

**Planning Committee 3 March 2020
Report of the Planning Manager**

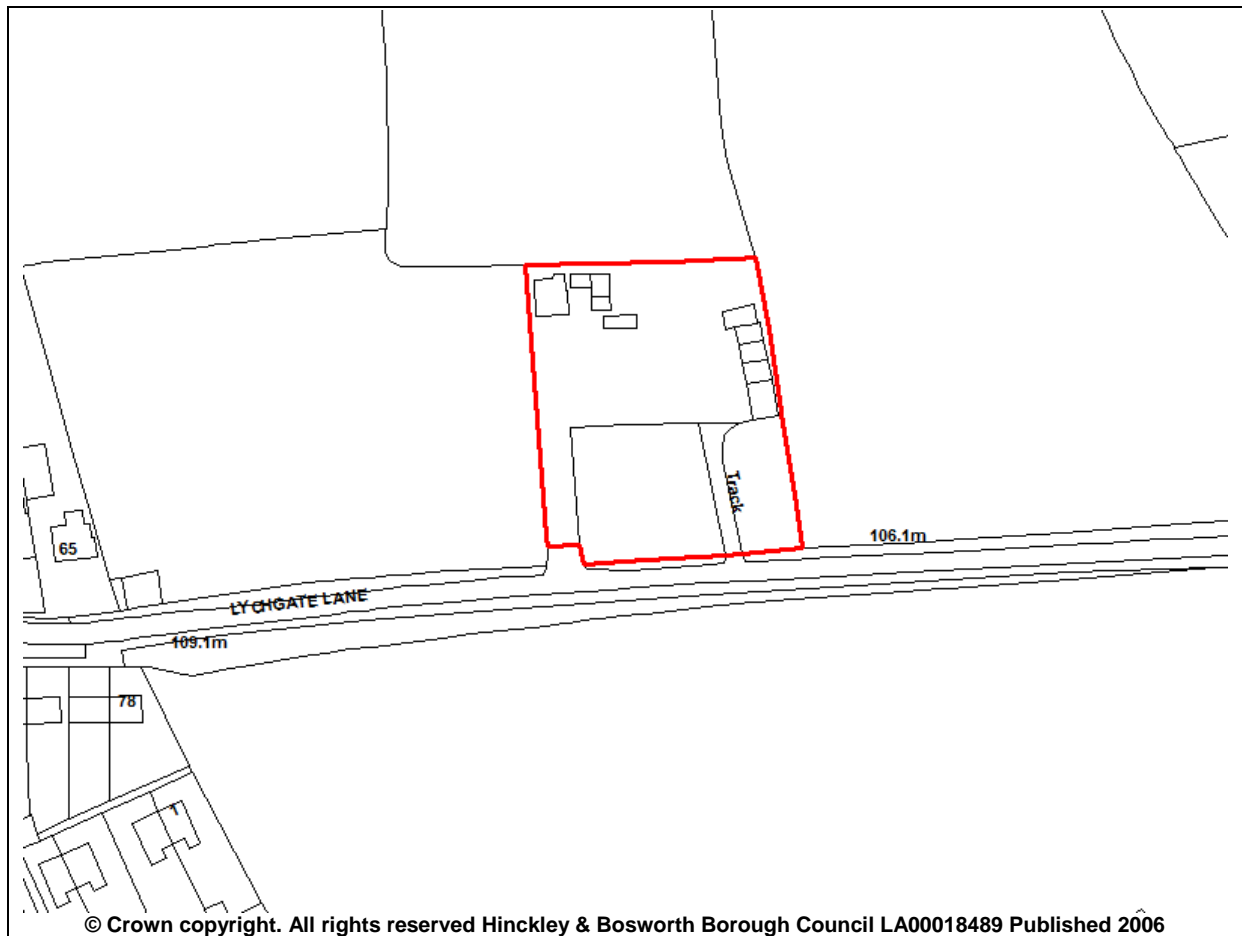
Planning Ref: 19/01327/FUL
Applicant: Mr W and C Johnson
Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Site: Spring Acre Lychgate Lane Burbage

Proposal: Change of use of land to mixed use for stationing of caravans for residential occupation (4 pitches) with one dayroom and for the keeping of horses (part retrospective)



1. Recommendations

1.1. Grant planning permission subject to:-

- Planning conditions outlined at the end of this report.
- Any conditions that may be requested by the Highway Authority which are deemed to meet the tests laid out in the NPPF.

1.2 That the Planning Manager be given powers to determine the final details of the planning conditions.

2. Planning Application Description

2.1. This application seeks full planning permission for the change of use of land for the provision of four pitches, each with a mobile home, touring caravan space and two

vehicle parking spaces. The amended proposal would use the existing site access from Lychgate Lane with the existing gates set back 10 metres from the edge of the carriageway. A second vehicular access onto Lychgate Lane would be blocked up and permanently closed with the construction of a post and rail fence.

- 2.2. The submitted block plan proposes a site measuring 57 metres x 65 metres. An existing brick building would be converted to a day room to provide wash room and laundry facilities. Two other existing buildings on site would be retained for the storage of carts and wagons and for stabling horses. An area of grassland would be provided in the centre of the site for the grazing of any horses brought on to the site.
- 2.3. Part of the proposal is retrospective in that there are four caravans on the site which includes a static caravan. Part of the dayroom has been converted to provide wash room and laundry facilities. The paddock has been laid out and fenced. The site is hard surfaced with two existing vehicular accesses and gates. LCC's Traveller Sites and Liaison Officer has confirmed that the families living on this site are Romany Gypsy/Travellers by birth, culture and descent and satisfy the definition of a Gypsy and Traveller for the purpose of Annex 1 of the PPTS (2015).
- 2.4. A Planning Supporting Statement has been submitted with the application.

3. Description of the Site and Surrounding Area

- 3.1. The application site measures approximately 3705 square metres and includes the access track and paddock land. The site lies outside of the settlement boundary of Burbage which is some 95 metres to the west of the application site. The land is designated as countryside.
- 3.2. There is a mature hedgerow to the northern, eastern and western boundaries of the site. The hedgerow is some 5 metres in height along the western boundary. Open land surrounds the application site. However, there are clear views of the settlement of Burbage from outside the site which gives the area its semi-rural character.

4. Relevant Planning History

00/00356/HEDGE	Removal of sections of existing hedge to lay a new pumped sewer	Hedgerow Removal Granted	01.06.2000
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5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. 20 letters of objection from individual addresses have been received which raise the following issues:-
 - 1) The proposed use would impact on the safety of the adjoining highway network
 - 2) There is not a need for additional caravans in the Borough as there is an existing vacant site
 - 3) The proposal being for a residential use and an equestrian use would be too intensive for this small site
- 5.3. Two letters of support have been received providing the following comments:-
 - 1) More sites are needed as there is public outrage when the travelling community set up site on car parks etc
 - 2) The travelling community respect the local community

6. Consultation

6.1. No objection has been received from:-

HBBC Policy
HBBC Environmental Services (Pollution)
HBBC Drainage
Severn Trent Water Ltd – subject to an informative

6.2. LCC Highway Authority require additional information to be provided as there are concerns that one of the vehicular accesses has substandard visibility splays and the fence may have been constructed on highway land. Amended plans have been submitted with the application to address these concerns and these have been discussed with the Highway Engineer. The revised written comments from the Highway Authority will be reported to the planning committee as a late item.

6.3. LCC Traveller Sites & Liaison Officer has provided comments on the application.

6.4. Burbage Parish Council object to the proposal for the following reasons:-

- 1) The proposal would result in an over development of the site with static and touring caravans and horse grazing
- 2) Increase in traffic along narrow lane

7. Policy

7.1. Core Strategy (2009)

- Policy 18: Provision of Sites for Gypsies , Travellers and Travelling Show People

7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. Emerging Burbage Neighbourhood Plan (BNP)

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)
- Planning Policy for Traveller Sites (2015)

7.5. Other relevant guidance

- Gypsy and Traveller Accommodation Needs Study (2016)
- DCLG Designing Gypsy and Traveller Sites: Good Practice Guide
- Hinckley and Bosworth Landscape Character Appraisal (2017)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon highway safety

Assessment against strategic planning policies

- 8.2. 'Planning Policy for Traveller Sites' (PPTS) (2015) provides the national policy for the provision of traveller sites. The development plan consists of the Core Strategy (2009) and the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016). The emerging Burbage Neighbourhood Plan (BNP) is still in development. The BNP was submitted to the Borough Council for examination in December 2019 and the examination is presently ongoing. The Examiner has stated he intends to hold a hearing in early 2020. Therefore, in accordance with paragraph 48 of the NPPF only limited weight can be afforded to the BNP at this time.
- 8.3. Policy 18 of the Core Strategy relates to the provision of sites for Gypsies, Travellers and Travelling Show people. The first paragraph of the policy and supporting text identified a need of 42 pitches at the time of the publication of the Core Strategy (2009). Since then the Borough Council has produced an updated Gypsy and Traveller local needs assessment (GTAA) as required by and prepared in conformity with the PPTS for the period to 2037¹. The assessment concludes that no further pitches are needed over the period to 2037. A new Accommodation Needs Assessment is currently being prepared to inform the Local Plan review.
- 8.4. As referred to under the PPTS above, where no need is identified, locally specific criteria should be used to assess applications that may come forward on unallocated sites. Policy 18 provides the relevant criteria against which to assess proposals for traveller sites. The conformity of the scheme against each of the criteria is considered below to assess the suitability of the proposed site:

1) Proximity to Settlement/Local Services (Sustainability)

- 8.5. Policy 18 states that planning permission will be granted for gypsy and traveller sites where a proposed site is located within a 'reasonable' distance of local services and facilities (including shops, schools and healthcare) even if the site is not directly adjacent to the settlement boundary. The proposal would also have to meet the criteria laid out in this Policy.
- 8.6. The application site is not located adjacent to the settlement boundary of Burbage. However, it is located in close proximity to the boundary being sited just 95 metres to the east of the boundary. The District Centre for Burbage is within 500 metres of the site where there are numerous services and facilities available. There is a footpath opposite the site and along Lychgate Lane which leads into the centre of Burbage. A primary school is also approximately 1km from the site. These distances are considered to be 'reasonable' involving walking along footpaths which for the majority of their lengths are lit. As such the site would be a "reasonable" distance to local services and facilities as required by the policy. In addition, the site is connected to the wider area by a public highway footway network and public transport bus route (Lutterworth Road) providing safe travel to facilities by means other than the private car.

2) Highway Safety

- 8.7. Policy 18 requires a site to have safe access and provision for parking and servicing.
- 8.8. The proposal would utilise the current tarmacadam surfaced public highway access to the existing site off Lychgate Lane. Following concerns raised by the Highway Authority an amended plan has been submitted. This shows improvements to the western access including gates being set back 10 metres from the road, opening

¹ Hinckley and Bosworth Gypsy and Traveller Accommodation Assessment (November 2016)

inwards and the entrance to be tarmacked for 10 metres into the site. The amended plan also shows the blocking up of the existing eastern vehicular access with a post and rail fence following concerns raised about the lack of visibility from this access.

- 8.9. Lychgate Lane is an unclassified road with a 40mph speed limit. The requirement in Part 3 of the Leicestershire Highway Design Guide [LHDG] where measured 85thile speeds are between 36-40mph is for visibility splays to be 2.4 x 65 metres in each direction. The application is not accompanied by a speed survey. The agent has confirmed that the existing front fence would be set back to ensure that it does not encroach onto highway land and that visibility splays of 80 metres can be achieved from this western access. A planning condition can be imposed on any consent granted to ensure that visibility splays of at least 80 metres are achieved and maintained through the cutting back of vegetation and the realignment of the existing boundary fence. A planning condition can also ensure that details of hard bound surfacing for the first 10 metres of the access track are submitted and implemented along with gates being set back 10 metres from the highway boundary.
- 8.10. The Highway Authority has confirmed that based on available records they hold; there are no recorded Personal Injury Collisions within 500 metres of the site within the last five years. Due to the scale of the proposal, the Highway Authority does not require an assessment of the site's trip generation to be undertaken and considers that there is sufficient parking and turning space with the site. The Highway Authority also confirms that the site is located within a sustainable area for services, facilities and public transport links.
- 8.11. Based on the above the amended proposal is considered to be satisfactory in highway design terms to serve four pitches and an equestrian use and to enable vehicles to pass clear of the highway in accordance with the requirements of Policy 18.

3) Sympathetic Assimilation into the Surroundings

- 8.12. Policy 18 requires a site to be capable of sympathetic assimilation into the surroundings.
- 8.13. The application site is located close to the settlement boundary of Burbage as defined in the adopted SADMP and is therefore within an area of designated countryside. The application plot comprises an area of hard standing located on a small paddock area bounded with a timber post and rail fencing to the roadside and hedging to the remaining boundaries. The site is screened from the public highway by a line of continuous mature hedgerow of approximately 5 metres in height forming the western boundary to the site. The site is also well screened from the north and east by a collection of outbuildings and by mature native hedgerows. The site has been occupied as a residential gypsy/traveller site since October 2019 in breach of planning control.
- 8.14. By virtue of the stark utilitarian nature of mobile homes and touring caravans, such structures can be seen from Lychgate Lane. An amended plan has been submitted which removes the original proposal for the construction of a dayroom alongside Lychgate Lane. The removal of this building would ensure that the development associated with this use is set back from the highway and sited behind existing screening from landscaping.
- 8.15. The scale of the proposal has been raised as a concern by residents and the Parish Council in particular the mixture of uses involved. The agent has confirmed that a mixed use of residential and equestrian is traditional for traveller sites whereby stabling is provided on site and the horses are grazed off site. The existing stables/old piggery sheds would be used to keep horses, store feed, tack, traps and

horse drawn vehicles. Horses kept on site would be either those needing stabling such as foaling or being treated by a vet or horses being used with trotting carts. The equestrian use would be for the personal use of the family and would not be a commercial use. It would be part of the lifestyle of the applicants and the use would be mainly contained within the existing buildings on site.

- 8.16. LCC's Traveller Sites & Liaison Officer has also confirmed that within the Gypsy community the families own horses/ponies and it is commonplace for sites to have stabling for foaling, veterinary inspection and treatment, and show preparation uses. The horses/ponies are often grazed elsewhere and only return to the site for the above purposes.
- 8.17. The buildings to be retained are agricultural type buildings. It is considered that the proposal to retain these buildings along with the siting of caravans would not be overly prominent in the landscape and that the proposal would be capable of sympathetic assimilation into its urban fringe surroundings.

4) Appropriate in Scale

- 8.18. Policy 18 requires a site to be appropriate to the scale of the nearest settlement, its local services and infrastructure.
- 8.19. The nearest settlement of Burbage plays an important supporting role for the Hinckley sub regional centre whilst providing local facilities for its immediate population. Therefore by virtue of the small scale of the proposal it would be appropriate in scale to the settlement.

5) Neighbours Amenities

- 8.20. Policy 18 requires that a site does not cause unacceptable nuisance to existing neighbours by virtue of noise and other disturbance caused by movement of vehicles to and from the site.
- 8.21. A residential use of the site would result in an increase in activity on the site when compared against the lawful agricultural use. However, the nearest neighbouring dwellings are located approximately 95 metres to the west and there is an intervening field between the two uses. Lychgate Lane is an unclassified through road. By virtue of the small scale of the proposal and separation distances, together with screening by existing landscaping, the proposal would not result in any significant adverse impacts on residential amenity.

6) Safe and Healthy Environment

- 8.22. Policy 18 requires that a site should provide a safe and healthy environment for residents and comply with the design guidelines detailed in the National Guidance (Designing Gypsy & Traveller Sites, Good Practice Guide). The guidance states that many gypsies and travellers express a preference for a rural location which is on the edge of or closely located to a large town or city consistent with traditional lifestyles and means of employment. It goes on to say that sites should not be situated near refuse sites, industrial processes or other hazardous places, as this will have a detrimental effect on the general health and well-being of the residents and pose particular safety risks for young children.
- 8.23. The application site is located near to the settlement boundary of Burbage on its urban fringe. The site is occupied by immediate family members and does not involve contaminated land. Satisfactory access would be provided and emergency vehicles would be able to access the site. The guide stipulates that essential services (mains water, electricity, drainage and sanitation) should be available to serve a site. Services are provided to the site including water and electricity. The proposal includes the use of a cess pit for the safe disposal of foul water.

- 8.24. The application site is located within Flood Zone 1, designated as having a low probability of flooding from rivers and sea. The principle of residential development in low flood risk areas is acceptable.
- 8.25. The National Guidance (Designing Gypsy & Traveller Sites, Good Practice Guide) suggests that sites of various sizes, layouts and pitch numbers operate successfully and work best when they take account of the size of the site and the needs and demographics of the families that are resident on them with the safety and protection of children in mind. The site has clear demarcation of its boundaries and security gates to the access with Lychgate Lane. The pitches proposed on this site are for immediate family members of the owner of the existing site and the guide makes reference to this as a positive approach in making good use of small plots of land. The proposal includes one large amenity building to be shared and each pitch would have a static type caravan containing the facilities found in an amenity building. The 7 metre separation between each mobile home is achieved within the proposed layout and adequate to meet the guidance. The proposal would require a separate site licence issued by Environmental Health (Pollution) which would secure satisfactory internal arrangements. Overall, it is considered that the site would provide a safe and healthy environment for residents.
- 8.26. Based on the above it is considered that the proposed site would comply with the requirements of Policy 18 in the Core Strategy (2009).
Planning Policy for Traveller Sites (2015)
- 8.27. This guidance came in to effect in August 2015 and should be read in conjunction with the National Planning Policy Framework (NPPF) (2019). Policy H of the guidance (in paragraph 24) states that local planning authorities should consider a number of issues amongst other relevant matters when considering planning applications for traveller sites. These issues are considered below:-
- a) the existing level of local provision and need for the site**
- 8.28. The targets for residential pitches identified in Policy 18 of the adopted Core Strategy (2009) are out of date. The Council's most up to date gypsy and traveller needs assessment (2016) found that there is a need for no additional pitches in Hinckley and Bosworth for gypsy and traveller households that meet the new definition; and a need for up to 15 additional pitches for gypsy and traveller households that may meet the new definition (although if the national average of 10% were to be applied this could be as few as 1 additional pitch). This 2016 Assessment is also out of date and therefore the current need for residential pitches is not known.
- 8.29. The Council has commissioned a new needs assessment to inform the draft Local Plan. However, the Council cannot show a 5 year supply of deliverable sites. Paragraph 27 of Planning Policy for Traveller Sites (2015) states that if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, then this should be a significant material consideration in any subsequent planning decision.
- b) the availability (or lack) of alternative accommodation for the applicant's**
- 8.30. Many of the objections received state that there are other more suitable sites in the locality. LCC's Traveller Sites & Liaison Officer has advised that the applicants' parents lived on Aston Firs, a Leicestershire County Council residential site for Gypsy and Travellers. However, this site is currently full with an extensive waiting list and there are no other local authority sites in the area available for this family.

c) other personal circumstances of the applicant

- 8.31. LCC's Traveller Sites and Liaison Officer has visited the family on site. The application is for a small family site that would provide health and welfare benefits of having a stable place to live. There are children living on the site who attend the local schools and have a good attendance record. The needs of the children are given significant weight in the assessment of the application and this site would provide a stable and secure home for the children on the site.

d) that the locally specified 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 come forward on unallocated sites

- 8.32. The locally specific criteria contained within Policy 18 of the adopted Core Strategy have been considered earlier in this report (paragraphs 8.5 – 8.24). The assessment concludes that the proposal would comply with the requirements of Policy 18 in the Core Strategy (2009).

e) that they should determine applications for sites from any travellers and not just those with local connections

- 8.33. The application has been submitted as a site for gypsy and travellers and the assessment made in paragraphs 8.5 – 8.24 is not restricted to any local connections of the family on site.
- 8.34. In addition to the above paragraph 26 of Planning Policy for Traveller Sites (2015) requires local planning authorities to 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 such a way as to positively enhance the environment and increase its openness
 - c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
 - d) not enclosing the 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
- 8.35. In respect of the above points, the application site includes an area of existing hardstanding but the site does not constitute previously developed, untidy or derelict, land. The proposal includes the retention of existing soft landscaping to the perimeters of the site whilst having space available for additional soft landscaping which enhances the immediate environment. The site includes areas where children could safely play. The site has a post and rail fence to its road frontage which would not be detrimental to the open character of the area and would not result in the site appearing fortified and thereby isolating the future occupants, both visually and physically from the surroundings.
- 8.36. Paragraph 25 of Planning Policy for Traveller Sites (2015) further states that local planning authorities should very strictly limit new traveller site development in open countryside that lies away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing undue pressure on the local infrastructure. The proposed site is within close proximity to a large urban area and the proposal for four pitches would not dominate the settlement or put undue pressure on local infrastructure.
- 8.37. Therefore, based on the above assessment of the locally specific criteria contained in Policy 18 of the Core Strategy and the criteria contained in the PPTS it is considered that the proposal would comply with these requirements and as such

planning permission for this new gypsy and traveller site should be granted provided the site complies with the other policies in the Development Plan which are assessed below.

Assessment against the policies of the adopted Site Allocations and Development Management Policies (SADMP) DPD (2016)

Impact on the Countryside

- 8.38. The application site lies outside the settlement boundary of Burbage as defined in the SADMP and is therefore in the countryside. Policy DM4 of the SADMP states that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development. The policy goes on to list a number of categories of development that would be considered sustainable in the countryside. The provision of a gypsy and traveller site is not included in the list of categories which are considered to be sustainable.
- 8.39. However, Policy 18 in the Core Strategy does allow for planning permission to be granted on sites adjacent to the settlement boundaries of Hinckley, Burbage, Barwell and Earl Shilton and any of the Key Rural Centres/Rural Villages. Policy 18 also allows for planning permission to be granted where the site is a reasonable distance from local services and facilities even if the site is not directly adjacent to the settlement boundary provided the site meets the criteria laid out in this Policy.
- 8.40. Therefore, whilst the proposed development is not included in the list of sustainable development in the countryside as set out in Policy DM4, the principle of gypsy and traveller sites in countryside locations adjacent to or within a reasonable distance of these settlement boundaries is accepted under Policy 18 of the Core Strategy subject to the criteria of this Policy being met. Paragraphs 8.5 – 8.26 conclude that the proposal would meet the criteria laid out in Policy 18.
- 8.41. Policy DM4 of the SADMP (2016) provides the following criteria which development proposals should meet:
- a) It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and
 - b) It does not undermine the physical and perceived separation and open character between settlements; and
 - c) It does not create or exacerbate ribbon development.
- 8.42. The proposal includes the retention of the boundary hedgerows along with all the development being set back from the highway. Whilst there would be some harm to the open character of the landscape, there would not be a significant adverse impact on the character of the countryside in this location. The proposal would not undermine the separation between settlements or exacerbate ribbon development in this case. As such, the proposal would not have a significant adverse impact on the countryside.

Impact on the Character of the Area and Residential Amenity

- 8.43. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout and design with the intention of preventing development that is out of keeping with the character of the surrounding area. Policy DM10 also seeks to ensure that development would not have a significant adverse effect on the privacy and/or amenity of nearby residents and occupiers of adjacent buildings and that the amenity of the future occupiers of proposed development would not be adversely affected by activities in the vicinity of the site.

- 8.44. The site lies within Landscape Character Appraisal Area F: Burbage Common Rolling Farmland. The area surrounding the site has a mixed character with open undeveloped areas surrounding the site, a number of outbuildings of varying size and scale on the site and the built development of Burbage to the west of the site. In view of the scale of the proposal and the conversion of rural existing buildings, it is considered that 4 pitches in this location would not have a significant impact on the character of this semi-rural area.
- 8.45. By virtue of its small scale, screening by landscaping and separation distances of approximately 95 metres to the nearest neighbouring dwellings, the proposal would not result in any significant adverse impacts on the residential amenity of any neighbouring properties. As such there would be no significant conflict with Policy DM10 of the adopted SADMP.

Impact on Highway Safety

- 8.46. Policies DM17 of the SADMP states that development proposals will be supported where they demonstrate that there is not a significant adverse impact upon highway safety and the residual cumulative impacts of development on the transport network are not severe. Paragraphs 108 and 109 of the NPPF (2019) state that development should ensure safe and suitable access to the site for all users and that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed.
- 8.47. The arrangements proposed to the existing (eastern) access to the site are satisfactory to serve the small scale of development proposed. The proposal has been assessed by the Highways Authority who, subject to amendments, have raised no objections on highway safety grounds as the proposal would not have a material impact on the highway network. Adequate parking and turning would be provided within the site. The written comments of the Highway Authority will be reported to the planning committee as a late item.

9. Equality Implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3. The equality implications arising from this application relate to the protected characteristics of gypsy and travellers and have been addressed within the main body of this report through reference to specifically relevant adopted planning policies and National Planning Guidance.

- 9.4. The requirements of Article 8 of the First Protocol to the Convention, as incorporated by the Human Rights Act 1998, and the Article 8 rights of a child in the context of Article 3(1) of the United Convention on the Rights of the Child have been addressed within the main body of the report. The applicant's individual rights for respect for private and family life along with the best interests of the children have been weighed against other factors including the wider public interest and legitimate interests of other individuals.
- 9.5. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. The proposal relates to a gypsy and traveller site with 4 pitches and with stabling facilities. Part of the proposal is retrospective in that there are 4 caravans on the site. The most up-to-date Gypsy and Traveller Accommodation Needs Study (2016) found no need for additional sites for gypsy and traveller pitches that meet the new definition. However, as stated in the PPTS, where no need is identified, locally specific criteria should be used to assess applications that may come forward on unallocated sites. Policy 18 in the Core Strategy provides the relevant criteria against which to assess proposals for traveller sites.
- 10.2. The proposal has been assessed against the relevant criteria within Policy 18 of the Core Strategy (which are consistent with the NPPF and can therefore be given significant weight in the determination of the application), together with the national planning guidance relating to gypsy and traveller development within Planning Policy for Traveller Sites (2015) and the NPPF (2019). Policy 18 states that planning permission will be granted for new gypsy and traveller sites providing the site is located within a reasonable distance of local services and facilities even if the site is not directly adjacent to the settlement boundary. The proposed site is within a reasonable distance of the local services and facilities in Burbage. The proposal would also meet the locational, design and environmental criteria of Policy 18 of the Core Strategy and the PPTS and so the principle of a gypsy and traveller site in this countryside location is accepted.
- 10.3. The applicant's personal circumstances and the provision of a settled base for the family to maintain access to education and health facilities, proximity to family members and care for their horses, are all benefits of the proposal which add weight in favour of the proposal. There are no known alternative sites where the families could occupy and the negative impacts of refusing planning permission are that the family may be forced into a roadside existence and intermittent use of unauthorised sites which would disrupt the education of the children and the healthcare of the family.
- 10.4. The proposal would not have any significant adverse impacts on the character of the area, on residential amenity or on vehicular or pedestrian safety subject to the conditions being imposed on any consent granted. It is considered that the proposed development would be in accordance with Policy 18 in the Core Strategy, Policies DM1, DM4, DM10, DM17 and DM18 of the SADMP (2016) and guidance in the PPTS (2015). It is recommended that the proposal is approved subject to conditions.

11. Recommendation

11.1. Grant planning permission subject to:-

- Planning conditions outlined at the end of this report.
- That the Planning Manager be given powers to determine the final details of the planning conditions.

11.2. Conditions and Reasons

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan received by the local planning authority on 25 November 2019 and the Proposed Site Plan Rev A received by the local planning authority on 4 February 2020.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. This permission does not authorise use of the land as a caravan site by any persons other than gypsies and travellers, as defined in Annex 1 Planning Policy for Travellers Sites (2015).

Reason: To ensure compliance with Policy 18 of the Core Strategy 2009.

4. There shall be no more than four pitches on the site and on each of these pitches hereby approved no more than two caravans shall be stationed at any time, of which only one caravan shall be a static caravan or mobile home.

Reason: In the interests of visual amenity and to ensure compliance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. Within one month of the date of this decision notice the eastern access as shown on the Proposed Site Plan Rev A received by the local planning authority on 4 February 2020 shall be permanently closed.

Reason: To ensure safe and satisfactory access, parking and turning to serve the development in the interests of highway safety in accordance with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

6. Within one month of the date of this decision notice the access drive (western) to be retained shall be surfaced with hard bound porous material for the first 10 metres from the edge of the carriageway. Once so provided, the access drive shall be permanently so maintained at all times thereafter.

Reason: To ensure safe and satisfactory access, parking and turning to serve the development in the interests of highway safety in accordance with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

7. Within one month of the date of this decision notice full details of the proposed boundary treatments and soft landscaping of the site shall be submitted to and approved in writing by the local planning authority. The boundary treatments and soft landscaping shall be implemented in full accordance with the approved details within two months of receipt of this written consent or the first available planting season whichever is sooner and once so provided shall be permanently so maintained at all times thereafter.

Reason: To ensure that a satisfactory boundary treatment is provided to safeguard the visual amenities of the area and the occupiers of adjoining properties in accordance with Policy 18 of the adopted Core Strategy and Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.3. **Notes to Applicant**

1. Application forms to discharge conditions and further information can be found on the planning portal website www.planningportal.gov.uk.
2. Any access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).
3. Severn Trent Water advise that although their statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer of Sewers Regulations (2011). Public sewers have statutory protection and may not be built close to, directly over or diverted without separate consent. You are advised to contact Severn Trent Water Limited to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.