 year old daughter who has a place at Stapleford Abbots Primary School, where she is currently at nursery. Mr Smith’s family own an authorised site in Collier Row, however there is no additional room at this site for the applicant’s family. Both applicants are from the area and Mr Smith has never lived in housing and would not consider doing so. Both applicants therefore have ties to the wider area and immediate locality

In addition to this the site is considered particularly suitable as although in a relatively rural location it is adjacent to grazing land within the same ownership for the couple’s horses which they buy and sell.

It is not considered however that this information, on its own, would amount to very special circumstances. However, notwithstanding this, there is a recognised need for additional Gypsy/Traveller pitches within the District and the Council does not have an up-to date five-year supply of sites. Government guidance issued in March 2012 ‘Planning policy for traveller sites’ states that:

‘if a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission’.

Therefore a temporary permission, where there is no presumption that a temporary planning permission should become permanent, is an option until such time as the five year supply can be demonstrated and other sites made available.

The argument for an outstanding need for Gypsy sites was assessed by the Planning Inspector on the Auburnville appeal (Carthegena Estate, Nazeing), which was dealt with thoroughly at a Public Inquiry, and it is stated within the appeal decision that:

“The Council indicates that Policy H10A was prepared and adopted having regard to quantitative assessments at that time. Even so, this criteria-based policy is now somewhat out-of-date and does not reflect the Circular 01/2006 guidance. The current inadequacies of the Development Plan Gypsy policy background is a material consideration of some weight in this appeal”.

It is acknowledged that the application will have some impact on the Metropolitan Green Belt as it is new development within the Green Belt, however it is an expectation that most sites will be within the Metropolitan Green Belt given the wording of policy H10A. With regards to part ii) of the policy it is to what extent this impact may have on the surrounding Green Belt area. This site, although enclosed by panel fencing to the front, to the rear is enclosed by post and rail fencing which retains a degree of openness, and the buildings are relatively low level, which again reduces any prominence of the development.

There is a general concern that most of this Council's current Gypsy provision is concentrated within the western part of the District. This application helps towards redressing this imbalance.

Flood Risk

The site lies within an Epping Forest District flood risk assessment zone, as the impervious surfaces have increased beyond the threshold of 50m² there is likely to be an increase in surface water runoff. The Council's land drainage team have requested a flood risk assessment condition to address any runoff issues. In addition to this the application included details of the foul drainage and the Land Drainage Team consider these to be adequate.

Conclusion:

Although there is clearly some impact on the openness of the Green Belt it is considered that on balance given the above special circumstances and the unmet need for Gypsy/Traveller pitches within the District this application is recommended for approval on a temporary basis.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

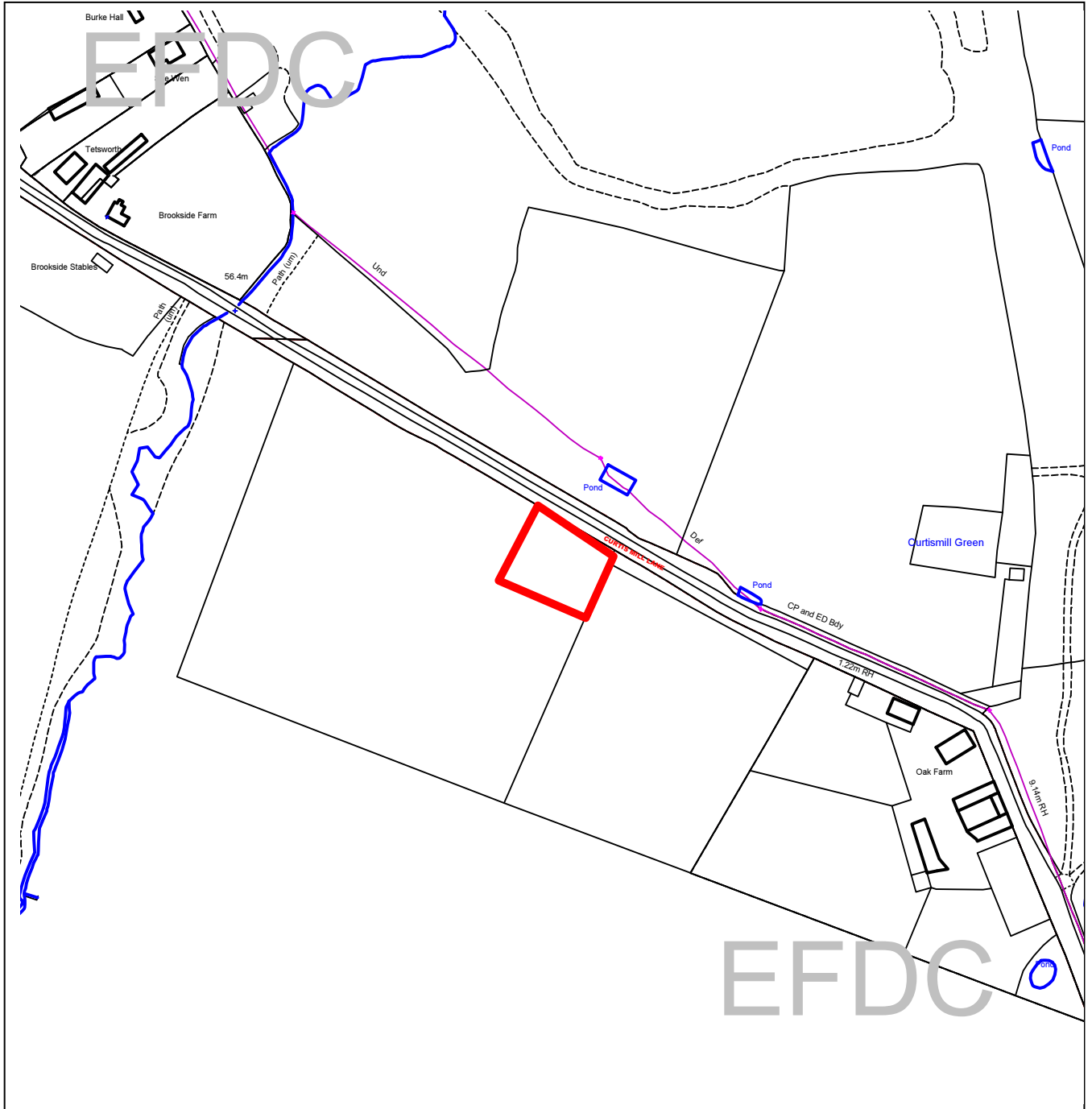
***Planning Application Case Officer: Marie-Claire Tovey
Direct Line Telephone Number: 01992 564371***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk



Epping Forest District Council

Area Planning Sub-Committee East



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| Agenda Item Number: | 5 |
| Application Number: | EPF/1996/12 |
| Site Name: | Valley View, Curtis Mill Lane Stapleford Abbots, RM4 1HS |
| Scale of Plot: | 1/2500 |