

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	PL/5/2010/0581
FULL APPLICATION DESCRIPTION	VARIATION OF CONDITION NO. 2 OF PLANNING PERMISSION REF NO: PLAN/2007/0536 FOR CHANGE OF USE TO MIXED USE AS STABLE YARD(AUTHORISED) AND CARAVAN SITE FOR STATIONING OF THREE RESIDENTIAL CARAVANS WITH ASSOCIATED WORKS(SURFACING OF YARD, REPAIRS TO BOUNDARY WALL/FENCING) FOR OCCUPATION BY SINGLE TRAVELLER FAMILY
NAME OF APPLICANT	MR AND MRS T J COLLINS
SITE ADDRESS	LAKE LANE STABLES, MOORE TERRACE, SHOTTON COLLIERY
ELECTORAL DIVISION	SHOTTON
CASE OFFICER	Grant Folley 0191 5274322 grant.folley@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

Site:

- 1 The application relates to a walled compound situated to the south of Shotton. Three caravans are currently sited on this land with associated portable W.C. structures and original buildings linked to the previous use of the land for stables. Vehicular access is gained from Dene Avenue to the north.
- 2 The application site is situated outside the settlement boundary as identified in the District of Easington Local Plan, and is unallocated for any specific land use or development. Therefore, the site is considered to be situated in the countryside.

Proposal:

- 3 Removal of condition 2 of Approval PLAN/2007/0536 is sought. The condition originally only allowed for the use of the site by the applicants family for a period of three years. Permission is now sought for the use of the site by a Gypsy-Travellers family on a permanent basis.
- 4 The three caravans are situated within the existing walled compound, and they provide accommodation for the applicant's family.
- 5 Information has been provided by the agent for the application in relation to the applicants' family status as Irish Travellers, an ethnic group afforded protection under the Race Relations Act. It is argued by the agent for the application that the family's status as Irish Travellers, coupled with the lack of allocated sites for such persons, is justification for the retention of the three caravans on the application site.
- 6 The application is reported to Committee as it is of particular interest to local County Councillors.

PLANNING HISTORY

97/112 – Stables – Refused 17.04.97

97/560 – Stable and Fish Pond – Refused 22.01.98

00/154 – Stable – Approved 29.06.2000

PLAN/2007/0383 – Siting of 3 no. Residential Caravans – Refused

PLAN/2007/0536- Siting of 3 no. Residential Caravans- Approved (temporary permission for three years)

PLANNING POLICY

7 NATIONAL POLICY:

Planning Policy Statement 1: Delivering Sustainable Development sets out the Governments overarching planning policies on the delivery of sustainable development through the planning System.

Planning Policy Statement 3: Housing (PPS3) underpins the delivery of the Government's strategic housing policy objectives and our goal to ensure that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live.

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>

8 REGIONAL POLICY:

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.

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 the forthcoming Local Government Bill becomes law, and it is a matter for each Planning Authority to decide how much weight can now be attached to this intention.

9 LOCAL PLAN POLICY:

District of Easington Local Plan

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.

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.

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.

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

10 STATUTORY RESPONSES:

Parish Council- Was consulted on 4 January 2011. No response received.

Northumbria Water- raises no objections

Ramblers Association- no response received

11 INTERNAL CONSULTEE RESPONSES:

Public Rights of Way - raises no objections

Highways Section- raises no objections subject to the applicant utilising the Dene Terrace/ Dene Avenue access point.

Planning Policy- raises no objections subject to a limitation on the numbers of caravan utilising the site.

Environmental Health Section- raises no objections

Asset and Property Management- no response received

East Durham Homes- no response received

Traveller Liaison Manager- no response received

12 PUBLIC RESPONSES:

The application was advertised by means of a Site and Press Notice as the proposal affects a Public Right of Way. A further 8 letters of notification were sent to interested parties. No letters of representation have been received in respect of the above development.

13 APPLICANTS STATEMENT:

The applicants have a genuine need for a site. They have strong local connections to the area. The applicant's Gypsy-Traveller status adds a very special dimension to this case. It permits exceptions to be considered on account of the need to facilitate this way of life, because they are a special housing need for which provision has not been made, and because local authorities appear to struggle to find and identify sites within settlement boundaries.

There are material considerations in support of this development. In my opinion there exists very strong justification in support of this application to renew consent on a permanent basis and without any personal occupancy restriction. As there are no plans at present to prepare any site allocation DPD and as the site complies with policy, there is no reason why permanent consent should not be granted with suitable conditions restricting occupation to persons with Gypsy-Traveller Status and a further temporary condition is neither reasonable or necessary. It would therefore fail to comply with the test in Circular 11/95.

As the proposal complies with policy, as there is significant need for more sites in this area and as the case relies on the need to address this shortfall and does not rely on the personal circumstance of the site occupants, there is no justification to restrict occupation to named site residents. Condition 1 which limits occupation to any person with Gypsy-Traveller status in accordance with Para 14 of circular 01/2006 provides adequate and sufficient control over occupancy in accordance with the model conditions on the Planning Inspectorate website.

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=112091>. Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below

PLANNING CONSIDERATION AND ASSESSMENT

The application site is located to the south of Shotton village, and is situated outside the existing settlement limits as identified in the saved District of Easington Local Plan. The application site is therefore considered to be in the countryside.

Variation of Condition No.2 of planning approval PLAN/2007/0536 is sought for the retention of three residential caravans on the site including associated development. The agent for the application has argued that the retention of the three caravans is justified due to the applicants' Irish Travellers status.

The main issues to consider in determining this application are:

- ❖ National Planning Guidance
- ❖ Saved District of Easington Local Plan Policies
- ❖ Highway Safety

14 National Planning Guidance

Circular 1/2006 contains the most up to date guidance on Gypsy policy and as such carries considerable weight in determining planning applications. The Circular makes clear that areas of countryside not otherwise designated will be appropriate in principle for Gypsy sites and sites on the outskirts of settlements are regarded as acceptable. The general aims of the circular are to increase the number of sites for Gypsy-Travellers by 2009-11.

The information provided by the agent for the application relating to the applicants' family status as Irish Travellers is accepted by the Local Planning Authority, as such it is considered that the proposal to site the three residential caravans on this site accords with the advice contained within Circular 1/2006.

15 Saved District of Easington Local Plan Policies

The relevant local plan policy in assessing this application is Policy 72, which deals with the control of sites for travellers. The policy states that sites for travellers will not be allowed in the green belt, coastal zone, or on visually intrusive sites in the countryside. The Local Plan Policy does, however, allow for sites outside established settlement boundaries providing that: the site is within reasonable distance of local facilities; suitable access can be provided; and, the proposed use would have no detrimental effects on the amenity of people living or working in the vicinity of the site.

With regard to the positioning of the site adjacent to the established settlement boundary for Shotton, it is accepted that the site is within a reasonable distance of local facilities and as such is in keeping with the relevant development plan policy.

The need for additional traveller sites across Durham was found to be significant in a Gypsy and Traveller Accommodation Assessment (GTAA) carried out by White, Young and Green, which informed the 2008 Regional Spatial Strategy. A subsequent County Durham sub-regional study also confirms that there is an urgent need for new sites in the county. At the time of the original temporary permission in 2007 there were no available, suitable sites on which to accommodate the Collins Family and this remains the case.

With regard to whether or not a permanent permission would be acceptable, Circular 1:2006: Planning for Gypsy and Traveller Caravan Sites states that a temporary permission should be granted where there is a reasonable expectation that new sites are likely to become available at the end of that temporary period in the area, which will meet that need. In this case the scheduled date of adoption of a Gypsy and Traveller Development Plan Document for the council is not until 2014, and there would therefore be justification for the variation in the condition to a permanent permission.

The original consent only allowed the site to be used by the Collins Family. Alongside allowing the permanent use of the site the current application also seeks to remove this restriction. As stated previously there is an accepted need for new Gypsy-Traveller sites in the County, as such there is not considered any requirement to restrict the site to use by specific residents. Conditions to ensure the use of the site by Gypsy-Travellers only and to limit the numbers of caravans and activities allowed on site would adequately control the use of the site in the interests of amenity. The site is considered to represent an acceptable

location for the use proposed. The application relates to an existing walled compound and as such the caravans sited on the land are not considered to be visually intrusive.

No letters of representation have been received in relation to this application, and as such subject to the suggested conditions it is considered that any adverse effects that the proposed use may have on adjacent occupants can be controlled.

16 Highway Safety

Highways Authority officers have raised no objections to the proposed development as long as access is provided from Dene Avenue and not Moore Terrace. It is suggested that if planning permission is granted a suitable planning condition is used to ensure this is the case.

CONCLUSION

- 17 In conclusion it is considered that the retention of the three residential caravans on this land is in keeping with the relevant development plan policies. The site is currently occupied by a family of Irish Travellers, a group protected by the Race Relations Act, and afforded rights relating to provision of accommodation sites under circular 01/2006.
- 18 Subject to the suggested conditions it is considered that the future use of the site can be controlled and the amenity of adjacent occupants protected. By allowing permanent permission for the Travellers' site it is not considered that any precedent for future permanent residential development of this site is being established and it is recommended that planning permission be granted with regard to the special circumstances relating to this case.

RECOMMENDATION

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

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. This permission does not authorise use of the land as a caravan site by any persons other than gypsies and travellers, as defined in paragraph 15 of ODPM Circular 01/2006.
Reason: The Local planning authority would not be prepared to permit siting of a caravan on this site unconnected with gypsies or travellers in accordance with PPS 7.
3. No more than 3 no. 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 time.
Reason: In the interests of public amenity in accordance with policy 35 of the District of Easington Local Plan.

4. No commercial activities shall take place on the land, including the storage of materials.
Reason: In the interests of public amenity in accordance with policy 35 of the District of Easington Local Plan.
5. There shall be no means of vehicular access to the development hereby permitted from Moore Terrace.
Reason: In the interests of highway safety and to comply with saved policy 36 of the District of Easington Local Plan.

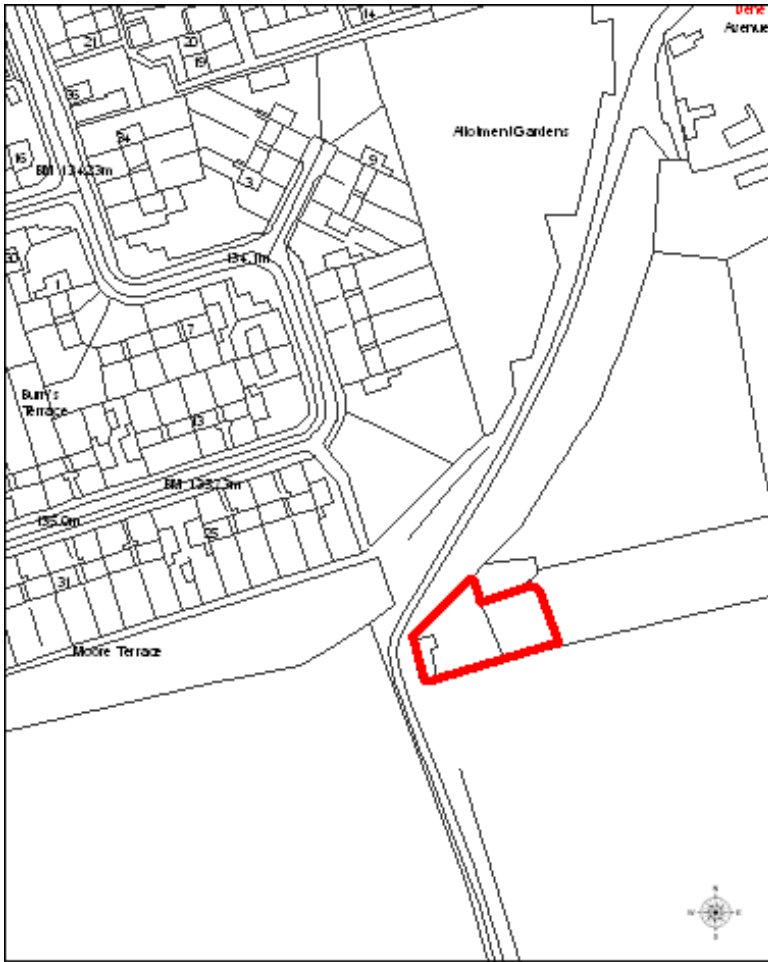
REASONS FOR THE RECOMMENDATION

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

DISTRICT OF EASINGTON LOCAL PLAN	ENV03 - Protection of the Countryside
DISTRICT OF EASINGTON LOCAL PLAN	ENV35 - Environmental Design: Impact of Development
DISTRICT OF EASINGTON LOCAL PLAN	GEN01 - General Principles of Development
DISTRICT OF EASINGTON LOCAL PLAN	HOU72 - Control of sites for travellers
PLANNING POLICY STATEMENT/GUIDANCE	PPS1 - Delivering Sustainable Development
PLANNING POLICY STATEMENT/GUIDANCE	PPS3 - Housing
2. In particular the development was considered acceptable having regard to consideration of issues of planning policy, amenity of adjacent occupiers and the special circumstances of the family involved.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- District of Easington Local Plan 2001
- Planning Policy Statements / Guidance, PPS1, PPG2, PPS3, PPS7, PPS9, PPS13, PPG15, PPG16
- Consultation Responses



Scale: 1:1,250