

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	PL/5/2011/0384
FULL APPLICATION DESCRIPTION	CARAVAN SITE FOR THE STATIONING OF THREE RESIDENTIAL CARAVANS BY OCCUPATION BY A SINGLE TRAVELLER FAMILY (RETROSPECTIVE)
NAME OF APPLICANT SITE ADDRESS	MISS N COLLINS LAKE LANE, REAR OF MOORE TERRACE, SHOTTON COLLIERY, DH6 2QY
ELECTORAL DIVISION CASE OFFICER	Barry Gavillet 03000261958 dmcentraleast@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

Site:

1. This application site runs alongside and just outside the settlement boundary of Shotton Colliery with the nearest residential properties within the settlement being only 50 metres to the west beyond existing allotment gardens. There are other residential properties approximately 80 metres to the north east, directly to the south of the site another gypsy and travellers site exists which has the benefit of planning permission, to the east there are mainly open fields with the South West Industrial Estate in Peterlee beyond.
2. Vehicular and pedestrian access to the site is from Dene Avenue to the north or via Moore Terrace to the east.

Proposal:

3. This application proposes a caravan site for the stationing of three residential caravans by occupation by a single traveller family. The applicants have stated that they have lived on the site since August 2007, although this cannot be confirmed officers have been aware of the site for some time and have been pursuing a planning application in order to regularise the site, hence this is a retrospective planning application.

4. The site itself measures approximately 1100 square metres and is enclosed on all sides by 1.8 metre high close boarded timber fencing. Access into the site is via double close boarded timber gates which open out onto the unmade track to the west of the site. Within the site there are three caravans along with portable toilets and external water supplies. The ground has been compacted with hardcore and there are random areas of patio paving around the site.
5. The application is being reported to committee at the request of local members.

PLANNING HISTORY

6. None relevant

PLANNING POLICY

NATIONAL POLICY:

7. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
8. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'

The following elements are considered relevant to this proposal:

9. *NPPF Part 4* - states that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
10. *NPPF Part 6* - states that housing applications should be considered in the context of a presumption in favour of sustainable development. Local Planning Authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create inclusive and mixed communities. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, for example where development may support services and facilities in a nearby village.
11. *NPPF Part 7 – Requiring Good Design*. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

12. *NPPF Part 11* - states that the planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.
13. *NPPF Part 12 – Conserving and Enhancing the Historic Environment*. Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA's should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance

Planning Policy for Traveller Sites

14. The Government's planning policy for traveller sites was also published in March 2012 along, and to be read in conjunction with, NPPF. This policy replaces ODPM Circular 04/2006: Planning for Gypsy and Traveller caravan sites.
15. The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.
16. To help achieve the Government's aims in respect of traveller sites the following points are listed;
 - That LPAs should make their own assessment of need, for the purposes of planning and plan for sites over a reasonable timescale
 - To ensure that LPAs working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites
 - That decision making should protect green belt from inappropriate development
 - To promote more private traveller sites
 - That decision taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective
 - To increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply
 - To enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure
 - For local planning authorities to have due regard to the protection of local amenity and local environment
17. Local planning authorities should consider the following issues amongst other relevant matters when considering applications for travellers sites:
 - a) the existing level of local provision and need for sites
 - b) the availability (or lack) of alternative accommodation for the applicant
 - c) other personal circumstances of the applicant
 - d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
 - e) that that they should determine applications for sites from any travellers and not just those with local connections

18. Local planning authorities should strictly limit new traveller site development in the open countryside that is away from existing settlements or outside areas allocated in the development plan. It should be ensured that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing undue pressure on local infrastructure.
19. When considering applications local planning authorities should attach weight to the following matters:
 - a) effective use of previously developed (brownfield), untidy or derelict land
 - b) sites being well planned or soft landscaped in 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
 - 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
20. Local planning authorities should consider how they could overcome planning objections to particular proposals using planning conditions or obligations.

Design of sites for Gypsies and Travellers (CLG guidance 2008)

21. Requires that the following criteria are met in respect of sites for gypsies and travellers:
 - Access from properly surfaced roads
 - Hard standings for caravans and 6m separation distance between occupied caravans
 - Parking space for cars
 - Electricity and drinking water supplies
 - Washing facilities
 - Sewerage disposal
 - Refuse collections
 - Fire extinguishers
 - Boundary treatment

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>

REGIONAL PLAN POLICY:

22. The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.

23. In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when Orders have been made under section 109 of the Localism Act 2011, and weight can now be attached to this intention.
24. Policy 1 - Strategies, plans and programmes should support a renaissance throughout the North East
25. Policy 3 -The RSS recognises that climate change is the single most significant issue that affects global society in the 21st century. Policy 3 will seek to ensure that the location of development, encouraging sustainable forms of transport, encouraging and supporting use of renewable energy sources, and waste management all aids in the reduction of climate change.
26. Policy 4 - National advice and the first RSS for the North East advocated a sequential approach to the identification of sites for development, recognising the need to make the best use of land and optimize the development of previously developed land and buildings in sustainable locations.
27. Policy 7 - Seeks to promote the need to reduce the impact of travel demand particularly by promoting public transport, travel plans, cycling and walking, as well as the need to reduce long distance travel, particularly by private car, by focusing development in urban areas with good access to public transport.
28. Policy 8 - Seeks to promote measures such as high quality design in all development and redevelopment and promoting development that is sympathetic to its surroundings.
29. Policy 11 - States that proposals should support development of a vibrant rural economy whilst protecting the Region's environmental assets from inappropriate development.
30. Policy 24 - Refers to the need to concentrate the majority of the Region's new development within the defined urban areas, and the need to utilise previously developed land wherever possible.
31. Policy 30 - Advises that local authorities should carry out an assessment of the housing needs of gypsies, travelers and show people. Local development Frameworks should then provide the criteria following the plan, monitor and manage and adopt sequential approaches for the provision and release of pitched for the gypsy and travelling communities and, where appropriate, identify locations for these pitches.
32. Policy 31 - States that planning proposals should, sustain nationally, regionally and locally valued landscape

LOCAL PLAN POLICY:

District of Easington Local Plan

33. Policy 1- Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.
34. Policy 3 - Development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other policies.
35. Policy 35 - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
36. Policy 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
37. Policy 37 - The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).
38. Policy 38 - The design and layout of development should have due regard to personal safety and security of property, particularly in hours of darkness.
39. Policy 72 - The development of permanent, temporary or transit accommodation for travellers will not be allowed in the Green Belt, the coastal zone or on visually intrusive sites in the countryside. Consideration will be given to distance to local services, access arrangements and amenity of people living and working in the vicinity.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=7534>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

40. Northumbrian Water – no objections
41. Environment Agency – no objections

INTERNAL CONSULTEE RESPONSES:

42. Planning Policy – no objections. The proposal is in general compliance with the general principles of development as set out in policy 1, 35 and 72.
43. Environmental Health – no objections.
44. Highways Officer – no objections

PUBLIC RESPONSES:

45. The application has been advertised in the local press and through the erection of site notices on and around the site. Neighbour consultation letters have also been sent to adjacent properties.
46. Two letters have been received from nearby residents with regard to the proposals. One of the letters queries whether drainage on the site is sufficient whilst the other comments how the applicants keep the area clean and tidy and free from fly tipping which used to occur.

APPLICANTS STATEMENT:

47. A request has been made for an applicants statement however no response has been received to date.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=115770>

PLANNING CONSIDERATION AND ASSESSMENT

48. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, the main planning considerations are; the principle of the development, impact on visual amenity and the character and appearance of the area, impact on residential amenity, highway safety, proximity of local services and transport links, provision and layout of services and any other matters.

Principle of the Development

49. The Government's Planning Policy for Traveller sites was published in March 2012 along with, and to be read in conjunction with the NPPF. This policy replaced the ODPM Circular 04/2006: Planning for Gypsy and Traveller caravan sites.
50. The Government is seeking to ensure fair and equal treatment for travellers, in a way that facilitates their traditional and nomadic way of life, whilst respecting the interests of the settled community. The Government requires that LPAs should make their own assessment of need for the purposes of planning, and plan for sites over a reasonable timescale to meet need through the identification of land for sites in order to address under provision and maintain an appropriate level of supply. The government is promoting more private traveller sites, and wishes to increase the number of traveller sites in appropriate locations, in which travellers can access services and infrastructure.
51. In July 2007 the 'Gypsy and Travellers Needs Assessment', identified a County Durham wide requirement for 61 additional pitches to offset current shortfall and for a further 37 pitches to accommodate household formation up until 2015. These cannot be provided on existing gypsy sites given the need to upgrade these sites, concluding that between 3-5 small permanent sites (with up to 12 pitched each) should be identified through the Local Plan. However an update to this work is currently ongoing and this would not be finalised in the near future to enable it to influence current planning decisions.

The current situation at the public sites in the County is that there is no spare capacity and the rate of turnover is generally low. It has been recognised at appeal that there is a demonstrable unmet need in the county.

52. The County Durham Plan Preferred Options suggests that work on a Gypsy and Traveller Development Plan Document will commence in 2012, although no adoption date is set. It is understood that this document is likely to deal with sites which can accommodate in excess of 15 pitches.
53. The site is not located in the green belt, although is located within the open countryside of which new traveller sites, away from settlements should be strictly limited. In this respect though, the government highlights its primary concern as the importance of ensuring that the scale of such sites does not dominate the nearest settlement. Policy 3 of the Local Plan seeks to prevent development in the countryside, other than that allowed through other policies. Policy 72 seeks to restrict sites in the countryside that are visually intrusive and policy 1 requires development to be located within the settlement boundaries.
54. It is noted that the Government's Traveller Policy does not prevent the provision of sites in the open countryside, per se, nor does the Local Plan policy prevent sites that are *not* visually intrusive. Nevertheless, clearly there is a strong presumption in favour of the continued protection of the open countryside.
55. A key consideration in the determination of this application is weighting the protection given to safeguarding the intrinsic qualities of the countryside whilst also promoting social inclusion and recognising the needs of all groups of society. In this respect Paragraphs 50 and 51 of the NPPF require that everyone should have the opportunity to live in a community where they want to live, a wide choice of high quality homes that people want and need should be delivered and the creation of sustainable, inclusive and mixed communities is encouraged
56. Firstly it must be recognised that the Local Plan fails to identify suitable locations for Gypsy-Traveller sites, in line with the requirements of National Planning Guidance. The unmet need for sites and unmet provision across the County along with no solid plan direction, coupled with the Governments requirements for the provision of more private sites is a substantial material consideration in assessing this proposal.
57. Having identified the need requirement for a site and the importance attached to providing these to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure, any site to come forward must be appropriate in terms of its compatibility with other planning issues. In particular due regard must be given to the protection of local amenity, the local environment and landscape, highway safety and in respect of the location of the site in terms of its proximity of local services and transport links.
58. Although the proposal would be in conflict with policy 3 of the Easington Local Plan the principle of development is broadly supported by the recent and more up to date policy 50 of the NPPF and Policy H of the CLG document- Planning Policy for Traveller Sites. It is therefore considered that only limited weight can be afforded to policy 3 of the Easington Local Plan. In the circumstances, it is considered that the principle of the development is acceptable.

Impact upon Visual Amenity and the Character and Appearance of the Area

59. Policy 35 requires that development should reflect the scale and character of adjacent buildings and the area generally, provide adequate open space, appropriate landscape features and screening, and not be visually intrusive. Policy 1 reflects this in that development should be of a high standard of design and landscaping which relates well to the natural and built features of the site, the surrounding area and adjacent land uses. National guidance expects due regard to be had to the protection of the local environment.
60. The application site is located adjacent an existing gypsy and travellers site and close to existing dwellings and allotment gardens. Although technically in the countryside, the surrounding area has an urban character and is surrounded by various buildings and means of enclosure. On this basis, it is not considered that the existing fencing and caravans within the application site appear out of context with the surrounding area and therefore have no adverse impact.
61. Given the location of the proposal and its surroundings it is not considered that the proposed development results in a harmful impact to the locality in landscape and visual terms, thus not having a degree of prominence that would appear incongruous in its setting and therefore does not conflict with policies 1, 35 and 72 of the Local Plan.

Impact on Residential Amenity

62. Policies 1, 35 and 72 of the Easington Local Plan aim to safeguard the general amenity of people living and working within the vicinity of the site and the existing use of adjacent land or buildings in terms of privacy, visual intrusion, noise or other pollutants.
63. Given the distance between the application site and the surrounding residential properties, and that the single storey caravans within the application site are well screened by the close boarded timber fencing which encloses the site, it is not considered that there are any adverse impacts on surrounding occupiers. This is reflected in the fact that there have been no objections from residents on this basis and no known issues of this nature since the traveller family have occupied the site.
64. In respect of amenity, the application is considered to comply with the requirements of policies 1, 35 and 72 of the Easington Local Plan as well as paragraph 12.3 of the NPPF. This policy seeks to mitigate and reduce to a minimum, adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions. It also seeks to protect areas of tranquillity which have remained undisturbed by noise. Given the existing properties, buildings and uses located within the immediate vicinity of the site it is not considered the site would fall into this description.

Highway Safety

65. The Highways Officer has no objections to the proposals in terms of access or parking provision. It is considered that there is satisfactory space within the development for the parking of vehicles as required by policy 37 of the Local Plan. In addition, the application site is located very close to the built up settlement of Shotton

Proximity of Local services and Transport Links.

66. A well established key objective of planning policy carried through into the NPPF is to achieve a sustainable form and pattern of development which prioritises directing new development to existing main settlements to ensure access to and support for services and to reduce the need to travel by linking development to key facilities and services. Paragraph 55 requires that new homes in rural locations should be located close to facilities as far as possible.
67. The application site is located on the edge of Shotton which provides an adequate range of community services and facilities including shops, schools, transport links and health services. It is therefore considered the development accords with the requirements of policy 72 of the Local Plan and paragraph 55 of the NPPF, in this respect.

Provision and Layout of Services.

68. Neither Northumbrian Water nor the Environment Agency have raised objections to the proposals.

Human Rights

69. Human Rights legislation provides for the 'right to respect for private and family life' (Article 8 of the Human Rights Convention). That right is not absolute, however, but qualified and the Local Planning Authority is consequently legitimately able to take into account other factors in determining whether to grant or refuse planning permission. Any decision however must be 'necessary and proportionate'. Generally this means the Local Planning Authority must balance the public interest against the applicant's personal circumstances.
70. Consequently it is concluded that the applicants' personal circumstances have been considered and weighed against the public interest. Planning policy generally aims to protect the interests of the public and therefore as the proposals have been assessed and justified against relevant local and national planning policies, a properly balanced opinion has been made.

CONCLUSION

71. The consideration of this proposal is a matter of balance between the aims of the development plan weighed against the Governments Planning Policy for Travellers. Whilst proposals should be determined in accordance with the Development Plan, the NPPF and the Governments Planning Policy for Traveller Sites sets out more up to date guidance which takes precedence in this instance.
72. The application is for one pitch involving three caravans for use by a traveller family, a group protected by the Race Relations Act, and afforded rights relating to provision of accommodation sites under the Governments Planning Policy for Traveller Sites.

73. There is a need for approximately 60 sites for Gypsies and Travellers within Durham County. There is no capacity at other sites within the County. There are no current plans for new Council sites and a development plan document regarding site allocation is not expected until mid 2014 at the very earliest. This need carries significant weight in line with the Governments Planning Policy for Travellers. The policy encourages the provision of private sites in appropriate locations.
74. The personal needs of the applicant attract significant weight. Access to healthcare and education is easier from a settled location. There are no allocated Traveller sites available in County Durham and no prospect of sites being allocated in the near future
75. The site is directly adjacent to the settlement of Shotton and would benefit from its services and facilities such as schools, health care, shops and public transport links. The site can be served by adequate provision of essential services.
76. There is no undue harm to highway safety as a result of the development ensuring compliance with the relevant policy to the satisfaction of Highway Officers.
77. It is considered that, subject to mitigating conditions the proposed development would not significantly adversely affect the amenity and living conditions of adjacent residential occupiers.
78. The proposed development does not impact on wildlife or protected species.
79. It is not considered that the proposed development would result in a harmful impact to the locality in landscape and visual terms, therefore not having a degree of prominence that would appear unduly incongruous in its setting such as to conflict with policies 1, 35 and 72 of the Local Plan.
80. Subject to the suggested conditions it is considered that the development is acceptable.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions;

1. This permission does not authorise the use of the land as a caravan site by any persons other than gypsies and travellers, as defined in 'Annex 1: Glossary of the Planning Policy for Traveller Sites (CLG 2012)'
Reason: In order to control the use of the site in accordance with Annex 1: Glossary of the Planning Policy for Traveller Sites (CLG 2012)
2. No more than three caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any one time.
Reason: In the interests of the amenity of the area in accordance with policies 1, 35 and 72 of the Easington Local Plan.

REASONS FOR THE RECOMMENDATION

1. The development was considered acceptable having regard to the following development plan policies:

DISTRICT OF EASINGTON LOCAL PLAN
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ENV03 - Protection of the Countryside
ENV35 - Environmental Design: Impact of Development
ENV36 - Design for Access and the Means of Travel
ENV37 - Design for Parking
ENV38 - Designing Out Crime
GEN01 - General Principles of Development
HOU72 - Control of sites for travellers

NATIONAL PLANNING POLICY FRAMEWORK

NPPF Part 11 - Conserving and Enhancing the Natural Environment.

NATIONAL PLANNING POLICY FRAMEWORK
NATIONAL PLANNING POLICY FRAMEWORK

NPPF Part 4 - Promoting Sustainable Transport
NPPF Part 6 - Delivering a Wide Choice of High Quality Homes.

NATIONAL PLANNING POLICY FRAMEWORK

NPPF Part 7 - Requiring Good Design.

REGIONAL SPATIAL STRATEGY
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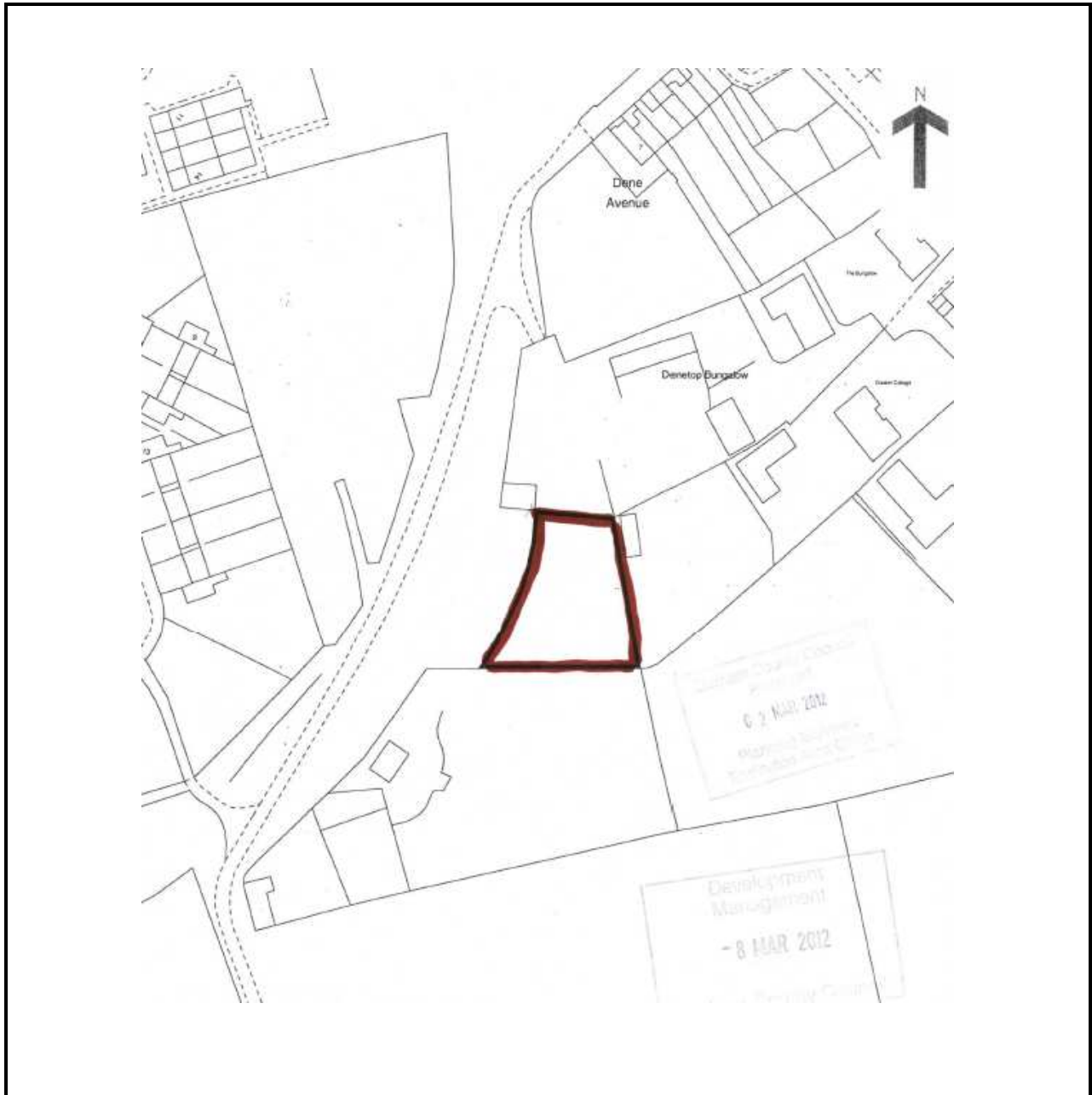
Policy 1 - (North East Renaissance)
Policy 11 - Rural Areas
Policy 24 - (Delivering Sustainable Communities)
Policy 3 - (Climate Change)
Policy 30 - Improving Inclusivity and Affordability
Policy 31 - Landscape Character
Policy 4 - (Sequential Approach)
Policy 7 - (Connectivity and Accessibility)
Policy 8 - (Protecting and Enhancing the Environment)

In particular the development was considered acceptable having regard to guidance contained within the National Planning Policy Framework, Planning Policy for Gypsy Sites, relevant RSS policies, and Policies of the Easington Local Plan.

The development was also considered acceptable having regard to consideration of the main issues of the principle and location of the development, its visual and landscape impact, impact on highway safety, impact on ecology and the amenity of adjacent occupants and uses.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting Design and Access Statement
National Planning Policy Framework
Government Planning Policy for Traveller Sites
Design of sites for Gypsies and Travellers (CLG guidance 2008)
North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
District of Easington Local Plan
Consultation Responses



Planning Services

Proposed CARAVAN SITE FOR THE STATIONING OF THREE RESIDENTIAL CARAVANS BY OCCUPATION BY A SINGLE TRAVELLER FAMILY (RETROSPECTIVE)

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Comments

Date July 2012

Scale