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**MAIN CASE**

**Reference No:** 13/00863/FUL

**Proposal:** Erection of day room/utility block ancillary to gypsy caravan site and stable building - Retrospective

**Site Address:** Second Field West Of Pony Lodge Grunty Fen Road  
Witchford Cambridgeshire

**Applicant:** Mrs E Holmes

**Case Officer:** Penelope Mills Senior Planning Officer

**Parish:** Wilburton

**Ward:** Stretham

**Ward Councillors:** Councillor Bill Hunt  
Councillor Charles Roberts

**Date Received:** 19 February 2014      **Expiry Date:**

[Q5]

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**1.0 RECOMMENDATION**

1.1 Members are requested to delegate the application for APPROVAL to the Planning Manager subject to: the completion of a Section 106 Agreement preventing a mobile home from being sited on the land; submission of acceptable drainage details; and, the conditions set out below. The recommended conditions are set out in full in appendix 1.

1. Approved Plans
2. Restriction on use of day room and link with the use of the pitch
3. Restriction of use of stable building
4. Building brought into line with approved plans within 90 days or agreed timetable
5. Surface water drainage scheme implemented in accordance with approved plans within 90 days or agreed timetable.

**2.0 SUMMARY OF APPLICATION**

2.1 The application seeks part retrospective planning consent for the construction of a 'day room' to be used in association with the existing traveller pitch, granted consent under planning application 10/00005/FUL. The application also seeks to

regularise other development on the site comprising of a stable building and hardstanding areas. The application seeks permission for a slightly smaller building than is currently on the site, with an 'L-shaped' footprint Extending 11.6 metres north-south and 12.8 metres west-east. No increase in the number of pitches on the site is proposed.

2.2 The applicant and his family are known to the Council's Acting Traveller Liaison Officer as part of the traveller community and they are considered to meet the definition of a 'gypsy or traveller' set out in Annex 1 of The Communities and Local Government Planning Policy for Traveller Sites.

2.3 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

### 3.0 PLANNING HISTORY

3.1

|              |                         |          |            |
|--------------|-------------------------|----------|------------|
| 10/00005/FUL | Siting of a mobile home | Approved | 05.03.2010 |
|--------------|-------------------------|----------|------------|

The above application granted permission for the creation of a single plot with consent to station up to 3 caravans on the site no more than one of which being a static caravan or mobile home.

### 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site is located on the south side of Grunty Fen Road, on land designated as countryside, some distance from both Witchford and Wilburton. There is a single vehicular access from the highway and areas of hard standing for the siting of caravans. The site is enclosed by a mix of hedging and fences. The majority of the surrounding land comprises agricultural fields.

### 5.0 RESPONSES FROM CONSULTEES

5.1 Responses were received from the following consultees and these are summarised below. The full responses are available on the Council's web site.

**Cllr Bill Hunt** – Requested the application go before Planning Committee and raised the following points:

- Concern that the reconsultation did not allow long enough for comments
- Confirmation that the application is being considered in line with the Planning Policy on Travellers Sites as issued by the Department for Communities and Local Government in March 2013.

- Confirmation that the applicant falls within the definition of gypsies and travellers as set out in the policy document.
- Concern that this is a permanent concrete based building and not a mobile home or caravan.
- Concern this could open the floodgates.
- Concern over description of the building of the building as 'timber frame'.

**Stretham Parish Council** – Object for the following reasons:

- Outside development envelope in open countryside
- There is no planning policy to support this building
- If approved, would open the floodgate for more retrospective applications

**Witchford Parish Council** – Object for the following reasons

- Out of keeping with the character of the area
- Will exacerbate the existing traffic issues on Grunty Fen Road.

**Local Highways Authority** - No objection as it has no significant impact on the public highway

**Environmental Health** – No issues to raise

**Internal Drainage Board** – Object until a suitable scheme for surface water disposal is received. Advised that the following information is required if agricultural land drains are to be used as suggested by the applicant:

- The pipe diameter
- The length of each pipe run.
- The depth at which pipes will be laid.
- A drawing showing construction of the land drain, and what ditch they will discharge to.
- The proposed rate (quantity) of water that will be discharged from the site.

5.2 Neighbours – A site notice was posted and one neighbouring address has been notified. No representations have been received.

## 6.0 The Planning Police Context

### 6.1 East Cambridgeshire Local Plan 2015

|          |   |
|----------|---|
| GROWTH 2 | Locational strategy                                 |
| GROWTH 5 | Presumption in favour of sustainable development    |
| HOU 9    | Gypsies, travellers and travelling showpeople sites |
| ENV 1    | Landscape and settlement character                  |
| ENV 2    | Design  |
| ENV 8    | Flood risk  |

### 6.2 National Planning Policy Framework 2012

### 6.3 Planning Policy for Traveller Sites 2013

6.4 Designing Gypsy and Traveller Sites – Good Practice Guide 2008

7.0 PLANNING COMMENTS

**Planning policy and the principle of development**

- 7.1 The Communities and Local Government 'Planning Policy for Traveller Sites' confirms that, in accordance with planning law, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. It also confirms that applications should be assessed and determined in accordance with the presumption in favour of sustainable development.
- 7.2 The application site is not located within a designated development envelope and is therefore on land designated as countryside, where policy GROWTH2 of the Local Plan states that there will be a strict control over new development. The policy goes on to list a number of exceptions to this control, one of which is gypsy and traveller sites, which is dealt with under policy HOU9.
- 7.3 Policy HOU9 confirms that provision should be made for 38 permanent Gypsy and Traveller pitches between 2011 and 2031. The application site is an existing pitch and so much of the policy, which relates to the criteria for acceptable sites, is not directly relevant to the proposal. However, there are general points within the policy which are applicable to this application. It states that in order for an application for a gypsy or traveller site to be acceptable:
- There should be no significant adverse impact on the character and appearance of the countryside and the setting of settlements.
  - There should be no loss of or adverse impact on important historic and natural environment assets
  - The scale of the proposal should not be disproportionate to the size of the nearest settlement and the availability of community facilities and infrastructure.
  - The site shall provide a suitable level of residential amenity for the proposed residents and there shall be no significant adverse impact on the amenity of nearby residents.
- 7.4 Policy HOU9 does not specify what a 'pitch' should contain and does not specifically make reference to the provision of day rooms. Similarly, the National Policy does not expand on the nature of what a pitch may contain, although both National and Local policy place emphasis on the need for permanent, well serviced pitches to meet local need.
- 7.5 The Communities and Local Government Good Practice Guide 'Designing Gypsy and Traveller Sites (2008), provides more detailed guidance on what a traveller pitch should include and specifically refers to day rooms. It states, at paragraph 7.17, that it is essential for an amenity building to be provided on a traveller or gypsy pitch. Such a building would not need to be a movable structure and could be a permanent structure serving the traveller pitches.

- 7.6 In light of the advice given in the Government good practice guide, it is accepted, in principle that the provision of a day room on a traveller pitch may be acceptable, provided that all other material considerations and relevant Local Plan policies are satisfied.
- 7.7 The application also seeks to regularise the situation with regards to other development on the site in the form of hard standing areas and a stable building located at the rear of the site. The good practice guide referred to above also refers to the provision for the keeping of horses and states that such an area may be included, to reflect the cultural use of the horse as a traditional means of transport. It is therefore accepted that in principle, this development could be acceptable provided that all other materials consideration and relevant Local Plan policies are satisfied.

### **The scale of the proposal and the impact on the character of the area**

- 7.8 Given that the Government guidance indicates that the provision of a day room is acceptable, it is necessary to consider the actual impacts from the day room which is the subject of this application. In this respect, the size, location and design of the building are relevant considerations.
- 7.9 The Government guidance on traveller and gypsy sites states that as a minimum an amenity building, or day room should include: "hot and cold water supply; electricity supply; a separate toilet and hand wash basin; a bath/shower room; and, a kitchen and dining area". It must also include secure storage space; enclosed storage for food, brooms, washing, cleaning items etc and space for connection of a cooker, fridge freezer and washing machine. Furthermore, it also recommends that the inclusion of a day/living room in the amenity building for family meals.
- 7.10 There are no specific guidelines on what size an amenity building should be. However, in order to comply with best practice and provide all the recommended facilities, such a building is likely to be a reasonable size. The amended plans for the building show an open plan layout providing the type of accommodation listed in the Government guidance.
- 7.11 The applicant has agreed that the building erected on the site would be reduced in size, by shortening the projection fronting the highway by 3 metres. The revised building, which is shown on the submitted plans, would have a footprint of approximately 78.99 square metres. It would provide a small utility and shower room, a kitchen area and a lounge area. The building would also provide space for storage and a safe area for the children to play when it is not possible for them to be outside.
- 7.12 The building is of timber construction with a simple design, similar in appearance to a 'park home' or mobile home, which could be sited on the land under the existing planning permission. Indeed, the amended definition of a caravan in the caravan Sites Act 1968 allows for buildings composed of no more than two parts, assembled on site, to have a length of up to 20 metres, a width of up to 6.8 metres, and an overall height not exceeding 3.05 metres. These units can have a pitched,

tiled roof and an appearance very similar to a conventional bungalow, and yet still comply with the legal definition of a caravan.

- 7.13 Given the possible scale of a mobile home and the simple, unobtrusive design of the day room. It is considered that the impact of the structure on the character of the area, when viewed in the context of the approved site, would be comparable to the impact of the approved mobile home, which was considered to have an acceptable impact on the character and appearance of the area. The building is set back within the site, and the front projection has been reduced to help minimise its impact on the streetscene. The stable building, which has been constructed to the rear of the site, is of a modest scale and its design reflects its function. It is the sort of building one may expect to see in a rural location and it would have a minimal impact on visual amenity. On balance it is therefore considered that the development would be in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan, with respect to the impact on the character and appearance of the area.
- 7.14 Whilst the design and scale of the day room is considered to be commensurate with its use and acceptable in terms of its visual impact, the size of site is such that should the applicant chose to site a mobile home in addition to the day room, an overdeveloped appearance would be likely, and this could have an adverse impact on the rural nature of the area.
- 7.15 The consent for a mobile home has already been given under an earlier planning consent. Therefore, the only way to restrict this element would be through the use of a S106 Legal Agreement. Such an agreement would ensure that a mobile home could not be sited here so long as the day room existing on the site. The applicant would still be able to site the smaller touring caravans approved under the earlier permission.

### **Flood risk and drainage**

- 7.16 The Internal Drainage Board has registered an objection on the basis that they have not seen details of the proposed surface water drainage method. The Drainage Board have since provided a breakdown of the information that is required and the applicant has been asked to provide these prior to a decision being issued.
- 7.17 The drainage issues on the site are not considered to be insurmountable and it may be that separate consent is required from the board if surface water is to be discharged into one of their drains.
- 7.18 Due to the retrospective nature of the application it is considered, in this case, that detail should be secured prior to the grant of permission and a condition would not be an appropriate way in which to deal with this matter. The recommendation in this report is therefore subject to the receipt of acceptable drainage details which meet with the approval of the Drainage Board.
- 7.19 Subject to the receipt of drainage details, the application will comply with policy ENV7 of the Local Plan.

### **Highway safety**

- 7.20 The proposed day room, and stable building, associated the existing pitch would not intensify the current use of the site and would not adversely affect wither the existing access or the wider public highway. Sufficient space would also be retained on site for the moving and parking of vehicles.
- 7.21 County Highways do not object to the proposal and it is considered that it meets the requirements of policies COM7 and COM8 of the Local Plan.

### **Residential Amenity**

- 7.22 There are no residential dwellings located close to the site that would be directly affected by either the day room or the associated stable building. The proposal is therefore considered to comply with policy ENV2 of the Local Plan in terms of impacts on residential amenity.
- 7.23 In terms of the amenity of the occupants of the pitch, an amenity building such as a day room is considered to be an important part of providing an acceptable standard of living. In this particular case, the applicants have stressed the importance of having an adequate indoor play space for the children, which would be provided by the building.

### **Ecology and Protected Species**

- 7.24 The application site is not located close to any locally or nationally designated sites and the site has no features that indicate the presence of protected species in accordance with Natural England's standing advice. It is considered that the proposed development will not have a detrimental ecological impact and is in accordance with policy ENV7 of the Local Plan.

### **Summary**

- 7.25 National Planning Policy and policy HOU9 of the Local Plan allow for the provision of traveller pitches in the countryside. Detailed guidance on what such pitches should contain is provided in the Communities and Local Government Good Practice Guide on Designing Gypsy and Traveller Sites. This guidance states that permanent amenity buildings are an acceptable part of a traveller pitch.
- 7.26 The day room proposed in this application, in its reduced state, would have a similar visual impact to the permitted mobile home, and it is considered that there would be no significant adverse effects on the character and appearance of the area. The stable building is similarly considered to have an acceptable impact in terms of visual amenity.

7.27 Due to the size of the site it is considered that a Section 106 Legal Agreement is required to prevent the siting of a mobile home on the site in addition to the dayroom, which would result in an overdeveloped appearance.

7.28 It is considered that the proposed development, subject to the recommended conditions and following receipt of drainage details and an completed S106 Agreement is in accordance with Local and National planning policy and is acceptable.

8.0 APPENDICES

8.1 Appendix 1 – Recommended conditions

| <u>Background Documents</u>      | <u>Location</u>  | <u>Contact Officer(s)</u>                                 |
|----------------------------------|--|---|
| Planning File<br>13/00863/FUL    | Penelope Mills<br>Room No. 011<br>The Grange   | Penelope Mills<br>Senior Planning Officer<br>01353 665555 |
| Planning History<br>10/00005/FUL | Ely<br><br>Online<br><a href="http://pa.eastcamb.gov.uk/online-applications/">http://pa.eastcamb.gov.uk/online-applications/</a> | penny.mills@eastcamb.gov.uk                               |

National Planning Policy Framework  
<http://planningguidance.planningportal.gov.uk/>

Planning Practice Guidance  
<http://planningguidance.planningportal.gov.uk/>

Designing Gypsy and Traveller Site DCLG Good Practice Guide  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/11439/designin\\_ggypsysites.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/11439/designin_ggypsysites.pdf)

Planning policy for Traveller sites  
<https://www.gov.uk/government/publications/planning-policy-for-traveller-sites>



**Appendix 1**

**RECOMMENDED CONDITIONS**

1 Development shall be carried out in accordance with the drawings and documents listed below

| Plan Reference | Version No | Date Received     |
|----------------|------------|-------------------|
| LOCATION PLAN  |            | 6th December 2013 |
| 3023/13/1      | A          | 6th December 2013 |
| 3023/13/3      |            | 28th August 2014  |
| 3023/13/2      | B          | 28th August 2014  |
| 3023/13/4      |            | 28th August 2014  |

- 1 Reason: To define the scope and extent of this permission.
  
- 2 The approved 'day room' shown on drawing numbers 3023/13/4, 3023/13/2b and 3023/13/1a shall only be used as a day room by the occupants of the associated traveller pitch, which comprises the land outlined in red on the submitted location plan. The building shall not be occupied as a residential dwelling and shall not be separated from the associated traveller pitch.
  
- 2 Reason: The application has been assessed on this basis and found to be acceptable in accordance with policy HOU9 of the Local Plan 2015 and with the Communities and Local Government 'Designing Gypsy and Traveller Sites' good practice guide.
  
- 3 The stable building shown on drawing numbers 3023/13/1a and 3023/13/3 shall be used for the keeping of horses owned by the occupants of the associated traveller pitch outlined in red on the submitted location plan.
  
- 3 Reason: The application has been assessed on this basis and found to be acceptable in accordance with policy HOU9 of the Local Plan 2015 and with the Communities and Local Government 'Designing Gypsy and Traveller Sites' good practice guide.
  
- 4 Within 90 days of the date of this consent, or in accordance with a timetable agreed in writing with the local planning authority, the day room building on the site shall be brought into line with the approved plans 3023/13/2b and 3023/13/4.
  
- 4 Reason: The day room has been assessed and found acceptable on the basis of these plans.
  
- 5 The surface water drainage scheme shall be fully implemented in accordance with the approved plans within 90 days of the date of this consent or in accordance with a timetable agreed in writing with the local planning authority.
  
- 5 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.