

Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER: 3B

APPLICATION DETAILS

APPLICATION NO: 7/2010/0348/DM
FULL APPLICATION DESCRIPTION: Change of use from agricultural land to travellers site for two caravans and associated vehicle parking
NAME OF APPLICANT: Mrs Norma Price
ADDRESS: Field at Salters Lane, Trimdon, Co Durham
ELECTORAL DIVISION: Trimdon
CASE OFFICER: Mark O'Sullivan
Tel. 01388 816166
Email. mark.o'sullivan@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. Planning permission is sought to change the use of existing agricultural land to a travellers site on land to the east of Salters Lane, Trimdon. If approved, this site would contain 2no. mobile homes with an associated vehicle park hardstanding area.
2. The application site occupies a rural location 300 metres to the north of Trimdon Village, and 700 metres to the south of the Trimdon Grange. Access to the site is by way of an existing, unsurfaced farm track from Salters Lane, approximately 130 metres to the west. The nearest residential property is an isolated dwelling approximately 250 metres away to the south west.
3. This site is located on a relatively steep hillside falling away to the north where it is crossed by the river Skerne, some 170 metres away. A number of small agricultural developments lie in the valley bottom. A large barn has recently been erected immediately adjacent to the application site, although this structure has been erected without any form of planning consent. The application site lies within the curtilage of this building although the identified site boundary excludes this adjacent development.
4. The application would normally be determined under the Officer scheme of delegation but has been referred to committee at the request of two local members who are concerned about:
 - Highway safety,
 - Degradation of land previously used for agriculture,
 - Allowing residential development outside the boundary of the village,
 - Lack of access to amenities and sanitation,
 - Previous non-compliance with planning rules by the applicant,
 - The amount of public interest/concern about the application,
 - Whether this particular location is suitable for change of use from agriculture to residential,

PLANNING HISTORY

5.

- 7/2010/0168/DM (Change of use from agricultural land to travellers site for two caravans with associated vehicle parking) – WITHDRAWN.
Concerns raised over the extent of application site which included a recently constructed barn structure which did not benefit from planning consent. Applicant was advised to remove this element from the application site boundary.
- 7/2009/0380/DM (Erection of general purpose building) – INCORRECT APPLICATION FORMS SUBMITTED. RETROSPECTIVE PLANNING APPLICATION TO BE SUBMITTED IN THE NEAR FUTURE.

PLANNING POLICY

6.

NATIONAL POLICY:

- **Planning Policy Statement 1 (*Delivering Sustainable Development*)** sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.
- **Planning Policy Statement 3 (*Housing*)** recognises the importance of achieving a mix of housing, taking into consideration the accommodation requirements of specific groups, and the diverse range of requirements, including the need to accommodate gypsies and travellers.
- **Planning Policy Statement 7 (*Sustainable development in rural areas*)** establishes key principles for achieving sustainable development in rural areas through strictly controlling new residential uses in protecting the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all.
- **Planning Policy Statement 23 (*Planning and pollution control*)** seeks to ensure that when determining planning applications, consideration is given to the quality of land, air or water and potential impacts arising from development, possibly leading to impacts on health.
- **Circular 01/06 (ODPM) (*Planning for Gypsy and Traveller caravan sites*)** seeks to create and support sustainable, respectful, and inclusive communities where gypsies and travellers have fair access to suitable accommodation, education, health and welfare provision.

7.

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 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 Secretary of State for Communities and Local Government 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. The RSS therefore remains part of the development plan until such time as it is formally revoked through the Localism Bill. This will not be until later in 2011. Regional policies relevant to the determination of this application are:

- **Policy 30 (*Improving inclusivity and affordability*)** advises that Local Authorities should carry out an assessment of the housing needs of gypsies, travellers 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 pitches for the gypsy, travelling and show people communities and, where appropriate, identify locations for these pitches.

8.

LOCAL PLAN POLICY (SEDFIELD BOROUGH LOCAL PLAN):

- **Policy D1 (*General principles for the layout and design of new developments*)** requires the layout and design of all new developments to take account of the site's relationship to adjacent land uses and activities. Where necessary, satisfactory landscaping should also be incorporated in the design and layout of the site, whilst accommodating the needs and users of the development and providing satisfactory and safe provision for pedestrians and the private car.
- **Policy D2 (*Design for people*)** requires that the users of a development should be taken into account, with particular attention given to personal safety and security of property (particularly at night), and the access needs of users.
- **Policy D3 (*Design for access*)** requires that development should make satisfactory and safe provision for pedestrians, cyclists, public transport and other vehicles, ensuring a satisfactory means of access, manoeuvring, turning and parking space for the number and type of vehicles using the development, with effective access at all times for emergency vehicles.
- **Policy H23 (*Accommodation for gypsies and travellers*)** requires that planning permission be granted for permanent, temporary or transit accommodation for gypsies and travellers subject to locational criteria where the site can be supplied with essential services, and within a reasonable distance of local facilities, where there is no adverse affect on the character of the landscape, residential amenity or highway safety, and where site screening and the safety/privacy of occupants and visitors are carefully considered.

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 www.durham.gov.uk.

CONSULTATION AND PUBLICITY RESPONSES

9.

EXTERNAL/STATUTORY RESPONSES

- **Trimdon Parish Council** request this application be referred to the Planning Committee for determination. The Parish Council do not consider that the site is appropriate given access difficulties which will become worse should people permanently reside on this site. The Parish Council also indicates that there are local objectors who will wish to make their own case for this application to be rejected.
- **Northumbrian Water Ltd** have raised no objections to this proposal.
- **The Environment Agency** initially objected to the proposal because it involves the use of a non-mains foul drainage system, but no assessment of the risks of pollution to ground and surface water had been provided by the applicant. The applicant has since completed the appropriate assessment forms, and the Environment Agency has confirmed the withdrawal of their objection.
- **The Ramblers Association** has raised no objections to this proposal.

10.

INTERNAL CONSULTEES

- **Durham County Council Planning Policy Team** – Offer no objections to this proposal. Circular 01/2006 advises that a temporary permission may be justified where there is unmet need but no available alternative gypsy and traveller site provision in an area. Where there is a reasonable expectation that new sites are likely to become available at the end of that period in the area which will meet that need, Local Planning Authorities should give consideration to granting a temporary permission. Given the identified unmet demand, this provides justification to allow a temporary permission provided that the key issues relating to be the adequacy of the access and traffic generation and impact on residential amenity and the surrounding area are acceptable.

- **Durham County Council Arboriculture Officer** – Initial concerns raised over impact on nearby trees. It has been established, however, that tree roots may already have been damaged as a result of previous engineering operations on this site. It has been concluded that the current proposal would be unlikely to have any further impact upon the trees. No further arboricultural information is now required.
- **Durham County Council Highways Engineer** – No objections. The site already benefits from a good standard of access onto Salters Lane, with an acceptable junction site visibility of 2.4 x 160m to the south. Any approval should be carefully conditioned to ensure the creation of an equally acceptable junction visibility of 2.4 x 160m splay to the north, with existing roadside vegetation in this direction to be cut back.
- **Durham County Council Ecology** – No objections on ecological grounds. Any approval must be subject to a nesting birds informative. Should any great crested newts be discovered at any stage of development, then works must stop immediately and urgent advice sought.
- **Durham County Council Police Architectural Liaison Officer** – No objections,
- **Durham County Council Public Rights of Way Officer** – No objections,
- **Durham County Councils Environmental Health Officer** - Has not commented on this application.
- **Durham County Council Traveller's Liaison officer** – Points out that despite the high level of permanent pitch provision in County Durham, there is still a significant shortage of available pitches. This is exacerbated by a lack of permanent sites regionally. At present the six sites provided by the County Council are almost permanently full, and this contributes to the number of unauthorised encampments. By choosing this small yard, the applicants are providing appropriate accommodation for their circumstances and which also meets some of the need identified in the Gypsy and Traveller Accommodation and Support Needs Assessment. The family made the request to the Travellers Liaison service for support with this matter so they could be signposted to appropriate services to help with their application.

Concerns have been raised by this officer with regards to the application description which may lead members of the public to believe the site is to have a higher number of caravans and more than one individual family living on the area. The application description however clearly states that 2no. caravans would be located on this site. The applicant's agent also makes it clear within the submitted application that this site is to be used for one family of travellers who are related to the owner of the land. Any future increase in the number of caravans would constitute a breach of planning control with the potential for enforcement action to be taken if considered expedient.

- **Durham County Council Landscape Architect** has recommended that, if approved, a number of conditions be imposed relating to a suitable landscaping scheme being approved within an agreed timeframe and implementation of landscaping before mobile homes are installed on site. Site screening is extremely important and this should be improved, with supplementary planting required to succeed the damaged trees.

11.

PUBLIC RESPONSES

- As part of the consultation and publicity exercise for this application, an extensive publicity exercise was carried out including sending letters to local residents and placing 3no. site notices in key locations surrounding the application site. 265no. individual letters of objection have been received in response to this application, and the principal areas of concern together with a brief comment on each issue is outlined below:
 - **Highway safety/access**
Durham County Council' Highway Engineers have carefully considered this aspect of the proposal and have raised no objections to the use of this access as described, subject to improvements to the junction site visibility splay.

- **Conflict with adopted Sedgefield Borough Local Plan policy**
In considering the planning merits of this application, careful consideration is to be given to adopted Sedgefield Borough Local Plan policies as well as all other relevant material planning considerations.
- **Proximity of alternative sites nearby**
The need to identify suitable sites is a key consideration and this issue is addressed at length under the planning considerations section of this report.
- **Waste disposal/water supply/sewage**
Provision of essential services is a key material consideration in the determination of this application. Potential pollution threats resulting from the use of this site have also been carefully considered with appropriate statutory consultees having been given an opportunity to comment on this application.
- **Precedent**
Each case needs to be considered on its own individual merits and in light of the information submitted. Should approval be granted for this application, any future development on this site will need to be considered under a separate planning application and reassessed in accordance with adopted planning policies and planning legislation.
- **Impact on Countryside/rural setting and nearby villages**
The impact that the proposal will have upon the surrounding landscape and the surrounding villages is addressed under the planning considerations section of this report.
- **Impact on property values**
Impact on property value is not a material planning consideration which can be considered in the determination of this planning application.
- **Fear of a rise in crime**
The fear of crime is capable of being a material planning consideration. However, the courts have held that the fear and concerns must have some reasonable basis, and that the object of that fear and concern must be the use of the land and not just assumptions about the behaviour of future occupants.

A brief résumé of the objections is provided in the appendix to this report.

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://www.durham.gov.uk>. Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below.

APPLICANT'S STATEMENT

12.

Neither the applicant nor the agent have provided any additional information in support of this current application. The only statement which is provided is confirmation that this proposal will only use part of a field to be used for one family of travellers who are related to the owner (Mrs Rose Boulton).

As part of the previously withdrawn application for this site, the applicant's agent did submit a 'Design and Access Statement' in support of the application. Key points raised within this previously submitted statement include:

- Permission is sought for 2no. mobile homes for 1no. gypsy family, providing somewhere to settle down,
- Mr and Mrs Price have 2 sons and 4 daughters who would occupy this site,
- Children would go to the nearby school,
- The use of this small site would cause no problems to the people in the surrounding villages,
- Mobile homes will be well screened,
- There has been no need for local community involvement or members involvement owing to the small scale of the proposal,
- The planning proposal in its current form is a distillation of the evaluation of all local and relevant information gathered in preparation for an application,
- The design of the scheme is informed by the physical, social and economic factors involved

together with relevant policies and other community objectives,

- The site will be freely available for access by all members of the community including disabled access

The applicant's agent also wishes the planning department to take note of the 250+ letters of support which were submitted as part of the previous application for this site (*planning ref: 7/2010/0348/DM*). This earlier application differed from this current application in that it involved a larger site which also included a barn which was under construction. Owing to complexities surrounding this larger site and the adjacent development, this application was withdrawn. This current application now covers a smaller site boundary, excluding the aforementioned barn which will be considered under a separate retrospective planning application which is to be submitted in the near future. The agent argues "the principles behind the letters of support for the previous application remain as relevant and strong as for this application."

PLANNING CONSIDERATIONS AND ASSESSMENT

13. In assessing this proposal against the requirements of the aforementioned planning policies, and having regard to all material planning considerations, including representations received, the main planning issues in this case are as follows:

- Principle of the development,
- Provision of essential services,
- Proximity to local services and public transport links,
- Impact on the character of the rural landscape,
- Impact on residential amenity,
- Highway safety,
- On site provision and layout of services,

14. **Principle of the development:**

Circular 01/06 for Gypsy and Traveller sites seeks to create and support sustainable, respectful, and inclusive communities where gypsies and travellers have fair access to suitable accommodation, education, health and welfare provision. To achieve this, the Government wants to increase significantly the number of gypsy and traveller sites in appropriate locations with planning permission in order to address under-provision over the next 3 – 5 years. The Circular outlines the importance of assessing needs at regional and sub-regional level and for local authorities to develop strategies to ensure that needs are dealt with fairly and effectively.

15. The July 2007 'Gypsy and Travellers Needs Assessment', identifies a Durham county-wide requirement for 61no. additional pitches to offset the current shortfall, and for a further 37no. pitches to accommodate household formation between 2007-2015. It considered but rejected accommodation of these on existing gypsy and traveller sites, given the need to upgrade these sites, concluding that between 3 to 5 small permanent sites (with up to 12 pitches each) for gypsies and travellers should be identified through Local Development Frameworks to address the current shortfall. However, an update to this work is currently on-going and it is not anticipated that this study will be finalised in the near future to enable it to influence current planning decisions.

16. This theme is picked up by the Regional Spatial Strategy (Policy 30) which advises that Local Authorities should carry out an assessment of the housing needs of gypsies, travellers and show people. Local Development Frameworks should then provide the criteria following the plan, monitor and manage sequential approaches for the provision and release of pitches for the gypsy, travelling and show people communities and, where appropriate, identify locations for these pitches.

17. The current Local Development Scheme for the County Durham Plan suggests that work on a Gypsy and Traveller Development Plan Document will commence in 2011, with an estimated adoption date of December 2013. It is understood that this Development Plan Document is likely to deal with sites which can accommodate in excess of 15 pitches.

18. Circular 01/2006 (Para 45) advises that a temporary permission may be justified where there is unmet need but no available alternative gypsy and traveller site provision in an area. At present there is a shortfall of 61 pitches and a need for a further 37 pitches to accommodate household formation between 2007-2015. Given the identified unmet demand, this provides some justification to allow a temporary permission provided that the key issues relating to the adequacy of the access and traffic generation and impact on residential amenity and the surrounding area are acceptable.
19. These criteria are replicated in Government's Planning Policy Statement 7 (Sustainable development in rural areas) which sets key objectives in promoting "thriving, inclusive and sustainable rural communities, ensuring people have decent places to live by improving the quality and sustainability of local environments and neighbourhoods." Despite a strong presumption in favour of the continued protection of the open countryside, new residential development may be focused in or next to existing towns and villages in promoting more sustainable patterns of development. In determining this application, key regard must therefore be given to protecting the intrinsic qualities of the countryside whilst also promoting social inclusion, recognising the needs of all groups in raising the quality of life and the environment in rural areas.
20. At a local level, the adopted Sedgefield Borough Local Plan Policy H23 (*Accommodation for gypsies and travellers*) stipulates that planning permission will be granted for permanent, temporary or transit accommodation for gypsies and travellers provided that:
- The site can be supplied with essential services and is within a reasonable distance of local facilities and a public transport route,
 - The scale of development must not adversely affect the character of the landscape or the living conditions of local residents,
 - There is a satisfactory means of access,
 - The site must be laid out to provide separate areas for residential accommodation, children's play area, work and storage, and the site must be adequately screened,
 - The development would not intrude into open countryside nor result in the loss of any area of nature conservation, archaeological interest or a green wedge.
21. **Provision of essential services:**
Policy H23 of the adopted Sedgefield Borough Local Plan stipulates that "gypsies need to live on sites that have services including electricity, drinking water, sewage disposal." In determining this application, the applicant has provided supporting information confirming how essential services will be accessed:
- Gas will be provided by LPG tanks,
 - Mains water is already connected to the field,
 - Mains electricity is to be arranged from the nearest source following the grant of planning permission,
 - Waste and recycling receptacles will be provided, with waste to be regularly taken to the nearest waste disposal and recycling point.
22. The Environment Agency has been notified of the applicant's intentions following early concerns raised over the use of a non-mains foul drainage system, with little assessment of the risks to ground and surface water in this sensitive environmental setting which also lies over a principal aquifer. Such risks would pose significant concerns to both the amenity and health of future residents of this site, as well as raising concerns for the environmental quality of the surrounding rural landscape which will need to accommodate the basic human demands of future settlers. No further objections have been raised in response to the aforementioned submitted information.
23. Based on the information submitted and the lack of notable objections from the Environment Agency, this proposal is now considered to accord with the principles of Planning Policy Statement 23 (*Planning and Pollution Control*), with the Local Planning Authority having a duty of care to all applicants and surrounding residents and the protection of the countryside.

24. Proximity to local services and public transport links:

Policy H23 of the Sedgefield Borough Local Plan further explains how “Gypsies need to live on sites which are close to facilities such as shops, schools and are close to bus routes”.

25. The application site is located in close proximity to the main villages of Trimdon Village (some 300m to the south) and Trimdon Grange (some 700m to the north). Both settlements provide for a range of services including shops, schools, doctor’s surgeries and places of employment.

26. The application site is also located in close proximity to a nearby public transport node, with the nearest bus stop located close to the main entrance to this site on Salters Lane. Services using this node include those travelling between the main settlements of Sunderland and Middlesbrough, via Peterlee, Fishburn, Sedgefield, Stockton and Thornaby.

27. Impact on the character of the rural landscape:

Policy H23 of the Sedgefield Borough Local Plan stipulates that development must not “intrude into the open countryside nor result in the loss of any area of nature conservation, archaeological interest or a green wedge”.

28. Paragraph 52 of the ODPM Circular 01/2006 (*Planning for gypsy and traveller caravan sites*) stipulates that in areas with nationally recognised designations, “planning permission for gypsy and traveller sites should only be granted where it can be demonstrated that the objectives of the designation will not be compromised by the development”. On this occasion, the site in question also has no specific designation as a protected area and will therefore not result in the loss of any area of nature conservation, archaeological interest or green wedge.

29. The ODPM circular goes on to explain how “sites on the outskirts of built up areas may be appropriate... with rural settings (where not subject to special planning constraints) considered acceptable in principle.” In assessing the suitability of such sites, sites should respect the scale of, and not dominate the nearest settled community and avoid placing undue pressure on the local infrastructure. “In some cases the establishment of a well planned or soft landscaped gypsy and traveller site can be seen to positively enhance the environment and increase openness”.

30. The application site when viewed from Salter’s Lane is well screened by existing boundary vegetation both along the verge of the road and along the western field boundary of the site. Furthermore, owing to the topography in this area, the application site is barely visible from Trimdon Village to the south which is located at the top of the Watchbank. The site is, however, visible from the north when approaching Trimdon Village from Trimdon Grange across the Skerne Valley but given the relatively small scale nature of the development the caravans will not be a dominant feature in the landscape,

31. Meanwhile to the east, with no development for a considerable distance, and with the nearest highway in this direction in excess of 700 metres away, there will be no detrimental impact when viewed from a distance.

32. The application site will be located close to existing residential settlements so as to not stand entirely alone in this rural landscape, being sited sensitively with regard to the topography in this area and natural landscape features. At the same time, the application site is not considered to be too close to the adjacent settlement, or of a significant scale so as to place any undue pressure on nearby settlements or the surrounding rural landscape.

33. Impact on residential amenity:

Policy H23 of the Sedgefield Borough Local Plan states that “*sites should be well screened for privacy and amenity.*” and that “permanent sites should be properly landscaped so as to limit the impact of noise and visual intrusion on neighbouring uses”.

34. In the opinion of the Local Planning Authority, the residential amenities of the existing community are unlikely to be affected by the proposed development due to the sufficient separation distances which are to be achieved from nearby villages. As previously stated, Trimdon Village is located some 300m to the south of this site, with Trimdon Grange some 700m to the north.

35. The Local Planning Authority has a duty of care to all future residents of Durham County. On this occasion, there is little evidence to suggest that the future enjoyment, living conditions and amenity of neighbours to this site will be detrimentally affected by the proposed development.
36. **Highway safety:**
The application site is to be accessed via an existing, vehicular access onto the B1278 (Salter's Lane) to the west. Highways engineers consider this access to be acceptable taking into account the applicants needs for only 2no. mobile homes.
37. Whilst the junction site visibility to the south is considered acceptable, the visibility splay to the north is substandard resulting from unmanaged growth of a boundary hedgerow in this direction. If approved, this deficiency could be addressed through the imposition of an appropriate condition, ensuring compliance with adopted Policy D3 of the Sedgefield Borough Local Plan.
38. **On site provision and layout of facilities:**
Policy H23 of the Sedgefield Borough Local Plan requires that *"the site can be laid out to provide separate areas for residential accommodation, children's play area, work, storage and parking and can be adequately screened having regard to the safety and privacy of occupants and visitors"*
39. This particular criterion is more applicable for larger sites involving a number of pitches. However, in determining this particular application, it is generally considered that the site is lid out well, away from the main highway, with surrounding space for all of the aforementioned requirements, without significantly impacting this rural setting.

CONCLUSION

40. In the absence of any current Development Plan Document identifying suitable traveller/gypsy sites across County Durham, and the current unmet demand in this area, a temporary approval may be justified on this occasion. It is anticipated that the situation could then be reviewed once more towards the end of this temporary period.
41. All concerns have been addressed in this report, although on balance it is considered that the perceived negative impacts of this use are far outweighed by the policy compliance as previously discussed.
42. Highway safety concerns may be addressed through the imposition of a suitably worded condition, ensuring compliance with relevant policy to the satisfaction of highways engineers.
43. It has been demonstrated that there will be no conflict with adopted Sedgefield Borough Local Plan Policy, with it also identified that nearby established sites have already reached their capacity.
44. Meanwhile, the applicant has confirmed that the site will be served by an adequate provision of essential services to the satisfaction of the Environment Agency, with no perceived detrimental impact on the rural setting of this site, local landscape (which is not designated) or local amenity.
45. The application site is located on a small plot of land on the periphery of the Trimdon village residential settlement in a location which is divorced enough away from nearby residential properties so as to not impact residential amenity, but at the same time, close enough to benefit from access to services and existing infrastructure without placing unnecessary demands on the rural setting of this site.
46. It is not considered that this application will set any precedent for further development of this nature, with each application to be considered carefully on its own merits. Careful consideration has been given to the concerns raised by all objectors, with these points carefully balanced in accordance with all relevant material planning considerations including local, regional and national planning legislation.

47. Other points raised relating to the impact on property values cannot be considered as material to this decision, with the perceived fear of a rise in crime unproven and difficult to quantify to any extent which could justifiably result in a recommendation for refusal.

RECOMMENDATION

48.

That the application be APPROVED subject to the following conditions:

1. The use hereby approved shall be carried on only by Mr Wayans Price and Mrs Norma Price, their two sons and four daughters, and shall be for a limited period only, being the period of three years from the date of this decision notice, or the period during which the premises are occupied by them, whichever is the shorter.
Reason: To allow the Local Planning Authority to review the position in accordance with ODPM Circular 1/2006 'Planning for Gypsy and Traveller Caravan sites).
 2. When the site ceases to be occupied by Mr Wayans Price, Mrs Norma Price, their two sons and four daughters, or at the end of three years, whichever shall occur first, the use hereby permitted shall cease and all caravans, vehicles, hard standing areas and equipment brought onto the site including the non-mains drainage system used in connection with the use shall be removed and the land reinstated to its former condition in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of the visual amenity of the area, and to comply with policy H23 (Accommodation for gypsies and travellers) of the Sedgfield borough Local Plan.
 3. No more than 2no. mobile homes shall be stationed on this site at any one time.
Reason: In the interests of the visual amenity of the area, and to comply with policy H23 (Accommodation for gypsies and travellers) of the Sedgfield borough Local Plan.
 4. No commercial activity shall take place on the land, including the storage of materials.
Reason: In the interests of the visual amenity of the area, and to comply with policy H23 (Accommodation for gypsies and travellers) of the Sedgfield borough Local Plan.
 5. Before occupation of the development hereby approved, sight lines shall be provided at the junction of the access road with the highway B1278 (Salters Lane) in accordance with details which have been first submitted to and agreed in writing by the Local Planning Authority and any obstructions to visibility at any height greater than 600 mm shall be removed.
Reason: In the interests of highway safety and to comply with Policy D3 (Design for access) of the Sedgfield Borough Local Plan.
 6. The non-mains drainage system hereby approved shall be installed, commissioned and connected before occupation of any caravan on the land.
Reason: To prevent pollution of the water environment in accordance with PPS23 (Planning and Pollution Control).
 7. No caravans shall be sited on the land until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme of landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.
Reason: In the interests of the visual amenity of the area, and to comply with policy H23 (Accommodation for gypsies and travellers) of the Sedgfield borough Local Plan.
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8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the occupation of the caravans and any trees or plants which within a period of 3 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the visual amenity of the area, and to comply with policy H23 (Accommodation for gypsies and travellers) of the Sedgefield borough Local Plan.

INFORMATIVES

49.

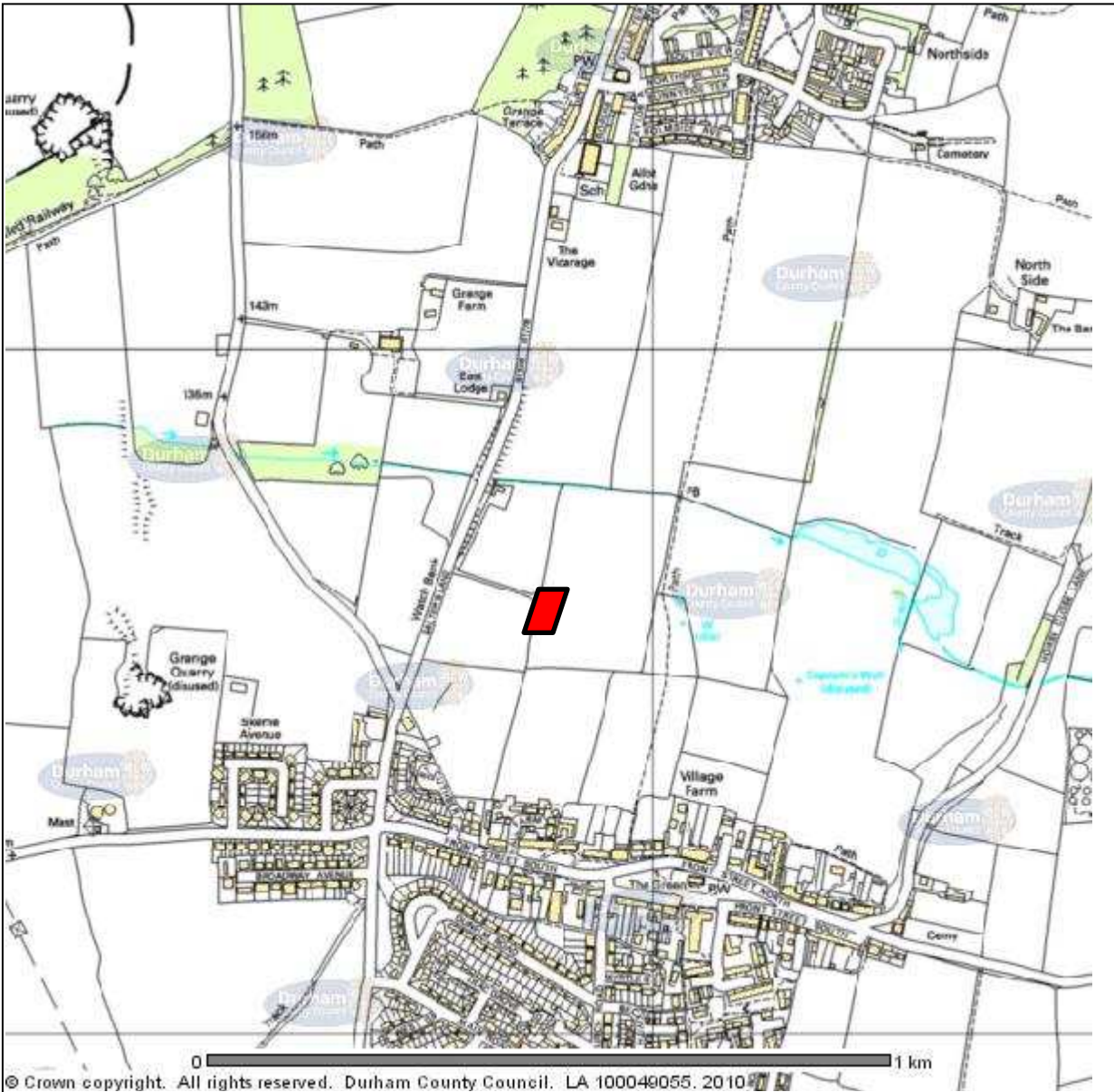
- The Durham County Ecology Officer has advised that there is a residual risk that Great Crested Newts could be present on this site. Should Great Crested Newts be discovered at any stage of the development, work must stop immediately and urgent advice be sought from the Ecology team at Durham County Hall. Failure to do so may result in an offence being committed regardless of whether planning permission has been acquired. Please contact Stuart Priestly (Ecology Officer, 0191 3834016) for further clarification of this matter.
- **INFORMATIVE**
Under UK legislation it is an offence to intentionally disturb damage or destroy an active bird's nest. Any scrub/shrub/tree clearance must be organised and timed to avoid breeding birds (breeding season runs approximately from March – September). Failure to do so may result in an offence being committed, regardless of planning consent. Please contact Stuart Priestly (Ecology Officer, 0191 3834016) for further clarification of this matter.

REASONS FOR THE RECOMMENDATION

50. In the opinion of the Local Planning Authority, the granting of a temporary consent for a period of three years is consistent with the advice contained within Circular 01/2006 which advises that a temporary permission may be justified where there is unmet need but no available alternative gypsy and traveller site provision in an area. Given the identified unmet demand, this provides reasonable justification to allow a temporary permission until such time as the authority has published and adopted its Gypsy and Traveller Development Plan Document.
51. The objections that have been raised to the proposal have been carefully assessed and it is considered that the proposal will not result in an unreasonable impact upon residential amenity highway safety and the character and appearance of the surrounding countryside.
52. **INFORMATIVE: LOCAL PLAN POLICIES RELEVANT TO THIS DECISION**
The decision to grant planning permission has been taken having regard to key policies in the Sedgefield Borough Local Plan as set out below:
- H23 (*Accommodation for gypsies and travellers*)
 - D1 (*General principles for the layout and design of new developments*)
 - D3 (*Design for access*)

BACKGROUND PAPERS

- **Submitted Application Forms and Plans**
 - **Sedgefield Borough Local Plan 1996**
 - **PPS1 (Delivering sustainable development)**
 - **Planning Policy Statement 1 (*Delivering Sustainable Development*)**
 - **Planning Policy Statement 3 (*Housing*)**
 - **Planning Policy Statement 7 (*Sustainable development in rural areas*)**
 - **Planning Policy Statement 23 (*Planning and pollution control*)**
 - **Regional Spatial Strategy (July 2008) Policy 30 (*Improving Inclusivity and Affordability*)**
 - **Circular 01/06 (ODPM) (*Planning for Gypsy and Traveller caravan sites*)**
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Application No.	7/2010/0348/DM
Location:	Field at Salters Lane, Trimdon, Co Durham
Description:	Change of use from agricultural land to travellers site for two caravans and associated vehicle parking

Appendices:
(Summary of main areas of objection)

• **Highway safety/access:**

- Access to this site will link straight onto a busy main road with a 60mph speed limit.
- The steep gradient of the 'watchbank' (Salters Lane) should be considered in terms of highway safety.
- Owing to the speeds of this road and its gradient, drivers will not see vehicles coming out of this site onto the road until it is too late.
- Danger of collisions of pulling out onto oncoming traffic or people's misjudgement of speed.
- The access is halfway up the steep watchbank and unsuitable for residential access.
- This road is very dangerous in winter when there is ice, or when it becomes blocked with snow and frost.
- Vehicles travelling in bad weather conditions do find it very difficult to get up and down the watchbank, with an access road in the middle considered an accident waiting to happen.
- There would be an issue with mud and dirt becoming deposited on the road from vehicles exiting the site causing hazards to road users.
- The Watchbank will become a danger to lives, especially with parents negotiating the bank 2 or 3 times a day to pick up children from the local school.
- The entrance to the site was originally a field gate for an occasional tractor. At present this is being used illegally for private vehicles which are a danger to themselves and other road users.
- In time, children occupying these sites will learn to drive or possibly use horses which will only increase traffic in and out of this site.
- A range of vehicles could use this site from cars to vans and lorries.
- Trailers and horse boxes used by applicants will need to be parked on the main road while gates are opened, causing traffic and a hazardous situation.

• **Conflict with adopted Sedgefield borough Local Plan policy:**

- This application does not fulfil the requirements of Policy H23 (a to e), and would have a detrimental effect on the character of the open plan land between the settlements of Trimdon Grange and Trimdon Village.
- The site cannot be laid out to provide separate areas for residential accommodation, children's play area, work, storage and parking and be adequately screened having regard to the safety and privacy of occupants and visitors as per Policy H23(a). The application makes no mention of this.
- This field is a green belt area and outside the settlement boundaries, therefore contrary to development plan procedures (residential or change of use should not be granted)

• **Proximity of alternative sites nearby:**

- There are official sites in the area for travellers, with which the wider community have no issues. These sites have the necessary amenities and are supported by external services such as educational welfare. It is apparent that a vast amount of money has been spent on these sites. Surely this is where the plots should be located.

- There is a travellers site at East Howle less than 6 miles away which has been recently upgraded at a cost of several million pounds which could accommodate the applicant.
- There are already 7no. traveller sites in County Durham. As these sites are not full, why do we need more?
- Two of these sites are not far away from Trimdon. We do not need another one in this area.
- There is also a caravan site in progress on the road that leads thorough Kelloe which appears to be planned in a much more attractive way that does not spoil the attractive roads that join the villages.
- To surrender agricultural land to this 'Brownfield site' development must be a serious step backwards. Surely there must be existing 'Brownfield sites in the county where traveller caravans can be accommodated without sacrificing this agricultural land.

- **Waste disposal/water supply/sewage:**

- The site cannot be supplied by essential services.
- What provision for power, water supply, drainage and waste disposal is to be made available, and who is able to provide and pay for such amenities?
- There is almost certainly going to be pollution from fuels, oils, waste etc. This would be approximately 200 yards from the River Skerne which runs into a local fishing pond, continuing into an area locally known as 'charity land' which is a designated SSSI. These 2 flooded areas are home to quite a large diversity of flora/fauna which would be greatly affected by any pollution.
- Any spillage/overflow from the site can only pollute the River Skerne, and with more hard standing, it can only add to less ground for rain/snow to soak into the ground, therefore causing more run-off to flood prone areas.
- Household waste could be a major problem, and there is no way a refuse vehicle could stop at the bottom of the bank. Sewage would also be an issue.

- **Precedent:**

- This application is for 2no. caravans. If change of use is given, this would be open for a larger number of travellers to move onto the 63acre site involved in this application.
- Setting a precedent of allowing residential development on local green belt would lead to more applications and potential development.
- Achieving a change from 'Greenfield' to 'Brownfield' land enables further development to take place including the eventual building of dwellings.

- **Impact on Countryside/rural setting and nearby villages:**

- This application, if approved, would present a blot on the landscape, having an adverse effect on the rural nature of this area.
- The proposed site is used for agriculture, and a more intensive use for this site would make it incapable of being assimilated into the landscape.
- Caravans and associated vehicles are not in keeping with the area or rural character.
- The Trimdon villages currently enjoy a pleasant environment with fields surrounding them. The majority of residents do not wish this to be marred by allowing travellers a site in the midst of them.

- Our villages have gone through a lot of change since closing the collieries in this area. We now have a new environment which we are proud of and do not wish to have it spoiled by a travellers site.
- Incremental degradation of the countryside in an area where the objective has been to make improvements.
- "I object to any further piece-meal development that increases the appearance of shanty town plots along Salters Lane and encourages people to think this is little more than a rag-bag environment of caravans/mobile homes and stable yards."
- Due to its prominent position, the site would spoil countryside views and walks.
- The site intrudes into the open countryside and would adversely affect the character of the landscape including hedgerows, trees and footpaths.
- This site is in a picturesque rural landscape.
- "The proposal will only add salt to the wounds of what was once an area of beauty."
- "The site now looks like an enormous scrap yard with no control of tidiness."
- "The site would not be hidden at all and would spoil views from all sides."
- Due to the slope of the land here, it will be impossible to form any sort of screening around this site meaning I will be looking onto a caravan park.
- The rural outlook is a strong factor why we live here.
- The 3 Trimdons have now become scattered with designated pasture land as well as stables, outhouses and agricultural style buildings, and is very close to running the risk of spoiling the overlook of the villages and its surrounding land.
- Several initiatives in the past have attempted to improve the visual quality of the approaches to the Trimdons. It is something we care passionately about. Those who have made such efforts would feel totally undermined if this proposal were allowed.
- The site is too near a residential area and a conservation area.
- Such development would ruin the look and feel of the surrounding villages.
- **Impact on property values:**
 - Decrease in property values.
 - Homeowners may be unable to sell their property for the true market price and this could lead to negative equity.
- **Fear of a rise in crime:**
 - Fears expressed over a perceived rise in crime levels, vulnerability and nuisance to local residents which may prove difficult to monitor and regulate.
- **Other concerns:**
 - The choice of the site should ideally be by the County Council rather than ad-hoc development which is difficult to monitor and control.
 - As the Council provides all amenities on these sites, surely the Council cannot afford to spend any more money in these cost cutting times when there are traveller sites with spaces available.

- I sincerely hope the planning committees involved will consider the residents of Trimdon and not people from outside the area who are intent on blighting our village.
- I disagree with making land available for anyone to live on without paying the same contributions to the local council.
- The gradient of the land is not suitable for building temporary homes,
- Land should be used for the purpose it was bought/sold for and that is agricultural/green belt land.
- The land in question is and should remain agricultural
- Why has this application been readmitted?
This application was resubmitted after the applicant agreed to withdraw the previous application and revise site boundary details.
- There is also a barn that has already been built on this Greenfield land. Who gave them permission to build if this site is merely for two caravans? What use do they have for a barn? And for what purpose has this barn been built on agricultural land.
Permission has not been granted for this barn which now lies outside of the application site for this current proposal.
- A large barn has already been erected without permission where planners have already been ignored, suggesting an attitude to authority which will inevitably lead to further problems.
- Consideration must be given to the vehicle dependant nature of the proposed site.
- There is no reasonable access to local amenities/footpaths/bus stops by pedestrians from the site
- Building is unsuitable for this area.
- It is unclear if the applicant or family members have a pitch on another site in the UK or is on any waiting list, or suffers any hardship, or are engaged with planners or submitting applications anywhere else.
- The area does not relate to any village life.
- "All applicants are unemployed. I cannot see what benefits they shall bring to the community".
- This site would have an adverse effect on our properties and village.
- The villages either side of this land have little amenities as it stands.
- There are plenty of rental properties and houses for sale in the area for people to settle into village life if they want to without spoiling the look or character of villages they wish to become a part of.