**EXECUTIVE SUMMARY**

1. **This application seeks to change the use of the site to a travellers’ site, and follows the recent refusal of planning application 08/00965/FUL, which sought consent for four travellers’ pitches on the site.**

1.2 **Whilst the description of the application suggests that the number of pitches has been reduced to one, it is considered that the proposal in fact comprises three separate pitches. This view is based not only on the information provided in the Design and Access Statement and subsequent correspondence with the applicant’s agent, but also the plans.**

1.3 **In light of this, the proposal does not overcome the previous reason refusal of application 08/00965/FUL, as there is no proven need for this number of pitches. As the site is located in the countryside, where development is not normally allowed, need is a key consideration, and the lack of need means that there is no justification for the proposed development.**

1.4 **For this reason, it is recommended that the application is REFUSED.**
2.0 **THE APPLICATION**

2.1 The application seeks planning permission for the change of use of the land from a builders yard and offices to a travellers’ site.

2.2 Amended plans were received on 7th May 2009, and the detailed proposals involve:
- A central access road, with three turning areas;
- Three areas of hardstanding;
- A centrally located utility block that would measure 9m x 6m in footprint and provide a kitchen/utility and family room;
- A communal garden/play area with possible landscaping;
- Retention of the existing brick shed at the rear of the site.

3.0 **THE APPLICANT’S CASE**

3.1 The applicant’s Design and Access Statement is attached at Appendix A, together with the agent’s letter of 1st May providing further information.

4.0 **THE SITE AND ITS ENVIRONMENT**

4.1 The site, which measures approx 0.2ha in area, currently contains a number of dilapidated outbuildings, including a row of sheds along the front boundary, and a large brick building at the rear of the site. The site is not in regular use at present, but was last used as a builders yard.

4.2 The site is accessed via Hod Hall Lane, a narrow unmade private track leading east off Lode Way.

4.3 The site is located outside the development envelope, and is therefore designated as open countryside in the Local Plan.

4.4 The site is not within a floodplain.

5.0 **PLANNING HISTORY**

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Decision</th>
<th>Date</th>
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<tr>
<td>08/00965/FUL</td>
<td>Change of use from builders yard &amp; offices to a travellers site with 4 pitches</td>
<td>Refused</td>
<td>21.01.2009</td>
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<td>03/00043/OUT</td>
<td>Conversion of builder’s yard to four residential plots</td>
<td>Refused</td>
<td>19.03.2003</td>
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6.0 **REPLIES TO CONSULTATIONS**

6.1 **Local Residents**

Letters received from: 6, 8, 10, 15, 17, 18, 20, 22, 24, 26, 27, 29, 32, 37, 38, 39, 45 and 47 Lode Way, Haddenham; 7a and 17 Froize End, Haddenham; 2 Crossways, Haddenham; 21 Orchard Way, Haddenham; 35 Bentham Way, Haddenham; 4, 8, 9, 11 and 12 Metcalfe Way, Haddenham; 9 Pear Tree Close, Haddenham; 3 Great Mill
View, Haddenham; 5a and 9 Nelsons Lane, Haddenham; 1 and 33 Linden Way, Haddenham; 67A High Street, Haddenham; 12 Berristead Close, Wilburton; 3 Starlock Close, Stretham; 48 Cambridge Road, Sawston; 136 Lancaster Road, Barnet.

The full text of these objections is available to view on the case file. The main matters raised include:

- The heavy clay soil means that the site is not suitable for a septic tank and drains;
- None of the houses below Hod Hall Lane are connected to the mains sewage pipe, which runs along Hod Hall Lane;
- The site has existing drainage and flooding problems;
- The Flood Risk Assessment has not been prepared by a suitably qualified professional;
- The junction of Hod Hall Lane and Lode Way is dangerous and not suitable for the additional traffic that the current proposal would generate;
- The junction of Linden Way/Froize End/Lode Way is already dangerous and additional traffic will worsen this;
- Hod Hall Lane is not of a suitable standard to cater for the traffic that the proposal would generate;
- The site has not been used as a builders yard for 10-15 years and has never been visited by heavy lorries;
- There is no lighting along Hod Hall Lane and access for emergency vehicles would be impossible;
- The proposal is effectively for three pitches, and therefore does not overcome the previous reason for refusal;
- The existing shed is to be used as a ‘workshop’ – this is contrary to the permission applied for;
- No evidence has been provided that there are no other vacant pitches available in the District;
- The plans are inaccurate;
- The application is unclear and ambiguous;
- No information is provided as to the size or type of caravans provided;
- The site has not been reduced in size following the previous refusal, and the size is excessive for one pitch;
- The dayroom is divided into two rooms so that it can be used for two pitches;
- The dayroom is excessively large;
- The dayroom should be sited at the front of the site;
- There is no legal requirement for a dayroom/utility block to be provided;
- The undeveloped areas of the site are to be used for visitors in touring caravans – the site will end up becoming a transit site for multiple families;
- An ecological scoping survey has not been provided and the site currently provides a habitat for varied wildlife;
- The site is outside the development envelope where development is not normally allowed – if permission is granted for this proposal it would be discrimination against local residents;
- A planning application for housing was turned down in 2003 because of the unsuitability of the site and its poor accessibility;
- The site is too close to the houses on Metcalfe Way and Lode Way;
- The site would overlook properties in Metcalfe Way and Lode Way;
- The applicants have no/limited links with the local area;
- The plans do not incorporate waste collection and recycling facilities;
- As a ‘windfall’ site, this site should not be considered until sites in the relevant DPD have been used up;
- The Council has until 2011 to meet the ‘need’ for additional pitches;
- There are not sufficient services in the village to cater for the additional residents;
- Land contamination should be considered because of the storage of asbestos, cement, lime and other caustic building materials, as well as bitumen and paint thinners on site;
- The application should not be treated as ‘Affordable Housing’ as it is a privately-owned site;
- Surrounding properties would be de-valued;
- Haddenham already has a larger quantity of traveller pitches than many of the neighbouring villages;

6.2 Parish Council

Recommend outright refusal for the following reasons:

a) The land is heavy clay and is regularly prone to flooding during at least 75% of the year. Two years ago there was also heavy flooding in Lode Way.
b) All the houses in Lode Way have soak away problems and this would also apply to any properties on this site.
c) A mains sewer pipe runs down Hod Hall Lane and heavy lorries would damage it.
d) The access road is not suitable for emergency, refuse and recycling vehicles.
e) The yard has not been used for a long time and should be checked for any contaminated materials that may have been dumped there.
f) Also due to the yard not being used a wildlife survey should be carried out.
g) The plan states that the applicant has local connections and the Parish Council would ask for more information regarding this point as the applicant’s address is in Essex.
h) An on site and surrounding areas flood risk assessment must be carried out.
i) The remaining barn needs to be demolished.
j) The actual size of the building should be significantly reduced to be commensurate with one pitch not four.
k) The concrete bases are too large and out of proportion for three mobile homes.
l) The Parish Council is disappointed that it did not receive critical supporting documents, i.e. Parkin Planning Services letter dated 1st May 2009 and Parkin Planning Services flood risk assessment dated April 2008(?) with the planning application.
m) There are grave concerns regarding the touring caravans, which have not been mentioned before.
n) Has the applicant submitted an application for planning permission for change of use B1/B2 for the proposed workshop? Plus this is outside the village envelope.
o) There is no indication on the amended plan that the day room will be any smaller, the dimensions have not changed.
p) Concern has been raised by local residents with regard to Paragraph 70 of the ODPD Circular 1/2006 concerning the balance of human rights for the community as a whole.
The Parish Council is NOT content for the final determination of this plan to rest with the Planning Service

6.3 Local Members

Councillor Bill Hunt:

Requests that the application is called in for a committee decision as the issue of travellers sites would benefit from a wider debate.

Councillor Pauline Wilson:

Requests that the application goes before Planning Committee. Detailed comments are as follows:

“Although this amended application, is supposed to be for one pitch only, the applicant has still got the day room as two-day rooms albeit with an adjoining door.

I also understand that he wants travelling caravans to be able to come to the site. This sounds to me like this field is going to end up like Smithy Fen in Cottenham which dozens of caravans!

There is also another brick building on that site, surely this should be demolished, so that it cannot be used for further dayrooms. He says it is for a workshop surely he will need to have a planning application for change of use. It still looks to me that he is trying, by stealth to get the 4 pitches that he originally asked for? The size of the clearing could very well end up with 7 pitches on it, not just one.

This is a windfall site and is not required.

To have our quota filled by 2011/12, we only require one more pitch for the surrounding areas of Sutton, Littleport, Wilburton and Haddenham. This should be kept as an emergency pitch for traveller families within the area, who might want an extra pitch for either their sons or daughters

This site is very much a nature reserve and should not be used as a traveller’s site.

In their Planning Design and Access Statement at 4.3, it states that this site would create less traffic. This is not true, although this site has permission to be used as a builder’s yard it has not been used as such for the last 12 to 15 years, which makes this statement incorrect. At the moment no vehicles are coming and going from it.

I would like to raise a few other points why I am against the development of an extra pitch in Hod Hall Lane.

This is just an inappropriate site too close to residential housing.

The Parish Council after careful consideration have also recommended refusal.

I have had many residents contact me regarding their fears to this proposed planning application, some of which I have listed below.
· Noise, pollution and traffic disturbance to other residents
· Drainage causing flooding - the houses were flooded a few years ago in Lode Way due to insufficient drainage.
· Most properties have septic tanks and are not connected to the main sewage.
· Devaluation of properties owned in the vicinity.
· Poor access to and from the proposed site.

Traveller sites like affordable housing should follow housing needs and the agreed requirement of 28 pitches in the north of the district has already been met.”

6.4 Environment Agency

On the basis of the information submitted within the FRA, and the lack of hard contrary evidence put forward to date regarding flooding or surface water problems, I consider the FRA to be appropriate. To ensure that the development does not cause or exacerbate any existing drainage problems I would recommend that a condition for surface and foul water drainage schemes to be appended to any approval given.

6.5 Local Highway Authority

If the existing use of the land is as a builders yard and office, then it could be considered unreasonable to require any highway improvements as part of this consent. If this use is not extant, then improvements should be sought. Consideration must be given to the long-term implications of permitting such development in terms of construction, future maintenance, lighting and surface water drainage of the access road together with refuse collection.

6.6 Environmental Services

No objections, but would raise the following concerns:
- Noise from work when carrying out development as well as noise on the site from music;
- Hours of work and dust;
- Fire precautions – advice should be obtained from the fire authority;
- There should be a 6m separation distance between mobile homes for fire separation;
- A licence will be required;
- Contamination assessment required;
- Bonfires or burning on site;
- Keeping of dogs on site;
- Drainage issues. Advice should be sought from the Environment Agency.

7.0 THE PLANNING POLICY CONTEXT

7.1 East Cambridgeshire District Local Plan 2000

1 The guiding principles that underpin the policies within the Plan.
2 Promotion of sustainable communities
9 Development on the edge of settlements and outside development envelopes will be strictly controlled with some defined exceptions.
10 Restrictions on development in countryside, with possible infill exceptions subject to criteria.
34 Full account will be taken of the need for all development to protect the environment within East Cambridgeshire.
37 Refusal where in the opinion of the Environment Agency, adverse affects or unacceptable risks to water quality likely.
38 Refusal for new development unless adequate foul sewers and sewage treatment works are available in time.
39 Refusal where flood risk could be intensified, flood defences prejudiced or floodplain wildlife adversely affected.
54 Refusal if adverse effects likely on habitat unless it can be shown that reasons for development outweigh the need for retention.
58 All development must respect the diversity and distinctiveness of local communities.
59 Prevent harm to street scene or wider setting of a settlement.
60 Prevent alterations or construction out of character to a building or surrounding area.
82 Development in the countryside must respect the landscape character of its surroundings.
86 Development in the countryside restricted to that essential for the operation of local agriculture and other land management uses where this would benefit the economy and maintain the environment.
87 Development in the countryside, or on the edges of settlements must relate to the local environment and reflect the individual character of the area.
177 Haddenham is a Group Settlement.

7.2 Regional Spatial Strategy – East of England Plan

SS1 Achieving Sustainable Development
H3 Provision for Gypsies and Travellers
ENV7 Quality in the Built Environment
T8 Local Roads

7.3 National Planning Policy

Planning policy guidance statements/notes:

PPS1 Delivering Sustainable Development
PPS3 Housing
PPS7 Sustainable Development in Rural Areas
PPS9 Biodiversity and Geological Conservation

Circulars:

ODPM 01/2006 – Planning for Gypsy and Traveller Sites
ODPM 06/2005 – Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System

7.4 Other relevant documents/draft policy
8.0 PLANNING COMMENTS

8.1 This application has been submitted following refusal of application 08/00965/FUL, which sought permission for four pitches on the site. The reason for refusal of that application was:

“There is no established need for the number of pitches proposed, which would be located on land outside the development envelope. The latest available information on need in the local area indicates that only 1 further pitch is required in the northern part of the District in the period to 2011. This proposal would exceed this requirement by 3 pitches. For this reason the proposal is contrary to policy H3 of the East of England Plan, 2008, and guidance contained within ODPM circular 01/2006, as well as saved policies 9 and 10 of the East Cambridgeshire District Local Plan, 2000, and PPS 7.”

8.2 The main considerations are whether the current proposal has overcome this reason for refusal, and whether it raises any new issues.

8.3 This application differs from the previous application in two main ways. The description of the proposal indicates that the number of pitches has been reduced from four to one, and the plans show a slightly different layout with one utility block/dayroom rather than four.

8.4 Despite the change to the description, it is the Local Planning Authority’s view that, as a matter of fact and degree, the proposal would actually constitute (at least) three pitches.

8.5 Paragraph 2.3 of the applicant’s Design and Access Statement clearly states that the intention of the applicant is to occupy the site himself with his wife, and for his two grown-up daughters and their partners to have their own separate accommodation on site. At paragraph 2.4, the proposal is described as a ‘family pitch’.

8.6 Further clarification of this matter was sought from the applicant’s agent, and the response is attached at Appendix A. It is considered that this response does not provide any satisfactory arguments to counter the LPA’s view that the proposal constitutes three pitches.

8.7 The widely accepted definition of a pitch, as set out in the Regional Spatial Strategy Draft Policy on gypsy/traveller accommodation, is “an area of land where a Gypsy or Traveller household can reside; typically this may contain a building, parking space and one or more caravans. The average number of caravans per pitch is currently estimated as 1.7”.


Core Strategy Submission DPD, May 2008 (Policy CS3)

ECDC’s Sub-District Gypsy Needs Assessment 2007

Cambridge Sub-Region Traveller Needs Assessment, May 2006
8.8 It is clear from the definition above that the key unit is the household. It is the Local Planning Authority’s view that grown-up children, living with their partners, in accommodation that is separate from their parents, constitute separate households, and therefore this proposal comprises three individual pitches.

8.9 Furthermore, the plans indicate that the proposal constitutes three pitches. The size of the site has not been altered from the previous application, and the hardstanding areas where the caravans would be located are distributed across the site. It is considered that this layout would not be conducive to living as a single household. The inclusion of a ‘communal garden’ also suggests that there would be more than one pitch; if the site were to be occupied by one household there would be no need for this feature to be ‘communal’.

8.10 In light of this, it is considered that the proposal does not overcome the previous reason for refusal, and that there is no defined need for the number of pitches proposed. There is therefore no justification for the proposed development on a site which is located in the countryside.

8.11 The proposal does not raise any other issues that were not addressed in the previous submission (08/00965/FUL). Matters of highway safety, drainage/flooding, visual impact and impact on nearby residents were discussed in the committee report for the previous application, and it is considered that none of these matters have changed with the current proposal. The report for the previous application is attached at Appendix B for ease of reference.

8.12 An ecological scoping survey was requested on the previous application, and the applicants have been reminded of this requirement. To date, no such survey has been provided.

8.13 Many of the concerns raised by local residents and the Parish Council were addressed in the report on application 08/00965/FUL, and those comments have not been repeated here. However, there are a number of new comments that have been made, which are addressed below.

8.14 The current application does include a brief Flood Risk Assessment, prepared by the applicant’s agent. This has been assessed by the Environment Agency, who have concluded that it is satisfactory. Consequently, no reason for refusal on drainage or flooding grounds could be sustained, and the qualifications of the person who prepared the assessment cannot be questioned.

8.15 The proposal does include retention of the existing brick building at the rear of the site, and the applicant’s agent has advised that it would be used as a workshop/store. Concerns have been raised that this intention is not included within the current application, and residents have suggested that this building should be demolished. The building is included within the application site, and would therefore be covered by the proposed change of use. Consequently, it could only be used for purposes ancillary to the main residential use of the site, and if a business were to be run from the building, this would require planning permission in itself. The Council cannot insist on this building to be demolished; the proposals, which include its retention, must be looked at on their merits.
8.16 The alleged inaccuracy of the plans has been raised with the applicant’s agent, and amended plans were provided on 6th May, altering the site dimensions. Ultimately, the applicant/agent has signed a certificate to say that the entire site is within their ownership, and it is an offence to knowingly or recklessly complete a false or misleading certificate. As a Planning Authority, we have to take this certificate in good faith, and we cannot take any further action as boundary and land ownership issues are a civil matter over which the planning system has no jurisdiction.

8.17 There were a number of discrepancies within the application documentation, most of which have now been resolved.

8.18 No details have been provided of the caravans as there is no requirement to do so. The way in which planning law operates means that caravans do not constitute ‘operational development’ as they are not a permanent structure. Consequently, the only planning permission that is required is to use the land for siting caravans. Any type or style of caravan could therefore be placed on the site, should planning permission be granted, provided that it meets the definition of ‘caravan’ set out in the Caravans Act of 1960.

8.19 Residents are correct in stating that there is no legal requirement for a dayroom or utility block to provided. However, we must look at the application on the basis of what is proposed, and must judge whether or not the proposed day room would give rise to any unacceptable impacts. We cannot refuse an application on the basis that there is no legal requirement for the proposal; extending this argument to other situations, it could be argued that there is no legal requirement for a house to be built, but we have to consider applications for such development on their merits.

8.20 The application is not being treated as ‘Affordable Housing’ as it would not meet the definition. This confusion seems to have arisen because Circular 01/2006 states that Local Planning Authorities may apply a rural exceptions site policy for gypsy/traveller sites, which would operate in the same way as rural exceptions site policies for affordable housing, i.e. would permit such sites in the countryside, outside the normal policies of control, subject to proposals meeting a number of criteria.

9.0 RECOMMENDATION

REFUSE, for the following reason:

Despite the description of the proposal, it is considered that, as a matter of fact and degree, the proposal constitutes three pitches. There is no established need for this number of pitches, which would be located on land outside the development envelope. The latest available information on need in the local area indicates that only 1 further pitch is required in the northern part of the District in the period to 2011. This proposal would exceed this requirement by 2 pitches. For this reason the proposal is contrary to policy H3 of the East of England Plan, 2008, and guidance contained within ODPM circular 01/2006, as well as saved policies 9 and 10 of the East Cambridgeshire District Local Plan, 2000, and PPS 7.

APPENDICES
- Appendix 1 – Applicants Design and Access Statement and correspondence
- Appendix 2 – Committee report for application 08/00965/FUL

<table>
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<tr>
<th><strong>Background Documents</strong></th>
<th><strong>Location(s)</strong></th>
<th><strong>Contact Officer(s)</strong></th>
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<tbody>
<tr>
<td>Case file and history files; Policy documents listed in section 7.</td>
<td>Sarah Hornbrook Room No. 011 The Grange</td>
<td>Sarah Hornbrook Planning Officer</td>
</tr>
<tr>
<td></td>
<td>Ely</td>
<td>01353 665555</td>
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