

APPLICATION NO.	P16/S0784/FUL
APPLICATION TYPE	Full application
REGISTERED	3.3.2016
PARISH	Garsington
WARD MEMBER(S)	Elizabeth Gillespie
APPLICANT	Ms E Mellis
SITE	9 Kiln Lane, Garsington, OX44 9AR
PROPOSAL	Pitch for mobile home/caravan.
AMENDMENTS	25 April - As amended to re-site the proposed mobile home. 29 Dec - Minor change to block plan to annotate visibility splays of access.
OFFICER	Marc Pullen

1.0 **INTRODUCTION**

1.1 The site (which is shown on the OS extract **attached** as Appendix A) lies to the west side of Kiln Lane in Garsington, south of the main built up area of the village. The site is currently undeveloped and lies between two other mobile homes. The site lies within the Oxford Green Belt.

1.2 This application is referred to the Planning Committee because the officer's recommendation conflicts with the view of the parish council.

2.0 **PROPOSAL**

2.1 This application seeks full planning permission for the siting of a mobile home.

2.2 A copy of all the current plans accompanying the application are **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 **Garsington Parish Council – Object**

- Impact to rural character of the area
- No special circumstances have been proven
- Poor vehicular access, further development would increase traffic and cause further erosion – council fully supports comments made by Savills and the Dean of Christchurch
- Concern over groundworks being carried out on site or possible use of site for business use

Health & Housing - Env. Protection Team – No strong views, applicant would need to obtain site licence from the Env. Protection Team. This licence has conditions to ensure the welfare and safety of the occupant which need to be complied with throughout the occupancy of the home, the home will then be inspected from time to time to ensure compliance with the licence.

Highways Liaison Officer – No objection, following submission of additional plans

Neighbours - Support (1)

Neighbours - Object (12)

- Development is not a Green Belt compliant land use

- No substantive technical analysis has been submitted to justify approval – including lack of information demonstrating ‘very special circumstances’
- No certainty as to the viability of the foul drainage provisions
- Approval of this application would result in future development of this nature being proposed
- Will financial payment be sought by the applicants for contributions towards its maintenance of the road – as per P09/W0748
- Questions why SODC have not make provisions for the needs of the traveller community yet
- Further use of the road would render the surface of the lane into an unsuitable state for walkers and cause yet more danger to walkers
- Contrary to Q24 of the application form, the site is visible from the public realm
- Development would amount to an overdevelopment of Kiln Lane and does not take account of the amenity of the settled community
- Uncertainty with whether the site would accommodate a caravan or a mobile home, or both
- Further plots/pitches down Kiln Lane would further erode the green character with more concrete and gravel
- National policy does not support development in the Green Belt in response to unmet need for traveller sites
- The character of Kiln Lane and Garsington would be changed by this development – more like a mobile home site than a country lane
- Development has already started on site without consent
- There will be loss of ecology by this development
- Infrequency of buses among reasons why children down Kiln Lane do not regularly attend schools – so the site may actually not be suitable for its primary purpose
- Additional encroachment within the Green Belt
- The road is dark and dangerous to use for vehicles
- Could undermine crime and safety in the area
- The application suggests the plot might be used for business purposes. This would tend to be disruptive to the rural setting and would impose undue traffic strain on the already fragile Kiln Lane
- Development has previously been refused down Kiln Lane – resulting in people having to move from Kiln Lane. It would be unfair for those who have had to move to go against previous stance
- The statement that the home would reflect traditional lifestyles of living and working on the same site suggests strongly that a business was planned to be run from the site
- Loss of privacy and visual amenity due to the position of the site
- There are poor access to services

4.0 **RELEVANT PLANNING HISTORY**

- 4.1 [P84/N0550/R](#) - Approved (08/10/1984) - Approved on appeal (10/09/1985)
Retention of a caravan

17 earlier planning applications either to retain existing caravans on site or to site new caravans.

5.0 **POLICY & GUIDANCE**

5.1 **National Planning Policy Framework and National Planning Practice Guidance**

5.2 **South Oxfordshire Core Strategy 2012 policies;**

CS1 - Presumption in favour of sustainable development
CSEN2 - Green Belt protection
CSH5 - Gypsies, Travellers and Travelling Showpeople
CSQ3 - Design
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
GB4 - Openness of Green Belt maintained
H15 - New residential caravans and mobile homes
H17 - Provision of gypsy caravan sites
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 2016

5.5 Government Planning Policy for Traveller Sites 2015

6.0 PLANNING CONSIDERATIONS

6.1 The main considerations in the determination of this application are

- Principle of development within the Green Belt
- Whether very special circumstances have been demonstrated
- Visual impact on the Green Belt and impact on character
- Impact on neighbours
- Impact on highway
- Planning balance
- Other matters

Principle of development within the Green Belt

6.2 The National Planning Policy Framework (NPPF) attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open – the most important attribute of Green Belts is their openness.

The Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

6.3 Whilst the Green Belt contains areas of attractive landscape, the quality of the landscape is not relevant to the inclusion of land in the Green Belt or its continued protection. It is the openness of land that is important. In order to protect openness there is a general presumption against inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt.

6.4 Inappropriate development is defined by paragraph 89 of the NPPF. Exceptions to this

are:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

6.5 As the application proposal does not fall within any of those definitions, it can be regarded as inappropriate development and therefore by definition harmful to the Green Belt. The proposed development would provide for a residential use within the Green Belt. In accordance with Policy H15 of the South Oxfordshire Local Plan (SOLP, 2011), proposals for new residential caravan and mobile home sites will be considered in accordance with the housing policies of the plan and permission for single residential caravans or mobile homes will only be given in exceptional circumstances on a temporary and personal basis. With that in mind, officers do not consider that the development can be regarded as infill within the village of Garsington and neither would it constitute development on brownfield land. The development would therefore be considered as inappropriate development within the Green Belt and would not be supported in principle by the paragraphs 87 and 89 of the NPPF.

6.6 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. Neither policy would support the principle of this development as the site it falls within the Green Belt and is not part of an existing traveller site within the District, an extension to an existing traveller site within the District and is not a site which has been identified through a site allocations process for traveller provision.

6.7 Current Government publication, Planning Policy on Travellers Sites, (PPTS, 2015) stipulates that proposals for traveller sites within the Green Belt, either temporary or permanent, are inappropriate development. In determining planning applications for traveller sites, council's should determine them in accordance with their development plans, unless material considerations indicate otherwise. It is clarified at paragraph 16 of the PPTS that "*subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.*" In officers view this means that where the best interests of a child are required to be addressed, then this can be regarded as being very special circumstances sufficient to outweigh harm to the Green Belt. 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.

6.8 The Council are currently unable to demonstrate a five-year supply of deliverable sites

for Gypsy and Traveller pitches. 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 19 additional Gypsy and Traveller pitches.

- 6.9 The PPTS stipulates that in determining applications for traveller sites within the Green Belt, permission should not be granted unless the best interests of the child can be demonstrated in conjunction with the development. The needs of the child is regarded as a 'very special circumstance' which can outweigh the harm caused by inappropriate development within the Green Belt.

Whether 'very special circumstances' have be demonstrated

- 6.10 In considering any planning application for development that is considered inappropriate within the Green Belt, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Paragraph 88 of the NPPF stipulates that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 6.11 As identified above, in order to overcome the presumption against the principle objection to this development, the PPTS states that the best interests of the child/children need to be demonstrated.
- 6.12 Officers are in receipt of confidential information which supports that the applicant is of Roma Gypsy status and that she has three children, who are also of Roma Gypsy status. Two children are in full time education, one child has recently finished secondary school and the other is currently attending a local primary school. The primary school's head teacher has confirmed that it is important for the child to continue at the school for their education, benefiting from additional interventions provided by teachers and teaching assistances.
- 6.13 In addition to the above, due to extenuating family circumstances which have been assessed in confidence by the Council, the mother and children of the family need to leave her current residence in the village. She is therefore seeking to locate on the Kiln Lane site, with her children, to stay locally and to allow for her children to continue attending school, locally.
- 6.14 With this, it is considered that the above factors demonstrate the best interests of the child and therefore amount to very special circumstances that could outweigh the harm caused to Green Belt.
- 6.15 Paragraph 24 of the PPTS advise 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 County Council sites, where there is a waiting list.

Impact on neighbours

- 6.16 The site is relatively well screened to the north and would be situated away from the boundary to neighbouring no.10 Kiln Lane to the south. It is not anticipated that this development would significantly or adversely harm the amenity of these neighbours therefore.

Impact on highway

- 6.17 In consultation with the local highway's authority there is no objection to the siting of a residential mobile home on this site. This is subject to a condition requiring the necessary visibility splays and car parking are provided on site. As such the development is considered to accord with Policy T1 and T2 of the SOLP.

Impact on character and appearance

- 6.18 The site is well secluded within the village with views only possible from the public right of way which is Kiln Lane. The proposed development is not in keeping with the character of the immediate area. However, recently two temporary planning permissions have been granted down Kiln Lane with another historic permission. The development would result in minimal changes to the physical characteristics of the site. The existing boundary treatments to the site would be retained and subject to a landscaping scheme, the use of hardstanding and other urbanising features can be controlled and if necessary minimised. Furthermore as a result of this development the site would be tidied up and looked after for the period of the use of the land. It is your officers view that the harm caused visually is limited and that the landscape qualities of the village would not be adversely harmed or lost as a result of this development being implemented.

Planning balance

- 6.19 An adjoining site was granted temporary planning permission for 4 years at appeal. This site is currently subject to another application to extend this time. Furthermore no.12 Kiln Lane was recently granted temporary planning permission for 3 years. Weighing against the development is the harm by reason of inappropriateness which is to be attributed substantial weight. Added to this is the harm to openness, the most important attribute of Green Belts. In favour of the development is the long outstanding need for additional sites to accommodate gypsies and travellers and the personal needs of the applicant and her family for a settled base, particularly given the lack of alternative sites available to them and the limited harm to the visual amenities of the Green Belt. In assessing the previous appeal on the adjoining site, the Inspector concluded that the considerations weighing in favour of the development would not clearly outweigh harm caused by permanent use of the land. Permanent harm would be caused by the development, in terms of its effect upon the purposes of including land in the Green Belt, and this harm would be considerable. However it was that temporary permission could be granted until such time as the Council has identified sites to meet the needs of the gypsy and traveller community based on an up-to-date assessment.
- 6.20 A grant of temporary permission for three years on this site would provide a stable environment for the child who attends local school to live and easily attend school. The three year period would allow for the Council to undergo a site scoping and allocation process under the new Local Plan for additional traveller pitches, which it has failed to do since the previous application on the adjoining site.
- 6.21 It is not accepted that a precedent would be set for further development along Kiln Lane as a result of this development, if granted, as inappropriate development would not be permitted unless very special circumstances exist.

Other matters

- 6.22 Foul drainage - The applicant contends that it is possible to link up to the existing mains foul drainage system. Failing this the use of a septic tank could be considered. A condition is attached which would require the submission of details of how foul waste will be disposed of.
- 6.23 Financial contributions – No financial contributions have been sought for this development. The highways authority have not requested that improvements to Kiln Lane are made and therefore it is not considered necessary for financial contributions to be made in order to make the development acceptable in planning terms.
- 6.24 Crime – It is not a planning matter to assess the actions of the applicants upon the amenity of the area.
- 6.25 Community Infrastructure Levy (CIL) – The council’s CIL charging schedule has recently been adopted and has applied to relevant proposals since 1 April 2016. CIL is a planning charge that local authorities can implement to help deliver infrastructure and to support the development of their area, and is primarily calculated on the increase in footprint created as a result of the development. In this instance CIL is not liable. CIL is applicable to the creation of new buildings. Mobile homes are not commonly defined as buildings under law and therefore this application is not liable to pay CIL under the Council’s CIL charging schedule.

7.0 CONCLUSION

- 7.1 Temporary planning permission is recommended because it is considered that very special circumstances exist that overcome the presumption against inappropriate development in the Green Belt. In terms of impact, the proposal does not materially harm the visual amenity of the Green Belt, the amenity of neighbours or the local highway. It is considered therefore that the development is in accordance with the relevant Development Plan policies, subject to the attached conditions.

8.0 RECOMMENDATION

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

1. **Temporary use of land for three years.**
2. **Development to be implemented in accordance with approved plans.**
3. **Personal permission specific to Ms Mellis and her dependent children.**
4. **Vision splays to be implemented in accordance with approved plans.**
5. **Turning area and parking to be provided in accordance with approved plans and retained as such.**
6. **Details of landscaping to be submitted for approval by the LPA (including hardstanding and boundary treatments).**
7. **Details of foul drainage to be submitted for approval by the LPA.**
8. **Details of surface water drainage to be submitted for approval by the LPA.**

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