

## Development Management Report

Responsible Officer: Tim Rogers

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### Summary of Application

<b>Application Number:</b> 15/01036/FUL	<b>Parish:</b> Wem Rural
<b>Proposal:</b> Change of use of land for the stationing of caravans for residential purposes for 1no. gypsy pitch together with the formation of hardstanding and an utility/dayroom ancillary to that use	
<b>Site Address:</b> Land Adj To The Builders Yard Known As No. 8 Barkers Green Wem Shropshire	
<b>Applicant:</b> Mr W Rogerson	
<b>Case Officer:</b> Jane Preece	<b>email:</b> <a href="mailto:planningdmne@shropshire.gov.uk">planningdmne@shropshire.gov.uk</a>

**Grid Ref:** 352699 - 328086



**Recommendation:- That permission be granted, subject to the conditions set out in Appendix 1.**

## REPORT

### 1.0 THE PROPOSAL

- 1.1 The application seeks planning permission for the change of use of land for the stationing of caravans for residential purposes for one gypsy pitch together with the erection of a utility/dayroom ancillary to that use and the formation of hardstanding and highway improvements.
- 1.2 More specifically permission is sought to station one mobile home, one touring caravan and to erect a utility/dayroom building. The utility/dayroom building will measure 8 m x 5 m and will have a pitched roof 4.48 m high to the ridge. The utility/dayroom will provide '*... facilities that enable the occupants of the caravans to minimize the recognised hazards associated with cooking and fire in the close confines of caravans and provide facilities for washing and bathing and the maintenance of basic hygiene.*'
- 1.3 The highway improvements involve the removal of the roadside hedge to improve visibility from the junction of Weir Lane. A replacement hedge will be planted behind the line of the visibility splay.
- 1.4 The site will only be used for residential purposes and no business use is intended.
- 1.5 Proposals to increase the level of native planting and landscaping to the site boundaries are included as part of the submitted scheme.
- 1.6 For drainage purposes foul drainage it is intended to dispose of foul drainage to a package treatment plant. Surface water will be disposed to a sustainable drainage system.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is an area of land located within the settlement of Barkers Green at the junction of Weir Lane. Under the North Shropshire Local Plan, adopted 2005, the area is defined as being in countryside with no defined infill boundary. The open countryside status of the settlement will remain unchanged as part of the emerging Site Allocations and Management of Development Plan (the SAMDev Plan).
- 2.2 The land itself is relatively flat and the boundaries are identified by mature hedgerows and a few trees. Otherwise, the site is bounded to the north by Weir Lane (an unclassified no through road with rural properties opposite); to the east by the local highway (a class C road) with agricultural land beyond; to the south by a builders yard and to the west/south west by agricultural land. The wider settlement of Barkers Green comprises a string of residential development and rural properties. Generally the spatial pattern of the existing development follows the line of the highway. The nearest settlement to access facilities and services such as shops, schools, a doctors surgery is the market town of Wem, which lies a short

distance away to the north west.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Parish Council are of a contrary view and local member request that that the application be referred to committee for a decision.

### 4.0 Community Representations

#### 4.1 Consultee Comments

**SC Highways** – No objection. Recommend conditions.

**SC Ecologist** – No objection. Recommend the inclusion of conditions and informatives in order to enhance the site for biodiversity.

**Severn Trent Water Ltd** - Original comment: No objection. Recommend the inclusion of a condition requiring the prior approval of drainage plans for the disposal of surface water and foul sewage.

Re-consultation comment: No further comments received.

**SC Drainage** – Original comment: No objection. The drainage details, plan and calculations could be conditioned if planning permission were to be granted. Recommend conditions.

Officer update to above advice in view of local objections: In view of the fact that the ground conditions are clay the drainage details need to be submitted for approval prior to determination.

Re-consultation comment: No objection. The proposed surface and foul water drainage are acceptable.

Officer update to above advice in view of local objections: I refer to the residents objection regarding the proposed package sewage treatment plant. Our drainage comments were based on the drainage information provided by the applicant and we do not make site visit. I think the applicant was aware that the ground consisted of clay and if percolation tests were carried out it will give a Vp value of over 100. In accordance with the Building Regulations H2, Paragraph 1.38, if the value of Vp is greater than the 100 limit, an alternative form of secondary treatment (drainage mound) should be provided to treat the effluent from the septic tank or the use of a package sewage treatment plant.

On this site, the applicant proposes to use a package sewage treatment plant and a drainage mound which comply with the Building Regulations H2.

**SC Learning & Skills** – No comments received.

**SC Trees** – No objection. The site appears to be overgrown with small self seeded trees of limited amenity and no protected or important trees are to be removed. A section of hedgerow is to be removed for visibility but replaced with new native planting as mitigation.

**SC Gypsy Liaison** – No objections. Have visited the site and have no concerns regarding the layout. Would like the following conditions considered if approved:

1. Site to occupied by Gypsy/Traveller families only.
- 2.No vehicles parked on site over 3.5tonnes
- 3.No scrap or any other transfer of waste on site.

**SC Public Protection** – No objection. Having been out on site the area as a whole is very quiet. There is some noise from reversing forklift trucks on the Jewsons site. Therefore, recommend residential living quarters are relocated to north western part of site, away from the noise source. Alternatively, an acoustic barrier could be erected bordering the yard. The specification of the barrier would require prior approval and could be conditioned

**SC Historic Environment** – No objection. The brick and tile works are confined to a site opposite and do not extend onto this site. However, the Tithe Award map and late 19<sup>th</sup> century OS maps indicate a small cottage previously occupied the north-east corner of the site, probably associated with a common edge smallholding. Although demolished in the mid-20<sup>th</sup> century, associated below ground remains of local level significance may survive. The site can, therefore be considered to have low-moderate archaeological potential. In accordance with paragraph 141 of the NPPF, a programme of archaeological work is advised, secured by condition, to comprise an archaeological watching brief during ground works. Recommend appropriate condition.

**SC Planning Policy** – These comments are quoted in full in the section 6.1 below.

(The full content of consultation comments submitted are available to view on line)

## 4.2 Public Comments

**Wem Rural Parish Council** – Original comments: OBJECT. At the meeting of Wem Rural Parish Council held on 7 April 2014 it was resolved to object to the application.

The application relates to a site in the small, loosely developed, ribbon hamlet of Barkers Green. Barkers Green is set in open countryside and comprises of dwellings of a variety of design and age and completely surrounded by productive farmland. Barkers Green is accessed by one single track Class 3 road which is narrow in places and a number of blind bends. Barkers Green was previously classed as 'open countryside' under the NSDC Local Plan and is classified under the SAMDev Plan as 'countryside'. Therefore new development in the hamlet has been strictly restricted.

The Council notes that the Local Plan policies relating to Gypsy and Traveller Provision (CS12) and Gypsy and Traveller Accommodation Assessment (GTAA) have been subject to questions by the Inspector examining the SAMDev Plan. The Parish Council understands that there are a number of issues outstanding and therefore reserves the right to make a further response should clarification on issues relevant to this application be received by Shropshire Council prior to

determination.

In reviewing the application the following points were considered:

The Council questions the suitability of the site for development of any kind. The site has been subject to previous planning applications and local residents are aware of exploratory discussions which did not emerge as applications. The Council would refer to 2 applications submitted in 1994 and 2001 for single storey dwelling, access and private garage.

N/94/751/WR/187/Outline

This application was refused by NSDC and subsequently went to appeal. The Inspector visited the site and dismissed the appeal. The following comments were made: 'Barkers Green lies some 1.2km south east of Wem and I saw that it chiefly comprises some established dwellings in a pleasant rural setting which are informally strung along a stretch of a narrow Class C road. I observed that the site is particularly prominent having a long frontage at the junction of this road with Weir Lane, and in my opinion the proposed dwelling wherever sited, would be a dominant visual intrusion which would undesirably consolidate this sporadic development.'

'I therefore conclude that the proposal would materially harm the character and appearance of this attractive rural area and that the personal needs of your clients do not amount to the exceptional circumstances which necessitate a dwelling on this site and justify the setting aside of the strong local and national planning policies of restraint which seek to protect the countryside for its own sake.'

NS/01/00351/OUT:

This application for a single storey dwelling was refused by NSDC with the following comment: 'Permission would undoubtedly set a precedent encouraging further speculative applications for the consolidation or extensions of the many ribbons of development around the outskirts of Wem.'

The Parish Council considers that the current application is similar being single storey and actually a larger scale development as it proposes 3 units (plus unknown number of vehicles) and therefore should be refused on the basis of development in the 'Countryside' and scale in accordance with CS5, CS6 and PPTS paragraph 23. The Council also considers the proposal does not meet the exceptional circumstances as outlined in paragraph 3.6 of the Government's document 'Designing Gypsy and Traveller Sites' and the Inspectors comments made in 1995 support this position albeit for a 'settled' residential development.

The selection of sites for Gypsy and Travellers is outlined in CS12 and Chapter 3 of 'Designing Gypsy and Traveller Sites'. CS12 and paragraph 3.2 'Designing Gypsy and Traveller Sites' states that sites should have reasonable / easy access to local services and is expanded on in paragraph 3.4. As already stated the site is on the outskirts of Wem and there is no public transport to access shops, schools medical facilities etc. Pedestrians walking to Wem would have to navigate several blind bends on single track lanes. Therefore there is a reliance on own transport to access services and facilities in Wem. Ground conditions are also a factor. The ground in question is heavy clay and in winter is subject to waterlogging and

occasional flooding. The proposal includes a substantial amount of loose bound permeable hardstanding. This is not considered to be conserving or even enhancing the local natural environment.

The site overall is not considered sustainable.

The site's proximity to the builders yard (Jewsons) is of concern to the Council when referring to paragraph 3.3. Deliveries to the yard are by large HGVs with the majority of sales to contractors in commercial vehicles. The day to day noise generating from the yard activities should be considered when assessing the suitability of the site. It is noted in paragraph 3.18 of 'Designing Gypsy and Traveller Sites' that there is greater noise transference through the walls of trailers and caravans than through the walls of conventional housing.

There is open access to the yard during the day and the risks associated with this type of yard are clear from the site safety hazard warning signs.

The Council does not consider the site suitable when taking into account the safety and wellbeing of residents so close to the yard particularly as Gypsy and Traveller sites are stated likely to have a high density of children.

The need for a Gypsy and Traveller site as outlined in PPTS paragraph 22 in Barkers Green is questioned. The Council notes the applicant's reliance on the Appeal decision on Abdo Farm, Rosehill to not forward details of a local connection and his status. The Council is unaware of any unauthorised sites in and around Wem so the requirement that this site is developed specific for the Gypsy and Traveller community is not clear. Maybe the lack of details regarding vehicle parking (stated as none) confirms no specific need has been identified. The Council can only then assume this is a speculative application taking advantage of the position Shropshire Council finds itself in with planning policies for this sector of the population. In fact, the Gypsy and Traveller Accommodation Assessment (GTAA) updated in January 2015 showed 2 vacant pitches at Manor House Lane Caravan Site, Higher Heath. With no need proven locally the Council strongly contests whether a general plot for Gypsy and Travellers is appropriate development in this location.

In conclusion, the Parish Council considers the proposal brings material harm to the character and appearance of the area, is unsustainable, has no regard to the well-being and safety of potential occupants and is inappropriate development in this locality.

Re-consultation comments: OBJECT. At the meeting of Wem Rural Parish Council held on 2 June 2015 the proposed drainage solution was reviewed. The Council considered that based on local knowledge of the percolation of the site, the drainage solution is not adequate or suitable. The soil is heavy clay and there is a possibility of land drains under the site. The Council would request the Drainage Team re-visit their decision and investigate thoroughly the proposed solution. The Council is willing to explain its decision in further detail with the Drainage Team.

The Council notes that the Schedule of Main Modifications for the SAMDev Plan has been published but not within the timescales for discussion at the meeting held

on 2 June.

The Council also notes that the Gypsy Liaison Officers response is still outstanding.

In light of the above, the Parish Council continues to object to the application.

**Public representations** - The application has attracted objections from 23 contributors, together with a signed petition against the proposal from over 200 signatories. The main objections raised relate to:

- Open countryside location unsuitable for development proposed. Approval will set a precedent/encourage other speculative developments.
- Previous planning history of refusals for residential development.
- Adverse impact on character and appearance.
- Out of keeping with area. Design is inappropriate and fails to contribute positively to enhancing the area.
- Size of site could accommodate more caravans than proposed.
- Large size of utility block and question need for a dayroom.
- Access/highway safety issues.
- Traffic increase will be a danger to other road users.
- Permission has already been granted for large development on Aston Rd. Enough is enough. Barkers Green will become a rabbit run.
- Vehicle numbers? Application indicates no parking.
- Impact on ecology. No ecology survey submitted.
- Question the need for a gypsy site at Barkers Green when the site at Prees Heath has recently been extended.
- Will any permission issued have business restrictions?
- Is the applicant the owner? How will use of the site be controlled?
- Fail to see why a Crewe based family want to move to Barkers Green.
- Drainage problems. Subsoil is clay. Land becomes waterlogged during heavy/prolonged periods of rainfall. Soakaways/proposed drainage system will not work.
- Water mains serving four individuals passes under the verge over which vehicles will cross.
- Noise and light pollution.
- Security of isolated properties.
- Archaeological significance.
- The GPTS is currently being reviewed by Government and proposes changes that will give increase the protection to sensitive areas and Green Belt in relation to unmet need, whether for traveller sites or for conventional housing.
- The GPTS is currently being reviewed by Government and proposes changes that state those who have given up travelling permanently should be treated in the same way as those who do not lead a travelling life.
- Impact on/loss of property value.

(The full content of objections submitted are available to view on line).

## 5.0 THE MAIN ISSUES

- Policy and principle of development
- Previous planning decisions

- Gypsy and traveller status and site supply
- Sustainable location
- Impact on character and appearance of area
- Residential amenity
- Historic and natural environment
- Highways
- Drainage
- Other

## 6.0 OFFICER APPRAISAL

### 6.1 Policy and principle of development

6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The starting point for decision taking is therefore the development plan. Proposals that accord with an up-to-date plan should be approved, whilst proposals that conflict with the plan should be refused, unless other material considerations indicate otherwise (para 12 of the National Planning Policy Framework (NPPF) refers).

#### The Development Plan

6.1.2 For the purposes of the assessment of this application the development plan presently comprises of the adopted Shropshire Core Strategy, adopted March 2011, and the Supplementary Planning Document (SPD) on the Type and Affordability, adopted September 2012. The open countryside status of the area is 'saved' as part of the Core Strategy as defined in the North Shropshire Local Plan 2005.

6.1.3 Following on from the adoption of the Core Strategy the Council has also been progressing the Site Allocations and Management of Development Plan (SAMDev Plan) and that plan is now at an advanced stage. As part of SAMDev the open countryside status of Barkers Green is not changing. The SAMDev Plan Inspector has recently confirmed the proposed main modifications to the plan following the examination sessions held in November & December 2014. The main modifications were published on 1<sup>st</sup> June 2015 for a 6 week consultation period. This means that any plan content not included in the schedule of proposed main modifications may be considered to be sound in principle in accordance with NPPF paragraph 216. Therefore significant weight can now be given to SAMDev policies in planning decisions where these are not subject to modifications.

6.1.4 Development plan policies of particular relevance to assessing the acceptability of this application include:

6.1.5 Shropshire Core Strategy policy CS5 (Countryside and Green Belt) – CS5 strictly controls development in accordance with national policies protecting the countryside. The policy lists housing exceptions that may be permitted on appropriate sites in countryside locations, to include those that meet a local need in accordance with national policies and policy CS12.



- 6.1.6 Shropshire Core Strategy policy CS12 (Gypsy and Traveller Provision) – Policy CS12 recognises the need to meet the housing needs of the gypsy and traveller population and sets out the measures by which this will be achieved. Reference is made to supporting suitable development proposals for sites close to market towns and key centres (such as Wem) and ensuring all sites are reasonably accessible to services and facilities. Reference is also made for the need to demonstrate a strong local connection for small exception sites (under 5 pitches). However, the application has not been submitted for consideration as an exception site.
- 6.1.7 SPD on the Type and Affordability of Housing – Section 6 of the SPD advises of the law protecting gypsies and traveller culture and the difficulties the travelling community face in finding appropriate sites to suit their way of life. It highlights how the Councils' approach applies the relevance of The Human Rights Act (1998) to determining planning applications for Gypsy and Traveller accommodation.
- 6.1.8 The SPD goes on to advise that the need for Gypsy and Traveller sites in Shropshire is identified in the Gypsy and Traveller Accommodation Assessment and that, in assessing a planning application, the Council will consider whether the applicant is a bona fide Gypsy or Traveller and the availability of alternative suitable sites. Occupancy conditions will be used to limit initial and future occupancy to bona fide Gypsies and Travellers who meet the established lawful definition. The SPD further states that the Council will seek to establish whether the applicant(s) reside in or resort to Shropshire and expands with further guidance on the criteria in Policy CS12.
- 6.1.9 Gypsy and Traveller Accommodation Assessment (GTAA) – The GTAA identifies the needs of Gypsies and Travellers from across the County, the aim of which is to provide a robust evidence base to plan for future provision and to inform the consideration of planning applications.

#### National policy considerations

- 6.1.10 National policy relating to planning provision for gypsy and traveller development is set out in Planning Policy for Traveller Sites (PPTS) March 2012 which is intended to be read in conjunction with National Planning Policy Framework (NPPF) March 2012.
- 6.1.11 The aim of the PPTS is to ensure that the needs of the travelling community are assessed and provided for in a fair way for the purposes of both plan-making and decision taking at a local level. The PPTS also aims to promote more private traveller site provision and to increase the number of traveller sites in appropriate locations to address under provision. This is to be balanced against the need to protect local amenity and the environment and the objective of contributing to the achievement of sustainable development consistent with the NPPF. The PPTS makes it clear that the local planning authorities should determine applications for sites from any travellers and not just those with local connections.
- 6.1.12 From the national perspective objectors have referred to proposed changes to the PPTS, a good practice guide entitled Designing Gypsy and Traveller Sites and two Written Ministerial Statements (WMS's).

- 6.1.13 Changes to the PPTS 2012 have been subjected to consultation in September to December 2014. The purpose of the proposed changes to planning policy and guidance, are to ensure fairness in the planning system, and to strengthen protection of the green belt and countryside – see <https://www.gov.uk/government/consultations/planning-and-travellers-proposed-changes-to-planning-policy-and-guidance> However, feedback on the proposed changes is still being analysed by the Government. The revisions to the PPTS are therefore not yet policy.
- 6.1.14 Designing Gypsy and Traveller Sites: good practice guide – This document pre-dates the NPPF and the PPTS and offers guidance for potential developers and existing site owners, rather than decision takers, about the design features for successful Gypsy and Traveller sites.
- 6.1.15 Written Ministerial Statement 1.7.13 and 17.1.14 – Both WMS focus on travellers sites and the need to protect the Green Belt:  
<https://www.gov.uk/government/speeches/planning-and-travellers>  
<https://www.gov.uk/government/speeches/green-belt>  
There are no Green Belt designations within North Shropshire. Therefore, the above WMS's have no significant bearing on the consideration of this application.
- 6.1.16 Local and National Planning Policy Assessment  
An assessment of the local and national planning policy position as it applies to this application has been provided by the Councils' Senior Policy Officer and is quoted in full as follows:
- 6.1.17 **'Site context and Introduction**  
The application relates to a site in countryside just to the south east of Wem. Barkers Green is a small, loosely developed, ribbon settlement. The centre of Wem, the closest settlement of significant size with a range of services and facilities, lies approximately 2.5 kilometres away by road (less if measured directly). Wem is identified as a market town in Policy CS3 of the adopted Core Strategy and there are a range of proposals identified for the town in the SAMDev Final Plan. Barkers Green however continues to be identified as countryside in the SAMDev Plan which has been subject to Examination with formal feedback from the Plan Inspector currently awaited. The Wem area and its Community Hubs and Clusters together with gypsy and traveller issues have been considered at hearing sessions. There are however a number of matters subject to queries by the Inspector and therefore outstanding. This includes the approach to Gypsy and Traveller provision.
- 6.1.18 **The Proposal**  
The submitted application details indicate that this is for a single pitch gypsy site although no details are provided confirming the status of the applicant. It is understood therefore that the application is not for a rural exception site as set out in Core Strategy Policy CS12 but for general plot for a gypsy site. It would therefore need to be considered under bullet point 2 of CS12, Planning Policy for Traveller Sites (PPTS) and NPPF. It has however, been acknowledged at the SAMDev examination that paragraph 13 Planning Policy for Traveller Sites (PPTS) does not require a strong local connection for rural exception sites only that

occupants are current residents or have an existing family or employment connection.

#### 6.1.19 **Policy Background**

National policy relating to planning provision for gypsy and traveller development is set out in Planning Policy for Traveller Sites (PPTS) March 2012 which is intended to be read in conjunction with NPPF.

6.1.20 Policies CS5 and CS12 in the adopted Core Strategy provide the main local policy framework for consideration of applications for gypsy and traveller accommodation in the countryside. There is additional guidance in the adopted Type and Affordability of Housing SPD, although it is acknowledged that this needs updating to reflect PPTS provisions. There are no specific policies relating to Gypsy and Travellers in SAMDev Plan however, it is intended that SAMDev Local Plan, when adopted, will form part of a framework of national guidance, adopted plans and supplementary guidance, which together set out the approach to site provision for the gypsy and traveller community. The lack of reference to gypsy and travellers or site allocations in SAMDev Local Plan have been considered as specific objections to the Plan and formed part of the discussions at the Examination session. Additionally the Examination hearing considered whether Policy CS12 is national policy compliant, in particular in terms of paragraph 10 of the PPTS and the requirement, 'where there is no identified need that criteria based policies should be included to provide a basis for decisions...'

6.1.21 The applicant has also made reference to the appeal decision for Adbo Farm, Rosehill (APP/L3245/A/13/2196615), which indicates that , 'In not acknowledging the possibility of any development being located in the countryside, unless it is for affordable local needs provision, the Council's policies (CS5, CS12 and the SPD) are more restrictive than PPTS.' The appeal decision also refers to paragraph 22(e) of PPTS which states, 'that Councils should determine applications for sites from any travellers and not just those with local connections.' This appeal also highlights the impact of being unable to demonstrate a 5-year supply of specific deliverable sites for gypsies and travellers. It refers to Paragraph 21 of PPTS which states that applications should be assessed and determined in accordance with the presumption in favour of sustainable development set out at paragraph 14 of the Framework.

6.1.22 Shropshire Council however proposed at the SAMDev Examination that Core Strategy Policy CS12 provides an appropriate mechanism against which all proposals for gypsy and traveller development (including those in countryside) will be considered having regard to sustainable development and other material considerations. Also Shropshire Council suggested that Policy CS12 provides for the consideration of situations where there may be no identified need requiring site allocation but where specific needs may arise and planning applications result. Shropshire Council highlighted that the Policy provides detailed criteria applying to general proposals for sites (bullet 2) and for the consideration of rural exception sites (bullet point 3) as provided for by paragraph 13 of PPTS. Shropshire Council did acknowledge that the wording of bullet point 3 of CS12, requiring strong local connection, could be considered to be more restrictive than PPTS, in particular paragraph 13.

- 6.1.23 Any proposals therefore need to be considered with reference to PPTS and NPPF, with an assessment of their overall sustainability.
- 6.1.24 **Assessment of Gypsy and Traveller Accommodation Need**  
At the time of Core Strategy preparation there was an identified outstanding need (set out in Policy CS12, explanatory paragraph 5.26) for 79 pitches relative to the baseline provided by the then current Gypsy and Traveller Accommodation Assessment (GTAA) published in 2008. There has been some site delivery since Core Strategy adoption, however, by 2013, the 2008 GTAA was no longer sufficiently up to date to provide reliable evidence on pitch need so a new study was commissioned.
- 6.1.25 In accordance with PPTS to determine outstanding need the Authority carried out an updated assessment in the form of the 2014 Gypsy and Traveller Accommodation assessment (GTAA). The 2014 GTAA was considered at the relevant SAMDev Examination session. Subsequent to this, the Inspector has asked for the Council to do further work on substantiating approved pitches and availability, together with additional consultation on the GTAA(2014). As a consequence the published GTAA (2014) was amended and now indicates a shortfall of 19 pitches 2014-2019 (plus requirement for an additional 12 households to 2027) but sufficient capacity if turnover is considered. The revised GTAA (2014) is however not yet finalised as providing the baseline for pitch need.
- 6.1.26 **Policy Considerations**  
Feedback from the Examination inspector on the appropriateness of reliance on Core Strategy Policy CS12 and the robustness of the amended GTAA is currently awaited. The updated GTAA, once ratified will provide a robust basis for consideration of planning applications. Nevertheless even where a GTAA does not identify a specific requirement for sites, there remains policy to allow the consideration of applications which come forward on their merits (paragraphs 10 & 22 PPTS). Additionally later revisions to the GTAA (2014) indicate that there may be some additional pitch provision needed.
- 6.1.27 As set out in bullet point 2 of CS12, it is suggested that an application should be supported if it is a suitable proposal located close to Shrewsbury, the Market Towns, key centres and community hubs and clusters. Such a site may be in countryside. There is recognition of the difficulties of providing sites within and directly adjoining settlements and, in interpreting policy CS12, the Type and Affordability of Housing SPD states that, sites may be ‘further outside settlements than would normally be allowed for other developments .....
- 6.1.28 There is no specific requirement in PPTS that gypsy sites should be close to facilities. However, paragraph 11 does require that policies ensure that sites are economically, socially and environmentally sustainable, avoid undue pressure on local infrastructure and ensure that access to health services and attendance at school is facilitated. It is a local policy requirement (bullet point 5,CS12) that sites are ‘reasonably accessible to services and facilities and suitably accessed, designed and screened’. The Type and Affordability of Housing SPD provides additional guidance on the criteria. It should be noted that the last appeal decision at Abdo Farm, Rosehill took a broad view of site sustainability and in this case indicated that ‘proximity to services is not a matter which weighs against this

development having regard to local and national planning policy'(paras 21 -36 )'. Core Strategy Policy CS6 also states that all development should protect, restore, conserve and enhance the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character. Also that development should safeguard residential amenity.

6.1.29 Additionally PPTS paragraph 24 sets other matters which should be given weight to in the consideration of applications, in summary:

- a) Effective use of previously developed, untidy or derelict land
- b) Environmental enhancement
- c) Promotion of healthy lifestyles
- d) Appropriate landscaping

6.1.30 I would also highlight, and reference paragraphs 6.2 to 6.5 of the SPD, that case law, in particular the implications of the Human Rights Act, are also a significant consideration in determination of an application, as is the Equality Act 2010.

6.1.31 **Conclusion**

The site is located in countryside and as with other types of development it is necessary to make an assessment of whether the proposed development can be considered sustainable in the context of NPPF & PPTS. PPTS paragraph 23 states that new traveller sites in open countryside away from settlements should be strictly limited and goes on to set considerations to take into account for sites in rural areas, requiring at paragraph 12 that sites in rural areas are of an appropriate scale. In this case the proposal is relatively small scale in that it is for a single pitch.

6.1.32 Local Policy and evidence, including supply of sites, should also be considered. Although the most recent assessment of accommodation need in the GTAA has yet to be finalised, the currently published GTAA (2014) indicates that there may be a remaining requirement (if turnover is excluded) for additional pitches over the Plan period to 2026. Provision through this application would go towards meeting this need. PPTS (para 10) is also clear that irrespective of identified need it is expected that applications which come forward will be assessed on their merits against local policy criteria which facilitate the traditional way of life of travellers.'

6.1.33 Since submitting the above comments the SAMDev Inspector has confirmed the main modifications to the plan. There has been no additional guidance on gypsy and traveller issues from the Inspector. Thus, as there was no gypsy and traveller policy included in the SAMDev Plan then no modifications are proposed.

6.1.34 The Senior Policy Officer has also clarified that there were outstanding objections to the GTAA and that these have previously been forwarded to the Inspector for consideration. No feedback has been received on the objections or the status of the GTAA, in particular queries over the inclusion of specific sites. Therefore, the Senior Policy Officer is of the view that there is still outstanding need which needs to be met.

6.1.35 In view of the foregoing it is acknowledged that the Council cannot demonstrate a five-year supply of deliverable sites for gypsies and travellers. In so far as policy CS12, and elements of the Housing SPD, relate to the supply of housing, local

policy is therefore considered out-of-date and paragraph 49 of the NPPF is engaged. Paragraph 49 states that:

6.1.36 *‘Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.’*

6.1.37 Paragraph 14 of the NPPF further states that where relevant policies are out of date then permission should be granted unless ‘... any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole ...’

## 6.2 **Previous planning decisions**

6.2.1 Site history - The Parish Council and objectors have referred to the fact that planning permission has previously been refused to develop the land for residential purposes. Particular cases cited are an outline application for a single storey dwelling refused in November 1994 and May 2001, the 1994 decision having also been dismissed on appeal in June 1995. Whilst these decisions are acknowledged, those proposals were considered contrary to the local and national planning policies in force at that time, where the emphasis was one of greater restraint and the only exceptional housing need was for agricultural or forestry workers. The current proposal must be weighed against current planning policy and housing needs and the NPPF’s presumption in favour of sustainable development, all as discussed in Section 6.1 above.

## 6.3 **Gypsy and traveller status and site supply**

6.3.1 Local connections - In support of the application the agent has referred to favourable appeal decision for a gypsy site at Adbo Farm, Rosehill. The appeal was allowed on the 7<sup>th</sup> February 2014 and is material to the consideration of this current application. In that appeal case the Inspector particularly arrived at the view that where an application is not seeking to provide affordable housing then the guidance in PPTS does not require an applicant to demonstrate strong local connections. In this context policies CS5, CS11 and the Council’s Housing SPD are not in accordance with the national guidance. Paragraph 22(e) of PPTS states that Councils should determine applications for sites from any travellers and not just those with local connections. This position has been endorsed in further appeal decision for a gypsy pitch allowed at Shawbury Heath on 26<sup>th</sup> September 2014.

6.3.2 Gypsy status - Annex 1 of the PPTS states: *‘For the purposes of this planning policy “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 or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such’.*

6.3.3 No information has been provided with the application to demonstrate a genuine gypsy status. As submitted it is understood that Mr W Rogerson is the joint owner of the land with Victoria Alison Rogerson. Whilst the address of Victoria Alison Rogerson is given as 26 Kings Drive, Crewe the address of Mr W Rogerson has

not been given, nor has the relationship between the two been provided. Furthermore, it is not specified whether Mr W Rogerson intends to occupy the site himself and whether, if this is the case, that occupation includes other family members. In view of the foregoing and the requirements set out in CS12 and the Housing SPD the agent was requested to provide evidence to demonstrate a genuine gypsy status.

6.3.4 However, the agent has responded that *'In terms of gypsy status, the status is irrelevant as permission runs with the land. The application is for 1 no. gypsy pitch and as such it is accepted that persons defined as gypsy will occupy the site. This is enforced by the inclusion of the Planning Inspectorate's model condition for gypsy site occupation: "The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Traveller Sites."*

6.3.5 Site supply - The agent further highlights that all of the following general material considerations apply to any application for a gypsy site, whoever the applicant, before personal circumstances become relevant as a material consideration:

- *'The unmet need (backlog) for additional pitches in the District, the sub-region, the region and nationally.*
- *The absence of a five-year land supply for additional pitches.*
- *The lack of suitable, acceptable, affordable, available alternative sites.*
- *The ability of the development plan (as adopted) and any emerging process to meet the unmet need for sites, and also to demonstrate a five-year land supply. This will involve a realistic assessment of the LPA's track record of delivery and likely progress of delivering sites through a plan-led process.'*

6.3.6 In both of the appeal cases referred to in paragraph 6.3.1 above the lack of a 5 year land supply of deliverable sites for gypsies and travellers was an issue and the Inspector considered this a significant material consideration in favour of the proposals. It has already been acknowledged that Council cannot demonstrate a 5 year land supply of deliverable gypsy and traveller sites and in this context policy CS12 and the Housing SPD are out of date. Therefore, the application should be determined in accordance with the PPTS and the NPPF. In this regard, it is accepted by officers that the proposal offers a significant benefit of adding to the general pitch provision in the area and further that, bearing this in mind, personal circumstances are not necessary to justify the application at this point in time. In addition there is a lack of alternative sites. All of these matters weigh in favour of the application.

6.3.7 However, if having considered the above Members are of a different view then the agent has indicated that he could provide further additional information regarding personal circumstances of his client but that the Members will have to provide a reasoned planning balance as to why this is considered necessary to bring the application to determination.

## 6.4 **Sustainable location**

6.4.1 Local plan policy, the NPPF and the PPTS all strive towards development that is sustainable socially, economically and environmentally. In terms of location this generally means concentrating growth in areas where residents will have reasonable access to facilities, services, infrastructure and sustainable transport

options to reduce reliance on the car.

- 6.4.2 Objectors are concerned about the location of the site relative to nearby facilities and question the sustainability of the site in this context.
- 6.4.3 In paragraph 23 the PPTS advises that '*Local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure*'.
- 6.4.4 Although located within the hamlet of Barkers Green, the site has an open countryside status for planning purposes and lies outside the development boundary of the market town of Wem. Barkers Green has no acknowledged facilities and services and is served by rural roads with no pavements. It is likely therefore that occupiers would rely on the car to access facilities and services. That said it is accepted that the town centre of Wem is only a short car journey away and in this respect the site is not unreasonably isolated from the services and facilities on offer in the town; including shops, medical facilities and a primary and a secondary school. No evidence has been provided of any capacity issues associated with the infrastructure and facilities to accommodate the potential needs of site occupiers from this small scale of development. Furthermore, in terms of scale it is not considered this one gypsy pitch will dominate the settled community in Barkers Green.
- 6.4.5 Some assessment of sustainable and accessibility is also given in the Senior Policy Officers comments, at 6.1.28 and 6.1.29 above, including the Inspectors broad view of site sustainability in respect of the Adbo Farm appeal decision. In respect of the Shawbury Heath appeal, the application site is considered no less sustainable relative to nearby to facilities and services.
- 6.4.6 In terms of location there is also the issue of social cohesion. Some local residents have expressed objections on the grounds of security for isolated properties. This objection is based of fear rather than evidence. Through the PPTS and the NPPF the government recognises the need to integrate communities to promote understanding and engender a sense of social cohesion over time. The provision of this site within a settled community will lend to that overall objective.
- 6.4.7 Critical Infrastructure provision - On a further note of clarification, policy CS12 sets out that all sites must comply with policy CS9 where appropriate in relation to critical infrastructure provision. The application of this policy requirement of CS9 is not considered appropriate in this case – given that essential infrastructure already exists which will serve the site and the development is small in scale and so will put no undue pressure on this infrastructure.
- 6.5 **Impact on character and appearance**
- 6.5.1 To create sustainable places the NPPF, together with Core Strategy policies CS6 and CS17 seek to achieve an inclusive and accessible environment and to ensure that development is appropriate in scale, density and pattern taking into account the local context and character.



- 6.5.2 Objectors are concerned that the proposal will spoil the look of the locality and be visually damaging. It is acknowledged that the development of the land will change the character and appearance of the site itself and the outlook over the land from nearby properties and the highway. However, the issue is whether that change will be so harmful as outweigh the housing benefit of the proposal. In view of the shortfall in the supply of gypsy sites, paragraph 14 of the NPPF advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 6.5.3 There are no special landscape designations in this location and the land is not within the green belt.
- 6.5.4 The site sits within the hamlet of Barkers Green and once accommodated a cottage, albeit some 50 years ago and so the land does not fall within the definition of previously developed land. The character of the area is that of a loose knit, rural hamlet strung along the line of the rural through road. The proposal would have road frontage and is contained by established boundaries. Although development would not therefore constitute incursion into the open countryside it would consolidate the spatial pattern in this location.
- 6.5.5 The proposed layout of the site is such that the new structures will have roadside presence. This follows the line of built development adjacent at the builders yard and the siting of the historic cottage. It is therefore considered appropriate to position the structures in this location. However, this does mean that the structures will be visible in the locality, especially from the public highway and where the removal of the existing roadside boundary hedge will expose the site further. Nonetheless, this site exposure will be temporary as replacement and additional planting is proposed to screen the site in the longer term and enhance biodiversity. Such landscaping mitigation measures coupled with the single storey scale of the structures will help reduce any visual intrusion. On the matter of scale some objectors are concerned about scale and need for the utility/dayroom. The provision of such a building is common place for occupier health and wellbeing, as referred on in paragraph 1.2 above. The scale of the building is similar to that of a triple garage or stable block often found in a rural location and will be finished in appropriate external materials, ie timber cladding and slate roof.
- 6.5.6 Overall, therefore whilst some harm has been identified it is not considered that the impact of the development on the character and appearance of the area will be so materially harmful as to significantly and demonstrably outweigh the housing benefits.
- 6.6 **Residential amenity**
- 6.6.1 Policy CS6 indicates that development should safeguard residential and local amenity, whilst policy CS12, the Housing SPD and the PPTS refer to the need for suitable screening.
- 6.6.2 Impact on neighbouring residential amenity – The proposal is of a small scale, involves no business use, is sited a sufficient distance away from the nearest neighbouring dwellings and can be adequately screened such that it will not lead to overlooking and overshadowing or otherwise unacceptably affect the residential

amenities of neighbouring properties, including light and noise disturbance.

6.6.3 On a matter of scale, whilst the application is for one gypsy pitch objectors do have concerns that in the future the site could be and developed as a travelling site for more gypsy caravans. This matter can be addressed by imposing suitable conditions, limiting the use of the site to one pitch and restricting the number of caravans and their positioning in accordance with the submitted plans.

6.6.4 Implications for occupier residential amenity – The site itself it of a sufficient size to accommodate the manoeuvring of caravans and parking for users and private amenity space for family, including play space for children.

6.6.5 A concern has been expressed by the parish council over the proximity of the proposed residential caravan to the adjoining builders yard and the potential noise nuisance for occupants from that yard. This matter has been taken up with both the Council's Public Protection Officer and the agent. The Public Protection Officer has visited the site and advised that, although the area is generally quiet there is some noise from vehicle movement on the adjoining builders yard. Therefore, two solutions are recommended: either (i) the relocation of the caravan to a part of the site further away from the noise source, or (ii) the installation of an acoustic barrier bounding the site. Having put both options to the agent, the agent has indicated a willingness to install an acoustic barrier. A condition requiring the prior approval of the barrier can be imposed. With this safeguarding condition in place, it is considered that layout and general living conditions are of an acceptable standard to contribute to the health and well being of the occupiers.

6.6.6 Accordingly it is considered that the proposal satisfies policies in relation to safeguarding the residential amenity of neighbours and occupiers.

## 6.7 **Historic and natural environment**

6.7.1 The NPPF and policy CS17 of the Shropshire Core Strategy also require consideration to be given to the impact of the proposed development on the historic and natural environment.

6.7.2 Archaeology – The application has been screened by the Council's Archaeologist in relation to archaeological potential. Historically the site accommodated a small cottage, probably associated with a common edge smallholding. The cottage has long been demolished. However, as below ground remains of local level significance may survive the site is considered to have low-moderate archaeological potential. In accordance with paragraph 141 of the NPPF, a programme of archaeological work is therefore advised, secured by condition, to comprise an archaeological watching brief during ground works.

6.7.3 Trees – The Council's Tree Officer has commented that the site appears to be overgrown with small self seeded trees of limited amenity and no protected or important trees are to be removed. Furthermore, whilst a section of hedgerow is to be removed for visibility purposes, the hedgerow removal will be mitigated against with replacement native planting.

6.7.4 Ecology – The Councils' Biodiversity Officer has considered the application and is satisfied that the application does not trigger the need for an ecological assessment

and that the site can be developed without adversely impacting on statutorily protected species and habitats or biodiversity. The conditional requirement for the provision of artificial nest boxes and the prior approval of a lighting scheme is recommended to enhance site biodiversity. It also recognised that the landscaping proposals present opportunities for biodiversity enhancement.

6.7.5 Accordingly, the development is considered capable of complying with national and local planning policy requirements set out in the NPPF and Core Strategy Policies CS6 and CS17 in relation to ecology, wildlife and the natural environment.

## 6.8 Highways

6.8.1 Concerns have been raised by local residents regarding the access provision and highway safety issues.

6.8.2 The Council's Highway Officer has been consulted on the application and raised no issues in respect of either the capacity of the local highway to accommodate the likely type and number of traffic movements generated to/from the site or the technical specifications of the proposed access arrangements and highway improvements. The agent has presented the highway improvements as a betterment.

6.8.3 Taking into consideration the views of the Highway Officer, it is considered therefore that the proposals are acceptable on highway grounds and that there are no grounds to refuse permission on this basis.

## 6.9 Drainage

6.9.1 Foul drainage is to be disposed of to a new on-site package treatment plant. Surface water will be disposed to a sustainable drainage system.

6.9.2 Whilst the Council Drainage Engineer originally commented that the final drainage details, plans and calculations could be controlled through appropriately worded conditions of approval, this view was revised in the light of local representation concerning local ground conditions. As a result the agent was requested to provide full drainage details for approval prior to determination. Additional drainage details have subsequently been submitted and the Drainage Engineer has provided confirmation that these details are acceptable.

6.9.3 Like the Drainage Engineer Severn Trent Water originally recommended imposing a condition requiring the prior approval of drainage details. No further comments have been received from STW in response to the re-consultation. On the basis of the professional opinion of the Councils' Drainage Engineer it is accepted by officers that the drainage details now submitted are acceptable.

6.9.4 Notwithstanding the above, some local residents remain convinced that the proposed drainage scheme will not work. The Drainage Engineer has responded to those objector comments as follows:

*'I refer to the residents objection regarding the proposed package sewage treatment plant. Our drainage comments were based on the drainage information provided by the applicant and we do not make site visit. I think*

*the applicant was aware that the ground consisted of clay and if percolation tests were carried out it will give a Vp value of over 100. In accordance with the Building Regulations H2, Paragraph 1.38, if the value of Vp is greater than the 100 limit, an alternative form of secondary treatment (drainage mound) should be provided to treat the effluent from the septic tank or the use of a package sewage treatment plant.*

*On this site, the applicant proposes to use a package sewage treatment plant and a drainage mound which comply with the Building Regulations H2.'*

6.9.5 As such whilst it is acknowledged that there is local concern about drainage problems from developing the site, it is the professional view of the Drainage Officer that the site can be developed with the drainage scheme as proposed and in compliance with policy CS18, the NPPF and the Building Regulations.

6.9.6 On this basis, there is no technical reason to withhold planning permission on drainage grounds.

#### 6.10 **Other**

6.10.1 Objections have been received on the grounds loss of property value. This is not a material planning consideration.

6.10.2 Concerns have also been raised regarding the implications of the access point crossing over water pipes in the verge. This is a private concern to be addressed between the parties, service provider and land owners involved and is not a matter for the Local Planning Authority.

#### 7.0 **CONCLUSION**

7.1 In view of the acknowledged lack an adequate supply of gypsy and traveller sites, the housing supply policies of the development plan are considered out of date in so far as they relate to gypsy and traveller site assessment in principle. As such the proposal falls to be assessed alongside the requirements of national policy contained in the NPPF and the PPTS. In combination these documents set out that the presumption in favour of sustainable development and the need to provide an adequate supply of housing are both significant material considerations for decision making. The proposal will contribute to addressing the shortfall in gypsy and traveller site supply and satisfies a balance of social, economic and environmental credentials. As such the balance of considerations weighs in favour of the application and permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

7.2 The site is considered to occupy a relatively sustainable location and in the assessment of this case officers are satisfied that there is no significant and demonstrable harm that outweigh the housing benefits of the proposal. Any potential harm that has been identified can be adequately addressed through mitigation measures and the imposition of planning conditions, particularly in relation to matters of character and appearance, residential amenity and the natural and historic environment.

7.3 In relation to access and drainage issues these are technical matters which have

been addressed and resolved to the satisfaction of the Councils' professional drainage and highway advisers.

7.4 Accordingly, it is considered that the application proposal complies with requirements of the National Planning Policy Framework (March 2012), the Planning Policy for Traveller Sites (March 2012), and the relevant aspects of adopted planning policies CS5, CS6, CS12, CS17 and CS18 of the Shropshire Core Strategy (March 2011) and the Supplementary Planning Document on the Type and Affordability of Housing (March 2012).

7.5 Accordingly, approval is recommended, subject to conditions.

7.6 In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.

## **8.0 Risk Assessment and Opportunities Appraisal**

### **8.1 Risk Management**

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

### **8.2 Human Rights**

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced

against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

### 8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

### 9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

## 10. Background

### Relevant Planning Policies

#### Central Government Guidance:

National Planning Policy Framework  
Planning Policy for Traveller Sites

#### Core Strategy and Saved Policies:

CS5 - Countryside and Greenbelt  
CS6 - Sustainable Design and Development Principles  
CS9 - Infrastructure Contributions  
CS12 - Gypsies and Traveller Provision  
CS17 - Environmental Networks  
CS18 - Sustainable Water Management  
Supplementary Planning Document on The Type and Affordability of Housing

#### Relevant planning history:

NS/01/00351/OUT Erection of a bungalow with private double garage, formation of vehicular and pedestrian access and closure of existing access REFUSE 31st May 2001  
NS/94/00026/OUT erection of dwelling with septic tank drainage and formation of vehicular access REFUSE 22nd July 1994  
NS/94/00027/out erection of a single storey dwelling with private garage and septic tank drainage and formation of vehicular access REFUSE 2nd November 1994

**11. Additional Information**

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) Cllr M. Price
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Local Member Cllr Pauline Dee Cllr Chris Mellings
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Appendices APPENDIX 1 - Conditions
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## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

3. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of the Planning Policy for Traveller Sites Department for Communities and Local Government March 2012.

Reason: This permission is only granted in view of the exceptional circumstances of the gypsy community within the Local Planning Authority's area at the date of the permission hereby granted.

4. The development hereby permitted is limited to one pitch. No more than one static caravan and one touring caravan, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Act 1968, shall be stationed on the site at any time and no caravans shall be stationed other than in accordance with the approved layout. Any caravans positioned on the site shall also be capable of being lawfully moved on the public highway.

Reason: To safeguard the amenities of the locality.

#### CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

5. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: The development site is known to have archaeological interest and to commence development prior to an appropriate investigation would potentially compromise archaeological interests.

#### CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT



6. An acoustic barrier shall be erected along the south/south westerly boundary of the site where it borders the adjacent commercial site. Prior to installation the design and specification of the barrier shall be submitted to and approved in writing by the Local Planning Authority. The acoustic barrier shall be installed in accordance with the approved details before the development is first occupied.

Reason: To safeguard residential amenities.

7. No work shall commence on the construction of the external walls and roof of the utility/dayroom building and no hard surfacing shall be laid until samples of the external and surfacing materials have been first submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory.

8. The development hereby permitted shall not be first brought into use until the foul and surface water drainage scheme has been completed in accordance with the approved details.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

9. The access, parking and turning areas shall be satisfactorily completed and laid out in accordance with the approved block plan drawing no.14\_653\_003 prior to the residential unit being occupied. The approved parking and turning areas shall thereafter maintained at all times for that purpose.

Reason: To ensure the formation and construction of a satisfactory access and parking facilities in the interests of highway safety.

10. The access apron shall be constructed in accordance with the Council's specification as follows; 20mm thickness of 6 mm aggregate surface course, 40 mm thickness of 20 mm aggregate binder course and 200 mm thickness of MOT type 1 sub-base and shall be fully implemented prior to the dwelling being occupied.

Reason: To ensure the formation and construction of a satisfactory access in the interests of highway safety.

11. The visibility splays shown on the block plan drawing no.14\_653\_003 at both the access and unclassified road junction shall be provided in accordance with the approved details. All growths and structures in front of these lines shall be lowered to and thereafter maintained at carriageway level and shall be fully implemented prior to the residential unit being occupied.

Reason: To provide a measure of visibility from the new access and unclassified road junction in both directions along the highway in the interests of highway safety.

12. All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standard 4428:1989. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

13. A total of 1 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected on the site prior to first occupation of the buildings hereby permitted.

Reason: To ensure the provision of nesting opportunities for wild birds.

14. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK.

Reason: To minimise disturbance to bats, a European Protected Species.

#### **CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**

15. No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

Reason: To safeguard the amenities of the locality.

16. No commercial activities shall take place on the land, including the storage of materials.

Reason: To protect the residential and visual amenities of the area.

17. There shall be no scrap or any other transfer of waste on the site.

Reason: To protect the residential and visual amenities of the area.