

APPLICATION NO.	P15/S1878/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	09.07.2015
PARISH	Garsington
WARD MEMBER(S)	Elizabeth Gillespie
APPLICANT	Ms Ann McDonagh
SITE	Land at 12 Kiln Lane, Garsington, Oxford, OX44 9AR
PROPOSAL	Temporary and personal permission for change of use of land for the erection of one private gypsy and traveller mobile home.
AMENDMENTS	As amended by additional and revised plans clarifying the access received 4 December 2015.
GRID REFERENCE	457320/202589
OFFICER	Kim Langford

1.0 INTRODUCTION

- 1.1 The application is referred to Planning Committee because the views of the Garsington Parish Council differ from the officer's recommendation. The officer recommendation is for approval.
- 1.2 The application site, No.12 Kiln Lane, roughly triangular in shape is located on the eastern side of an unmade private road (which also acts as a bridleway) running south from the main settlement. There is an open field to the north and a dwelling known as the Cottage to the south. There are also established mobile homes and curtilages located on the opposite side of Kiln Lane identified as Nos. 8 and 10. The site is currently open with a 1.8m close boarded fence across part of the site and a dilapidated single storey building on the other side of the fence but visible from Kiln Lane. The site is untidy and overgrown and there is evidence of dumping with rubble and an old lorry clearly visible. The site is located within the designated Green Belt around Oxford.
- 1.3 A location plan identifying the site can be found at **Appendix 1**.

2.0 PROPOSAL

- 2.1 The application seeks a temporary and personal planning permission to change the use of the land for the erection of one private gypsy and traveller mobile home. The proposed 2 bedroom static caravan would be located at the far eastern side of the site, would be single storey and would measure 12.2m x 6.6m. A gated graveled drive is proposed to be constructed up to it. The existing fence across the site would be retained that would separate a play area to the front with grassed areas around the mobile home. It is proposed to supplement the existing vegetation on the northern and southern boundaries with additional vegetation to provide additional screening. An amended plan has been submitted which shows the visibility line extending to the end of the Lane from the access following the trimming of the Willow tree to the south.
- 2.2 Reduced copies of the plans accompanying the application can be found at **Appendix 2** to this report. All the plans and representations can be viewed on the council's website www.southoxon.gov.uk under the planning application reference number.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 **Garsington Parish Council** – Recommends refusal as application is in the Green Belt and would impact on the open nature and rural character of the area. Vehicular access to the site is difficult being along a poorly maintained bridleway and increased traffic would further cause deterioration and disruption to the surrounding dwellings. Enforcement actions have been sought to areas in close proximity and it is felt that the application would be a further detriment to the area which is a popular route for ramblers, horse riders and the local community.

Neighbour Representations – 19 objections submitted that cover the following issues;

- Inappropriate development in Green Belt and Area of Great Landscape Value.
- Contradicts planning guidance for traveller sites in the Green Belt.
- Could undermine crime and safety in the area.
- Sufficient gypsy sites already eg. at Kings Copse, Watlington Road to accommodate applicant's family.
- Increase in noise and vehicles causing harm to lane surface.
- Danger to users of walkway/bridlepath.
- Conditions suggested by OCC Highways are irrelevant given the existing bad state of Kiln Lane.
- Waste and rubbish on site as a consequence of the use posing health risk to the area.
- Would affect views of residences in Combewell.
- Creeping erosion and spoiling of the peaceful, rural character and visual amenity of the area.
- Already 2 mobile homes on Kiln Road, one of which is unauthorised. Another mobile home would be overdevelopment.
- If permission granted, precedent would be set and it would be difficult to stop more building other plots becoming traveller sites.
- Work on site already started without planning permission.
- Site not screened by vegetation from houses in Combewell and Kiln Lane.
- Plans show area marked for "touring caravan" which may encourage use by second family.
- No guarantee that delapidated shed would be removed.
- Does not fall within village envelope
- No technical analysis for its approval or how foul drainage would be dealt with
- Query whether contribution will be made toward maintenance of the Kiln Lane.
- Site should be used to provide affordable housing for local people.
- Loss of property values.
- SODC inconsistent by not approving an application for a similar development on an adjacent site.

1 property/neighbour in support:

- Site is eyesore at moment and has been used for flytipping. If permission granted it would tidy it up. The applicants are a quiet and nice family.

OCC Highways Liaison Officer – Following submission of an amended plan, OCC have removed their objection subject to the conditions relating to laying out and maintenance of appropriate vision splays as well as setting out of parking and turnings areas.

Environmental Protection Team – No objection but notes that should the planning application be successful the park owner must apply for a mobile home site licence and

if granted thereby comply with the conditions of the licence.

OCC Countryside Access Team – No objections subject to conditions that would ensure the bridleway is not damaged or obstructed as a result of works on the site.

4.0 **RELEVANT PLANNING HISTORY**

- 4.1 P85/N0103 - Retention of caravan – refused.
P72/M01029 – Agricultural workers cottage – refused.
P71/M0445 – Temporary siting for one caravan – approved.
P65/MO161/D – Temporary siting of one caravan – approved
P62/M0274/D - Temporary siting of one caravan – approved
P59/M0394D – Temporary stationing of one caravan – approved.
P57/M0286 – Application for 10 houses – refused.

5.0 **POLICY & GUIDANCE**

5.1 **South Oxfordshire Core Strategy 2027** - policies

CSEN2 - Green Belt protection
CSH5 – Gypsies, Travellers and Travelling Showpeople
CSQ3 - Design

South Oxfordshire Local Plan 2011 policies;

- 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
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

National Planning Policy Framework

**National Planning Policy Framework Planning Practice Guidance
Government Planning Policy For Traveller Sites – August 2015.**

6.0 **PLANNING CONSIDERATIONS**

6.1 The main issues to consider in relation to this proposal are;

- **Whether “very special circumstances exist” that overcome the presumption against inappropriate development in the Green Belt.**
- **Impact on the Green Belt**
- **Highway considerations**
- **Impact on the amenities of prospective occupiers and on the occupants of nearby properties.**
- **Other Issues**

Whether very special circumstances exist that overcome the presumption against inappropriate development in the Green Belt.

6.2 Policy CSH5 of the Core Strategy provides for pitches for gypsies and travellers. Apart from extending existing sites, another way to do this is to identify new sites through the site allocations DPD. The locations of such sites will be identified according to various priorities, such as being located near to existing settlements and within walking

distance of essential services or high frequency public transport.

- 6.3 Policy H15 of the Local Plan state that proposals for new residential caravan and mobile home sites will be considered in accordance with the housing policies of the plan and that permission for single residential caravans or mobile homes will only be given in exceptional circumstances on a temporary and personal basis. The Council cannot currently demonstrate a supply of traveller and gypsy sites, as such, these policies are afforded less weight.
- 6.4 Policy H17 states that the provision of additional gypsy caravan sites will only be permitted subject to certain criteria such as:
- (i) there is an established need that cannot be met on existing sites;
 - (ii) the site is not in the Green Belt, in a conservation area, on open land in an Area of Outstanding Natural Beauty or does not adversely affect a Site of Special Scientific Interest;
 - (iii) it would not have a detrimental effect on the landscape, the landscape setting of settlements, or on important open gaps within or between settlements;
 - (iv) it would not adversely affect the amenities of nearby residents or users of the countryside;
 - (v) the site is located within a reasonable distance of a primary school, shops and other services; and
 - (vi) there are no overriding objections on amenity, environmental or highway grounds.
- 6.5 The application site is located within the designated Green Belt. The NPPF and Policy CSEN2 of the Core Strategy provide for the protection of the Green Belt from inappropriate development. Inappropriate development is defined by paragraph 89 of the NPPF as any development that does not meet the purposes of agriculture and forestry or appropriate facilities for outdoor sport and recreation and other uses that preserve the openness of the Green Belt, limited extension and the replacement of buildings or limited infilling within villages or on previously developed land that would not have a greater impact on the openness of the Green Belt.
- 6.6 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 unless, as stated in para 87 of the NPPF, very special circumstances can be demonstrated to exist.
- 6.7 Current Government Planning Policy on Travellers Sites, which is more up to date than the Core Strategy and the Local Plan (which does not have a current supply of traveller and Gypsy sites), states that traveller sites, either temporary or permanent, are inappropriate development. It is clarified at para 16 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 my 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.
- 6.8 It is understood from confidential information submitted by the applicant that the family who are travellers, have suffered a personal tragedy with the death of a baby son in 2015. They have another 4 year daughter and they are currently residing in a touring caravan in a roadside layby. An independent social worker report has stated that there is a particular need for stability and regular routine for a child of that age following the loss of a sibling. The report also states that it is imperative for the child’s physical and mental health that her parents have the best possible opportunity to go through the grieving process that enables them to parent the child and meet her emotional needs.

The pressures of being forced to live in authorised encampments is likely to subject the child to stressful situations because of having to move unexpectedly and abruptly as well as not having access to running water or toilet facilities including witnessing her parents under severe pressure and potentially victims of racism.

- 6.9 The report goes onto say that the granting of planning permission for the application would develop the stability that the child needs, access the primary services she requires and allow her to continue to attend school. It is understood that the child attends a local Primary School within the catchment of the application site (the council is in receipt of formal confirmation of this from the school and local education authority but the school and child's name are kept confidential in order to protect her identity). The report explains it is very important that the child is able to develop peer relationships, have time away from her parents and participate in normal social and educational activities for children of her age. It will have a profoundly negative impact on her future outcomes to experience disruption in her education at this stage. Having carefully considered the needs of the surviving child your officers are of the opinion that they amount to very special circumstances that outweigh harm to Green Belt, as advised by government planning policy.
- 6.10 The Government's Planning Policy for Travellers issued in August 2015 also advises that Local Planning Authorities should consider the following issues, amongst other relevant matters, when considering planning applications for traveller sites;
- a) the existing level of local provision and need for sites
 - b) the availability (or lack) of alternative accommodation for the applicants and
 - c) other personal circumstances of the applicant.
- It is the case that there is an undersupply traveller pitches in the SODC area. According to the updated Gypsy and Traveller Assessment of 2014 there is a net requirement of 19 pitches to be provided for the period 2012 – 2031 and there is no capacity on existing County Council sites for which there is a waiting list with 30 applicants. Private traveller sites tend to be for single pitches or occupied by extended families so are unlikely to be suitable for the applicant's family needs. This is probably why the applicant and family are forced into living by the roadside at the current time.
- 6.11 Taking the above into account your officers consider that very special circumstances exist that overcome the presumption against the proposed development in the Green Belt. A temporary grant of permission for three years would provide a stable environment for the child whilst also allowing the Council to complete the site allocations for additional traveller pitches which work on it is currently underway.

Impact on the Green Belt.

- 6.12 As your officer consider that very special circumstances exist to support this development in the Green Belt, the second step is to consider whether the development harms the openness of the Green Belt.

Policy GB4 of the Local Plan states that where new development is permitted, either within or where it would be conspicuous from the Green Belt, it should be designed and sited in such a way that its impact on the open nature, rural character and visual amenity of the Green Belt is minimised. Policy CSQ3 of the Core Strategy requires all new development to be of high quality and inclusive design, which amongst other things, responds positively and respects the character of the site and its surroundings, enhancing local distinctiveness and ensuring new development is of a scale, type and density appropriate to its site and setting. Policy D1 of the Local Plan states that the principles of good design and the protection and reinforcement of local distinctiveness should be taken into account in all new development through such things as respecting

the character of the existing landscape; respecting distinctive settlement; providing good quality site and building design and appropriate materials; and providing well-designed external areas.

- 6.13 Paragraph 26 of the Government Policy on Travellers sites advises local planning authorities to attach weight to the following matters when considering applications:
- a) effective use of previously developed (brownfield), untidy or derelict land
 - b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
 - c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
 - d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.
- 6.14 In terms of the impact on openness regard must be had to the position of the mobile in respect of the existing built form. The site has a long history of the stationing of a caravan, albeit for temporary periods. The site is not in an isolated position in the countryside but is located adjacent built development to the south and west albeit some 80 metres from the edge of the nearest dwelling within the settlement at Garsington. The proposed mobile home would be single storey and located towards the far eastern part of the site. It is of a size, style and construction that is conducive to its use and has open areas around it with a separate play area towards the front. Therefore in terms of design, it would respect the character and surroundings where similar mobile homes are in evidence.
- 6.15 Additional planting to what already exists, is proposed to the borders of the site (that could be secured by condition) that would further screen the site and the proposed mobile home. The gated gravelled driveway/parking area would be in keeping with a countryside location whilst the area shown for the siting of a touring van is not unduly prominent. Concerns about this touring van being used as an additional permanent pitch could be dealt with by the imposition of a condition that it is not to be occupied permanently. Finally a shed of some 4m x 2m is also shown adjacent to the mobile home which is considered a modest and inconspicuous addition.
- 6.16 Consequently your officers consider the proposed development would not impact unduly on the openness of the Green Belt and would also conform to national and local plan policies on design requirements given the proposed temporary nature of its use. Whilst not a reason in itself for approving the development in itself, the tidying up and removal of rubble etc. from the site would be of benefit and address objector concerns about the implications for health and the visual amenity of the area.

Highway considerations

- 6.17 Policy T1 of the Local Plan requires all development to provide a safe and convenient access to the highway network; provide safe and convenient routes for cyclists and pedestrians; be accessible by public transport and have a safe walking route to nearby bus stops. Policy T2 requires new development to where appropriate, make provision for loading, unloading, circulation and turning space; the parking of vehicles in accordance with the Council's maximum parking standards; cycle parking in accordance with the Council's standards. Policy D2 states that planning permission will not be granted for developments that fail to incorporate adequate, safe and secure parking for vehicles and cycles. Vehicle parking should be provided in a discreet and sensitive manner.

- 6.18 Kiln Lane is a private access road which is in a relative poor condition but it is a public right of way as well as a bridleway. As it is in private ownership, maintenance issues are a matter between the respective owners and users of the road. OCC Highways are satisfied that visibility splay issues regarding the access have been overcome enabling them to withdraw their objection. The Countryside Access Officer has asked that conditions be attached that would prevent blocking of the public right of way and any damage be made good.
- 6.19 Although the site accessed off a private road which is in poor condition, it nonetheless provides safe and convenient access to the rest of the highway network and public transport in the village. The poor condition of the road is not considered to be a sufficient reason for refusing planning permission.
- 6.20 The site also provides sufficient parking for two vehicles and turning areas in accordance with SODC parking standards (Appendix 1 of the Local Plan) as well as space for cycle parking. Therefore the proposal satisfies local plan policies in this regard.

Impact on the amenities of prospective occupiers and on the occupants of nearby properties.

- 6.21 Policy D3 of the Local Plan requires an appropriate size of amenity space for prospective occupiers. Policy D4 requires a reasonable degree of privacy be afforded to prospective occupiers whilst new development should not unacceptably harm the amenities of neighbouring properties through loss of privacy, daylight or sunlight.
- 6.22 It is clear that there is sufficient amenity space to serve the mobile home. There is also sufficient distances between neighbouring dwellings as to not cause of loss privacy, daylight and sunlight to prospective or neighbouring occupiers.

Other Matters

- 6.23 There are a number of other matters raised by objectors which addressed below.
- 6.24 Could undermine crime and safety in the area.
There is no evidence that in allowing the applicant's family to occupy the site would result in undermining crime and safety in the area. In any event this is policing and not a planning matter, given that planning that is concerned about the use of the land and not the perceived character of the occupiers.
- 6.25 Would affect views of residences in Combewell.
Loss of views is not a planning matter.
- 6.26 Work on site already started without planning permission.
It is not clear what work has started on site relative of this application. An enforcement investigation is ongoing with regard to alleged dumping. In any event, planning permission is being sought with regard to the proposal, the subject of this application.
- 6.27 No guarantee that delapidated shed would be removed.
A gravelled driveway is shown where the current shed is located indicating its removal.. Whilst a shed on a different part of the site is also shown on the layout, it is unlikely to be the same shed given its derelict condition.

- 6.28 Site should be used to provide affordable housing for local people.
The site is not within public ownership and the Council has to consider the application as submitted.
- 6.29 Loss of property values.
Loss of property values is not a planning matter.
- 6.30 SODC inconsistent by not approving an application for a similar development on an adjacent site.
Each application is treated on its own merits. This application is being recommended for approval because of the very special circumstances that exist.
- 6.31 No technical analysis for its approval or how foul drainage would be dealt with
This matter that can be dealt with by the imposition of an appropriately worded condition.

7.0 **CONCLUSION**

- 7.1 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 wider openness or visual amenity of the Green Belt. The site provides sufficient amenity space and parking and does not result in a materially harmful unneighbourly impact to adjoining properties. As such the development accords with the relevant development plan policies subject to appropriate conditions.

8.0 **RECOMMENDATION**

- 8.1 **That planning permission is granted subject to the following conditions:**

1. **Temporary and personal permission for three years.**
2. **Approved plans.**
3. **Prevention of permanent occupation of touring caravan.**
4. **Materials as on plan.**
5. **Withdrawal of permitted development rights for fences and enclosures.**
6. **Turning area and car parking.**
7. **Vision splay details.**
8. **Details of boundary treatments including gates and fences to be submitted and approved.**
9. **Withdrawal of permitted development - no outbuildings etc.**
10. **Implementation of landscaping scheme as shown on Drawing Number 299/2.**
11. **Foul and surface water drainage details to be submitted and approved.**

Author: Kim Langford
E-mail : kim.langford@southandvale.gov.uk
Contact No: 01235 540546