

DELEGATED

AGENDA NO
PLANNING COMMITTEE

DATE 23 SEPTEMBER 2009

REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES

09/1752/FUL

High Tree Paddock, High Lane, Maltby

Application to allow permanent retention of 1 no. residential static caravan, calor gas tank, timber gates and stone piers.

Expiry Date 9 October 2009

SUMMARY

Planning permission is sought for the permanent use of land as a gypsy site which includes the provision of a residential caravan, stables gas tank and other ancillary structures.

No objections have been received in respect to the proposal and the Head of Technical Services considers the proposal would not unduly affect highway safety.

The site is located on the urban fringe within close proximity to a range of services, which although not extensive are considered to give a sufficient degree of sustainability for a use of this type.

The site is screened in part whilst should not have any significant detrimental impacts on highway safety, privacy or amenity as a result of its scale of provision and location.

The existing designated gypsy site at Bowesfield is currently at capacity whilst previous temporary approvals have been granted at this site in 2003 and 2005. In view of a current lack of designated sites, the relative sustainable location of the site and its grouping with other uses and its limited impact on the surrounding environment, it is considered that the proposal would accord with Government Guidance contained within circular 01/06 - Planning for gypsy and traveller caravan sites.

RECOMMENDATION

Planning application 09/1752/FUL be Approved subject to the following conditions:-

01. *The development hereby approved shall be in accordance with the following approved plan(s); unless otherwise agreed in writing with the Local Planning Authority.*

<i>Plan Reference Number</i>	<i>Date on Plan</i>
<i>SBC0002</i>	<i>24 July 2009</i>
<i>1591/1</i>	<i>14 August 2009</i>
<i>SBC0003</i>	<i>24 July 2009</i>

Reason: To define the consent.

- 02. The development on site shall be restricted to 1no. Static caravan unit of accommodation which is of a scale as detailed within the approved plans unless otherwise agreed in writing with the Local Planning Authority.**

Reason: In order to adequately control the extent of development on the site in the interests of visual amenity and highway safety in order to accord with saved Policy GP1 of the Stockton on Tees Local Plan.

BACKGROUND

- 03/1986/P - Retrospective application for one no. residential static caravan, calor gas tank and timber gates and stone piers, High Tree Paddock, High Lane, Maltby. Granted approval as a personal permission for a temporary period of 2 years.
- 05/2700/ARC - Application to remove condition 2 from planning approval 03/1986/P to allow the permanent retention of 1no. Residential static caravan, calor gas tank, timber gates and stone piers. Granted approval as a personal permission for a temporary period of 2 years.
- 08/2308/ARC - Application submitted to remove the 'temporary' condition associated with application 03/1986/P. This application could not be considered as application 03/1986/P had lapsed.

Separate sites (within close proximity)

- 96/1214/P- Waynesland, Low Lane
Change of use of site to private gypsy caravan site and conversion of existing stable block to amenity block.
Approved as permanent site with Conditions (1996 pre Local Plan)
- 04/0548/REV - Site at Old Filling Station, Low Lane, High Leven, Stockton on Tees.
Retrospective application for the change of use to private gypsy site and retention of 1 no. residential caravan, 2no. stable blocks, 3no. security floodlights, 7no. ornamental garden lights, external walling and gates, LPG tank and shed.
- Application refused for the following reason:
The proposed change of use of the site and the retention of the associated development is considered to be unacceptably intrusive and has a detrimental impact on the character and appearance of the rural area contrary to Policies GP1, EN13 and H07 of the Stockton on Tees Local Plan, Circular 1.94 and PPS7.
- Appeal decision, considered the designation of the site within the Green Wedge, limits of development and former use of the site as a Petrol Filling Station. Also considered the proximity of local services. Concluded that the site was acceptable for permanent provision.
- 05/2700/C - High Tree Paddock, High Lane, Maltby, Yarm
Application to remove condition 2 from planning approval 03/1986/P to allow the permanent retention of 1 no. residential static caravan, calor gas tank, timber gates and stone piers.
- Approved on the 17th November 2005 with conditions imposed in respect to the approved plans, 2 year temporary approval, and the use of the land as a private gypsy site.

This approval expired and was not renewed or varied.

PROPOSAL

Planning permission is sought to allow the permanent retention of the existing development on site which includes a residential static caravan, gas tank, timber gates and stone piers.

CONSULTATIONS

Consultations were undertaken and comments received are summarised below;

Urban Design – Highways

This application will not adversely affect highway safety therefore we raise no objections

Urban Design Landscape

No comment

PUBLICITY

Neighbours were notified although no comments were received at the time of writing this report. Should any comments be received prior to committee an update will be provided.

PLANNING POLICY

Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plans is the Stockton on Tees Local Plan (STLP), Tees Valley Structure Plan (TVSP) and the Regional Spatial Strategy (RRS).

The following planning policies are considered to be relevant to the consideration of this application:-

Policy GP1

Proposals for development will be assessed in relation to the policies of the Cleveland Structure Plan and the following criteria as appropriate:

- (i) The external appearance of the development and its relationship with the surrounding area;
- (ii) The effect on the amenities of the occupiers of nearby properties;
- (iii) The provision of satisfactory access and parking arrangements;
- (iv) The contribution of existing trees and landscape features;
- (v) The need for a high standard of landscaping;
- (vi) The desire to reduce opportunities for crime;
- (vii) The intention to make development as accessible as possible to everyone;
- (viii) The quality, character and sensitivity of existing landscapes and buildings;
- (ix) The effect upon wildlife habitats;
- (x) The effect upon the public rights of way network.

Policy EN13

Development outside the limits to development may be permitted where:

- (i) It is necessary for a farming or forestry operation; or
- (ii) It falls within policies EN20 (reuse of buildings) or Tour 4 (Hotel conversions); or

In all the remaining cases and provided that it does not harm the character or appearance of the countryside; where:

- (iii) It contributes to the diversification of the rural economy; or
- (iv) It is for sport or recreation; or
- (v) It is a small scale facility for tourism.

PPS7 - Sustainable Development in Rural Areas

Circular 01/06 - Planning for gypsy and traveller caravan sites

Circular 01/06 states the main intentions of the Circular are;

- a) to create and support sustainable, respectful, and inclusive communities where gypsies and travellers have fair access to suitable accommodation, education, health and welfare provision; where there is mutual respect and consideration between all communities for the rights and responsibilities of each community and individual; and where there is respect between individuals and communities towards the environments in which they live and work;
- b) to reduce the number of unauthorised encampments and developments and the conflict and controversy they cause and to make enforcement more effective where local authorities have complied with the guidance in this Circular;
- c) 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;
- d) to recognise, protect and facilitate the traditional travelling way of life of gypsies and travellers, whilst respecting the interests of the settled community;
- e) to underline 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;
- f) to identify and make provision for the resultant land and accommodation requirements;
- g) to ensure that DPDs include fair, realistic and inclusive policies and to ensure identified need is dealt with fairly and effectively;
- h) to promote more private gypsy and traveller site provision in appropriate locations through the planning system, while recognising that there will always be those who cannot provide their own sites; and
- i) to help to avoid gypsies and travellers becoming homeless through eviction from unauthorised sites without an alternative to move to.

SITE AND SURROUNDINGS

The site is located within the southern section of the Borough, at a position to the west of Maltby Village, within relative close proximity to Ingleby Barwick and Teesside Industrial Estate.

There is a small cluster of other uses within the immediately adjoining sites served off the main highway of Low Lane and High Lane. These uses include a newly replaced public house (Yorkshire Dragoon), a car auction and a vehicle sales centre.

The application site comprises of a residential static caravan, gas tank, hard standing area, timber gates and associated piers. The site is surrounded by a high hedge and trees.

MATERIAL PLANNING CONSIDERATIONS

Principle of development

The site falls outside of the defined limits of development where development is only normally approved (under Policy EN13 and in accordance with PPS7) where it relates to agriculture, forestry, tourism and sport and where these uses and their impacts are justified. The proposal does not fulfil the criteria for development in such locations and therefore, Policy EN13 offers no presumption in favour of this development.

Previous decisions have taken account of Local Plan Policy HO7 which related to proposals for gypsy sites. This is no longer a saved policy and as such cannot be taken into account in determining this application. Consideration is therefore given to the more recent national guidance contained within Circular 01/06 - Planning for gypsy and traveller caravan sites.

The Circular advises that the assessment of gypsy and traveller accommodation needs is integral to the assessment of general accommodation needs and that the new planning process will begin by local authorities assessing need as part of the gypsy and traveller accommodation assessment (GTAA) process. The data collected through the GTAA process would then inform the preparation of Development Plan Documents (DPDs), against which applications would be determined. Local authorities are advised to have flexibility to allocate adequate land for their own sites to provide for those they have assessed as being in need of accommodation.

Stockton Borough Council is currently in the process of carrying out a GTAA which should then provide the basis for a DPD to be produced and adopted. This work is still ongoing and adoption of a DPD is likely to take between 18 months and 3 years.

The council currently operates a formalised gypsy site at Bowesfield which is running at capacity. There is no other formal gypsy site within the borough apart from the individual plots similar to the one being considered under this application. Circular 01/06 advises that personal sites can be acceptable where they are on the outskirts of built up areas and where they are well planned and soft landscaped to positively enhance the environment. Furthermore, a sequential release of land for gypsy sites being used before windfall sites is advised taking account of the existing level of provision and need for sites in the area, the availability (or lack of) alternative accommodation for the applicants, and other personal circumstances being considered. As there are no proposed new sites within the Borough and the existing site at Bowesfield is at capacity, it is considered appropriate to consider windfall sites.

Whilst located outside of the defined limits of development, this particular site is not considered to be entirely rural, being on the urban fringe, which as advised within the circular, can form suitable places for such uses. This consideration is similar to that taken by a planning inspector in relation to a nearby plot considered by Stockton Borough Council under application reference 04/0548/REV.

Sustainability in respect to local facilities

PPS 1, PPS 3 and Circular 01/06 all require residential development to be undertaken within sustainable areas and in close proximity to a wide range of services. Circular 01/06 which relates specifically to gypsy sites also advises that consideration should include;

- a) the promotion of peaceful and integrated co-existence between the site and the local community;
- b) the wider benefits of easier access to a GP and other health services;
- c) children attending school on a regular basis;
- d) the provision of a settled base that reduces the need for long-distance travelling and possible environmental damage caused by unauthorised encampment; and,
- e) not locating sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans.

In view of these criteria, in deciding where to provide for gypsy and traveller sites, local planning authorities are required to first consider locations in or near existing settlements with access to local services, e.g. shops, doctors and schools.

The application site is located within close proximity to a range of facilities including Teesside Industrial Estate, Schools at Ingleby, a Mini Market, petrol filling station and Vets on Low Lane, a Public House and bus routes to the wider area. Although these provisions and their proximity to the site may not be sufficient to justify general housing development, given the nature of the development and its suitability within closer proximity to other areas of housing, in view of it being unlikely to be in keeping with designs, styles, layouts etc of such existing provision, the site is considered to be acceptable for use as a private gypsy site in this regard. The recent appeal decision under application 04/0548/REV (for a site on the opposing side of Low Lane) considered this area to be adequately sustainable for such uses and there is no known material planning considerations which suggest this site should be considered significantly differently to this nearby site in this regard.

Permanent permission

Paragraph 45 of Circular 01/2006 advises; 'Where there is unmet need but no available alternative gypsy and traveller site provision in an area but 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'. Circular 11/95 advises the same within paragraph 110.

Guidance advises that the fact that temporary permission has been granted on this basis should not be regarded as setting a precedent for the determination of any future applications for full permission for use of the land as a caravan site.

However, Circular 11/95 advises that 'a second temporary permission should not normally be granted. A trial period should be set that is sufficiently long for it to be clear by the end of the first permission whether permanent permission or a refusal is the right answer. Usually a second temporary permission will only be justified where highway or redevelopment proposals have been postponed, or in cases of hardship where temporary instead of personal permission has been granted for a change of use'.

The previous application (03/1956/P) was granted on a temporary basis in order to allow the Authority the ability to re-assess Local Plan Policy as it related to a need to identify suitable locations for gypsy sites, whether Local Authority or Private. Whilst the previous application was granted on a temporary basis, aside from the guidance in relation to repeat temporary approvals, the site is considered to be in a generally sustainable location on the urban fringe and associated with a cluster of other buildings. Taking into account there being no other sites allocated for such uses, it is considered that this site conforms with policy in relation to the siting of such uses and as such is suitable for permanent approval, subject to this relating to it being used as a private gypsy site.

Impact on amenity of adjacent properties

The nearest residential property is a single dwelling (Hazel Grove) the building to which is located in excess of 120m away. This is considered sufficient distance to prevent any undue detrimental impacts on the privacy and amenity associated with this property. Other properties are located within Maltby Village and are in excess of 400m away, which is considered to be sufficient distance to prevent undue impacts on privacy and amenity.

Impact on the appearance of the surroundings

The site is surrounded by a high hedge and native trees which provide significant screening, particularly during summer months. The gates and associated piers are considered to be a relatively dominant and uncharacteristic addition to the area; however, reduction of their height would result in the site being more visible from the wider area, thereby having a greater detrimental impact. As such, the impact of the gates is considered to be acceptable.

Traffic generation and access requirements

The Head of Technical Services has raised no objections to the proposed development. In view of the proposal relating to one unit of accommodation, the likelihood is that there will be only limited traffic generation and accessing onto a lightly trafficked road, it is considered that the proposal would not unduly affect highway safety.

CONCLUSION

The site lies outside of the defined limits of development and there is no presumption in favour of the development within the saved policies of the Stockton on Tees Local Plan, however, there is no known alternative provision, due to the Bowesfield site being at capacity and there being no DPD relating to such provision. As such the Council are required to consider windfall sites such as this.

The site is located on the urban fringe and is considered to be located within close proximity to a range of services, and although not extensive, this general area has been considered on appeal to be adequate for a development of this nature.

The site is screened in part whilst should not have any significant detrimental impacts on highway safety, privacy or amenity due to its scale of provision and location whilst would continue to form a cluster of uses within this immediate locality. The benefit derived from the wall / gate overrides the urbanising intrusive impact of views into the site.

The Council have previously granted temporary permission for the site and Circular 11/95 advises that repeat temporary permissions should not normally be granted. As such, in view of all of the above it is considered that the permanent use of the site conforms to national guidance and it is therefore recommended that the application be approved with conditions.

Corporate Director of Development and Neighbourhood Services
Contact Officer Mr Andrew Glossop Telephone No 01642 527796

Financial Implications – As report

Environmental Implications – As report

Legal Implications – As report

Community Safety Implications – As report

Human Rights Implications –

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report

Background Papers

Planning Policy Statement 1: Delivering Sustainable Development and Companion Guide:
Planning and Climate Change

Adopted Stockton on Tees Local Plan (June 1997)
PPS7 - Sustainable Development in Rural Areas
Circular 01/06 - Planning for gypsy and traveller caravan sites

WARD AND WARD COUNCILLORS

Ward	Ingleby Barwick East
Ward Councillors	K C Faulks, D C Harrington, A M Larkin