

APPLICATION NO.	P16/S2650/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	3.8.2016
PARISH	WATLINGTON
WARD MEMBER	Anna Badcock
APPLICANT	Jamie and Oliver Curtis
SITE	Newlands, Platts Lane, Northend, RG9 6LQ
PROPOSAL	Removal of Condition 2 on planning permission P12/S2526/FUL to enable the permanent retention of the use of land for the stationing of a residential mobile home.
AMENDMENTS	None
OFFICER	Marc Pullen

1.0 INTRODUCTION

1.2 The site (which is shown on the OS extract **attached** as Appendix A) lies down Platts Lane off the main road running through Northend. The site lies within the Chilterns AONB.

2.0 PROPOSAL

2.1 This application seeks full planning permission to remove condition 2 of permission P12/S2526/FUL to allow for permanent residence of the existing mobile home.

2.2 A copy of all the current plans accompanying the application is **attached** as Appendix B. Other documentation associated with the application can be viewed on the council's website, www.southoxon.gov.uk.

3.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

3.1 Watlington Parish Council – Object

- There have been no material difference or special circumstances that have been provided by the applicant to justify granting planning permission

Countryside Access - No strong views; subject to informative

Health & Housing - Env. Protection Team - No strong views; subject to informative

Neighbours – 4 letters of objection

- The granting of permanence should not be allowed, would go against planning guidance
- The current occupants have not lived there permanently over the past couple of years

4.0 RELEVANT PLANNING HISTORY

4.1 [P12/S2526/FUL](#) - Approved (11/03/2013)

Retain the use of land for the stationing of a residential caravan/mobile home.

5.0 POLICY & GUIDANCE

5.1 National Planning Policy Framework & National Planning Practice Guidance

5.2 South Oxfordshire Core Strategy 2012 policies;

CS1 - Presumption in favour of sustainable development

CSEN1 - Landscape protection

CSH5 - Gypsies, Travellers and Travelling Showpeople

CSQ3 - Design
CSR1 - Housing in villages
CSS1 - The Overall Strategy

5.3 South Oxfordshire Local Plan 2011 policies;

C4 - Landscape setting of settlements
D1 - Principles of good design
D2 - Safe and secure parking for vehicles and cycles
D3 - Outdoor amenity area
D4 - Reasonable level of privacy for occupiers
D10 - Waste Management
G2 - Protect district from adverse development
H15 - New residential caravans and mobile homes
H17 - Provision of gypsy caravan sites
R8 - Protection of existing public right of way
T1 - Safe, convenient and adequate highway network for all users
T2 - Unloading, turning and parking for all highway users

5.4 South Oxfordshire Design Guide

6.0 PLANNING CONSIDERATIONS

6.1 The main considerations in the determination of this application are

- Principle of development
- Impact on character and appearance of site and surrounding area
- Impact on neighbours
- Impact on the highway
- Other matters

Principle of development

- 6.2 Policy CSH5 of the South Oxfordshire Core Strategy (SOCS) assists the delivery of pitches for Gypsy, Travellers and Travelling Showpeople. In addition to this, Policy H17 of the South Oxfordshire Local Plan (SOLP) assists the delivery of gypsy caravan sites. Both should be read together and in conjunction with the NPPF. The latter specifies that new sites should not be located within the Chilterns AONB and should not have any detrimental impact on the landscape or the landscape setting of settlements. Policy CSH5 of the SOCS seeks to ensure that the supply of pitches are provided through utilising existing sites, extending existing sites if possible or by new sites identified by a site allocations process.
- 6.3 Current Government Planning Policy on Travellers Sites, (PPTS, 2015) stipulates that in determining planning applications for traveller sites, council's should determine them in accordance with the development plan, unless material considerations indicate otherwise. Applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the NPPF and the PPTS.
- 6.4 The Council are currently unable to demonstrate a five-year supply of deliverable sites for Gypsy and Traveller pitches. In addition the Council's Gypsy, Traveller and Travelling Showpeople Accommodation Needs Assessment (2014 update), identified a need to find new sites within the South Oxfordshire District to deliver 18 additional Gypsy and Traveller pitches, of which this site is acknowledged as a temporary site which contributes to this need. Without this site the need would be 19.
- 6.5 The PPTS continues to state that if a local planning authority cannot demonstrate an

up-to-date 5 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. It does however stipulate that exceptions to this rule are when sites fall within certain land designations, of which AONBs are one. In the absence of a 5 year supply however officers consider that it is reasonable to balance the harm to the AONB with the need for new sites/pitches.

- 6.6 This site has recently been granted temporary permission in 2012 ([P12/S2526/FUL](#)). At the time of this application the council were unable to demonstrate an up-to-date 5 year supply of deliverable sites and as such followed the procedure as identified within the PPTS to grant temporary permission. Condition 2 of this approval reads:

The use hereby permitted shall be for a limited period being the period until the 31 December 2016. At the end of this period the use hereby permitted shall cease and all caravans, mobile homes, buildings, structures, materials and equipment brought on to or erected on the land, or works undertaken in connection with the use shall be permanently removed from the site.

Reason: Permission is granted for a temporary period until the council has identified new sites for gypsies and travellers in accordance with policy CSH5 of the Development Plan.

- 6.7 In addition to this a condition was attached which restricted occupation to the applicants and their dependent children. It is noted that this current application is made on behalf of the same applicants.
- 6.8 Paragraph 24 of the PPTS advises that Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites such as the existing level of local provision and need for sites; the availability (or lack) of alternative accommodation for the applicants and other personal circumstances of the applicant. As previously identified within this report there is an undersupply of sites for travellers and there is a great need for new sites to come forward to meet this undersupply. In addition to this there is no capacity on existing Vale or County Council sites. The need for sites therefore should be given substantial weight in the assessment of this application.
- 6.9 Subject to an assessment on the harm to the AONB and other material considerations, officers consider that another grant of temporary permission for the applicants would be appropriate. This would allow the Council to undergo a site scoping and allocation process under the new Local Plan (2032) for additional traveller pitches.

Whether the applicant's meet the definition of 'gypsies and travellers'

- 6.10 Having regard to Annex 1 of the PPTS, the definition of 'gypsies and travellers' means:

Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

- 6.11 In determining whether persons are "gypsies and travellers" for the purposes of the PPTS, consideration should be given to the following issues amongst other relevant matters:
- a) whether they previously led a nomadic habit of life

- b) the reasons for ceasing their nomadic habit of life
- c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances

- 6.12 Information submitted in support of this application states that the applicants have not given up their travels and that they use this site as their permanent base, from which they pursue their nomadic way of life. The circumstances of their gypsy lifestyle has not changed since the previous application and therefore officers accept their status as gypsy and travellers.

Impact on character and appearance of AONB

- 6.13 Policy CSEN1 of the Development Plan states that high priority will be given to the conservation and enhancement of the Chilterns Area of Outstanding Natural Beauty. The site is located on the edge of the settlement of Northend and although not especially prominent in the landscape, is clearly visible from the adjacent public footpath. The mobile home is generally out of keeping with the area and officers do consider that it does impact on the distinctiveness of the area and does not conserve or enhance the Chilterns landscape. Although, the siting and design of the home would not change as a result of this application and the associated landscaping would remain the same.
- 6.14 The previous impact upon the prevailing character and the AONB was previously assessed as not substantial when weighed up against the shortfall of sites for travellers. Owing to this previous assessment and to the persistent issue of under supply of sites for travellers, officers consider that the harm would only be temporary, and not be substantial enough to overcome temporary harm caused by the granting of temporary planning permission. A temporary permission would allow for additional traveller sites to have been found through a site scoping and allocation process under the new Local Plan (2032).

Impact on neighbours

- 6.15 Officers are satisfied that the existing circumstances would not be altered by this development, therefore ensuring that neighbours amenity would continue to be safeguarded against harm.

Impact on highways

- 6.16 Officers are satisfied that the existing circumstances would not be altered by this development, therefore ensuring that harm to highway safety would not occur.

Planning balance

- 6.17 Officers consider that, notwithstanding references within the PPTS which advises not to grant temporary planning permission within AONBs, the granting of temporary permission for an additional 3 years would be reasonable here given the limited harm on the Chilterns AONB, neighbours and the highway network and the persistent undersupply of new sites/pitches. An additional 3 year time period would allow for the new Local Plan (2032) to scope and allocate for a new Gypsy and Traveller site(s) to meet the current and future need for pitches.

7.0 **CONCLUSION**

7.1 In circumstances where there remains a shortfall in the provision of gypsy and traveller sites and having regard to the fact that a mobile home creates limited harm to the surrounding area and the Chilterns AONB, it is recommended to grant a temporary planning permission for this site.

8.0 **RECOMMENDATION**

8.1 **To grant planning permission subject to the following conditions:**

1. **Temporary use of building for three years from date of permission.**
2. **Development to be implemented in accordance with the approved plans.**
3. **Occupation by the Curtis family only.**
4. **That the site shall only be used for the stationing of one mobile home and one touring caravan.**

Author: Marc Pullen

Contact No: 01235 422600

Email: planning@southoxon.gov.uk

This page is intentionally left blank