

**MAIN CASE**

Proposal: Construction of 2no. three bedroom detached bungalows and garaging for Travellers

Location: Land East Of 4 Long Dolver Drove Soham Cambridgeshire

Applicant: Mr & Mrs W Tidd

Agent: Andrew Fleet MCIAT

Reference No: 14/00208/FUL

Case Officer: Scott Jackson

Parish: Soham  
Ward: Soham North  
Ward Councillor/s: Councillor Tony Cornell  
Councillor James Palmer

Date Received: 31 March 2014      Expiry Date:

**[P39]****1.0 EXECUTIVE SUMMARY**

- 1.1 This application has been referred to the Planning Committee meeting as it is in the wider public interest.
- 1.2 The application proposes 2x3 bedroom detached bungalows and garaging for travellers. These bungalows are proposed in place of the two pitches allowed for travellers via appeal by the Planning Inspector on 2 December 2013. The proposed bungalows measure 13m x 12.5m (at its deepest point) with a ridge height of 5.8m and height to eaves of 2.9m. The proposed detached garages measure 6.5m x 3.5m with a ridge height of 3.95m. Associated off-street parking, vehicular turning and garden space are also proposed to serve each of the bungalows.
- 1.3 The site is located in the countryside where development is strictly controlled by policies CS1 and CS2 of the East Cambridgeshire Core Strategy 2009, these policies list the exceptions which would be permitted within the countryside. The proposal, for two bricks and mortar bungalows in place of two traveller pitches does not fall within the exceptions permissible for gypsy, traveller and travelling pitches under policies CS3 of the Core Strategy and HOU9 of the draft Local Plan. The application proposal does not fall within any of the exceptions allowed for residential development in the countryside, and is therefore contrary to Policies CS1, and CS2 of the Core Strategy, and advice contained in paragraph 55 of the National Planning Policy Framework 2012.

1.4 The potential loss of 2 travellers pitches is also of concern, together with the potential precedent that would be established if permanent dwellings are allowed in place of traveller pitches. The Council is required to show a ten year supply and the substitution of pitches for bungalows (dwellings of permanent construction) may result in sites having to be sought elsewhere in the district. If permitted then the proposal could result in the submission of further planning applications of this nature, thereby potentially reducing the number of pitches for gypsies, travellers and travelling show people in the district still further. **The application is therefore recommended for REFUSAL.**

1.5 **A Site visit has been arranged for 11.40am, prior to the Planning Committee meeting.**

## **2.0 THE APPLICATION**

2.1 The application proposes 2x3 bedroom detached bungalows and garaging for travellers. These bungalows are proposed in place of the two pitches allowed for travellers via appeal by the Planning Inspector on 2 December 2013. The proposed bungalows measure 13m x 12.5m (at its deepest point) with a ridge height of 5.8m and height to eaves of 2.9m. The proposed detached garages measure 6.5m x 3.5m with a ridge height of 3.95m. Associated off-street parking, vehicular turning and garden space are also proposed to serve each of the bungalows.

2.2 The application is supported by a Local Requirements Checklist Statement and a Geo-Environmental Desk Study Report.

## **3.0 THE APPLICANT'S CASE**

3.1 The Applicant's case is set out in the Local Requirements Checklist Statement, which 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, on the application file.

## **4.0 THE SITE AND ITS ENVIRONMENT**

4.1 The site is located to the northeast of Soham on land designated as "Countryside". It lies at the end of a shared, single track, metalled driveway off Long Dolver Drove. The access driveway is shared with numbers 4, 5 and 6 Long Dover Drove, is approximately 3 metres wide with no turning or passing places, and ends at land under agricultural cultivation. There is a drainage ditch that runs to the south of this access road.

Long Dolver Drove is an unclassified single track cul-de-sac which is accessed from Hasse Road. Hasse Road is an unclassified road linking the A142 Soham-by-pass to Northfield Road and settlements further to the east.

The application site has a frontage of some 41 metres and rear boundary of some 73metres, amounting to some 7245m<sup>2</sup>. This flat site has been cleared and tidied. It is now under rough pasture and open on the north, south and eastern boundaries.

Gates together with wooden post and rail fencing clearly mark the boundaries of the site forming two plots. Each plot has been subdivided with internal post and rail fencing and gates.

## **5.0 PLANNING HISTORY**

5.1

09/00632/FUL	Change of use for 2No. traveller family sites on existing vacant land.	Refused	04.11.2009
12/01075/FUL	Two travellers sites and associated site works	Refused	25.01.2013

## **6.0 REPLIES TO CONSULTATIONS**

- 6.1 Environmental Health- The envirosearch report submitted with the planning application has been considered. There are some issues at this site which require a full Phase 1 Environmental Assessment and Phase 2 Intrusive Survey to be undertaken, some remediation may also be necessary. Recommend conditions to this effect.
- 6.2 CCC Highways- Given the result of the inspectors decision, the Highway Authority accepts that no sustainable objection could be raised on issues affecting the public highway, subject to the developer providing the highway improvements required by the inspectorate. The location is likely to rely upon motorised traffic .
- 6.3 Middle Fen and Mere Internal Drainage Board- The applicant's agent has informed us that soakaways will be used in connection with this development. If this is the case then the Board are happy to withdraw their objection. If soakaways are not found to be suitable for this site or another method of surface water disposal is to be used, the Board must be re-consulted on this matter.
- 6.4 Soham Town Council- Object on the following grounds:
- Unsuitable access to Long Dolver Drove;
  - Land is outside development envelope.
- 6.5 ECDC Waste Strategy- All new residential development requires the provision of two wheeled bins, the contribution is set at £50 per property.
- 6.6 Neighbouring properties were notified and a site notice was displayed. One letter of objection was received raising the following issues:
- We have tried previously to get planning permission for dwellings on this land;
  - The waste from the scrap yard is buried in the soil;
  - Previous issues of traffic have not been resolved;
  - Loss of money from sale of land as being agricultural value;
  - The applicant still owes money to us;
  - Mr Tidd has only owned the land for 2.5 years.

## **7.0 THE PLANNING POLICY CONTEXT**

### 7.1 East Cambridgeshire Core Strategy 2009

CS1	Spatial Strategy
CS2	Housing
CS3	Gypsy traveller and Showpeoples Sites
H4	Affordable housing exceptions
H5	Dwellings for rural workers
EN1	Landscape and settlement character
EN2	Design
S4	Developer contribution
S6	Transport impact

### 7.2 East Cambridgeshire Local Plan Pre-submission version (February 2013)

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
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
COM 7	Transport impact

### 7.3 Supplementary Planning Documents

Developer Contributions and Planning Obligations  
Design Guide

## **8.0 CENTRAL GOVERNMENT POLICY**

### 8.1 National Planning Policy Framework 2012

- 4 Promoting sustainable transport
- 6 Delivering a wide choice of high quality homes
- 7 Requiring good design

### 8.2 Technical Guide to the National Planning Policy Framework

## **9.0 PLANNING COMMENTS**

9.1 The site is outside of the settlement boundary for Soham and has planning consent, gained at appeal for a traveller site for two pitches, each with 2 caravans on them, this being limited by planning condition. The main issues in the determination of this planning application are the principle of development, loss of travellers site for 2 pitches, impact on highway safety and upon the character and appearance of the countryside.

## Principle

- 9.2 The site is located outside the settlement boundary for Soham, on land designated as countryside, this is a location where development is strictly controlled and new houses require special and specific justification. Core Strategy policy CS1 sets out the exceptions allowed for development in the countryside, whilst policy CS2 sets out the residential exceptions allowed outside of settlement boundaries, these exceptions include affordable housing, sites for gypsies and travellers, dwellings for essential rural workers and the replacement of dwellings, extensions to dwellings and re-use or replacement of existing buildings. Paragraph 55 of the National Planning Policy Framework (NPPF) states that Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:
- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
  - where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
  - where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
  - the exceptional quality or innovative nature of the design of the dwelling.
- 9.3 The proposal is for the replacement of two pitches for travellers for permanent dwellings (bungalows) to be occupied by travellers. The change of use of the land for two traveller pitches has been established through the appeal being allowed under planning application 12/01075/FUL. A condition was imposed by the planning inspector that the site not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Traveller Sites March 2012. Policy CS3 of the Core Strategy Policy CS3 of the East Cambridgeshire Core Strategy identifies that at least 35 pitches will be provided in the district between 2006 and 2011. Policy HOU9 of the draft East Cambridgeshire Local Plan states that the District Council will make provision for gypsy, traveller and travelling sites to meet identified need and that provision should be made for at least 38 permanent gypsy and traveller pitches between 2011 and 2031. The application proposes bricks and mortar housing in place of 2 pitches for travellers (which have the benefit of planning permission) this proposal does not fall within the definition of a pitch or site for gypsies and travellers, therefore it cannot be considered under policies CS3 of the Core Strategy or HOU9 of the draft East Cambridgeshire Local Plan. The application proposal does not fall within any of the exceptions allowed for residential development in the countryside, and is therefore contrary to Policies CS1, and CS2 of the Core Strategy, and advice contained in paragraph 55 of the National Planning Policy Framework 2012.
- 9.4 Whilst a condition could be recommended in relation to the occupation of the proposed bungalows by gypsy and travellers (in line with the inspectors decision) the fact remains that the proposal is for bricks and mortar dwellings in place of pitches, this proposal is not considered to comply with the exceptions permissible for residential development in the countryside.

## **Potential loss of traveller's site**

- 9.5 Local Authorities are required to consider and plan for the accommodation needs of gypsies, travellers and travelling show people as set out in the Housing Act 2004. The Government's guidance on 'Planning policy for traveller sites' (March 2012) requires that local planning authorities set pitch targets for gypsies and travellers and plot targets for travelling show people which address the likely site accommodation needs of travellers in their area. Local authorities are also required to identify specific deliverable gypsy and traveller and travelling show people sites where there is an identified need for additional accommodation, equating to a minimum of 10 years supply. The ability to illustrate such a supply assists in determining windfall applications. In developing Policy HOU9 (Gypsies, travellers and travelling show people sites), the draft Local Plan shows that there is a need for 23 pitches between 2011 and 2021. Accounting for the 2 pitches approved on this site at appeal, and proposed allocation sites (4 pitches), the Council can show that 22 sites will be provided during this period, this is the latest planning policy position presented to the Planning Inspector as a modification to the draft local plan following the public examination of the local plan in February 2014. However, should these pitches be lost, then only 20 could be counted, leaving a residual of 2 pitches to be found. The text to the policy states that whilst the Council has a good track record of positively considering windfall sites, future windfall sites cannot be included in the calculations as they are presently unknown. The loss of this site for traveller use would therefore have a significant impact on the Council's ten year supply of gypsy and traveller sites, and consequently impact on determining future applications.
- 9.6 The loss of this traveller site could also result in the submission of future applications to be considered for permanent dwellings (albeit for occupation by gypsies and travellers) in place of traveller pitches and site. The development of this site for bricks and mortar housing would reduce the amount of Gypsy and Traveller pitches which are available within the district when there is an identified need for this type of accommodation and which if permitted would allow a precedent for further planning applications of this nature to be submitted for consideration, thereby potentially reducing the provision for this type of accommodation in the district still further.

## **Highways**

- 9.7 Issues were raised in relation to the previous planning application (12/01075/FUL) and the application was subsequently refused with a reason on grounds of highway safety forming part of the decision. The planning inspector's decision in relation to the previous planning application is a material consideration in the determination of this proposal. The planning inspector agreed with the highway improvements put forward by the appellant in their statement of case for the appeal and imposed conditions to this effect. These highway improvements consisted of the provision of a single bell mouth arrangement at the junction with Hasse Road, the provision of an additional passing place along Long Dolver Drove and the widening of the access at the junction of Long Dolver Drove to ease manouevering, especially by larger vehicles. Subject to the implementation of these recommended highway improvements the proposed development is considered to be acceptable on highway safety grounds.

## Impact on countryside

- 9.8 The proposal is for two detached bungalows and garages in place of two pitches for travellers which could contain a maximum of two caravans per pitch. Given the open nature of the site it is accepted that views of the proposed bungalows will be available from the surrounding landscape, particularly from Hasse Road, 285m to the east. The proposed bungalows will not be viewed in isolation, they will be seen in conjunction with the existing dwellings (4 in total) which are located along this section of Long Dolver Drove. No issues are raised in relation to the design, scale or height of the proposed bungalows, conditions could be recommended to address matters relating to soft landscaping and the materials to be used in the external appearance of the bungalows. Such conditions would help assimilate the proposed bungalows into their rural setting. It is worth noting that the existing mature hedge along the western boundary of the site would afford some screening to the proposed development, particularly when approaching from the direction of Long Dolver Drove. The bungalows are of a simple, well proportioned and balanced design with features such as a projecting gable to the principal elevation and a full height chimney breast to add visual interest. Each of the proposed elevations is broken up by a combination of either window or door openings. The proposed detached garages will be screened between the bungalows, located to the rear. Given the development adjacent, it is considered that the proposed detached bungalows and garages would not have an adverse impact on the character and appearance of the countryside.

## Other issues

- 9.9 Should the development be approved, then Community Infrastructure Levy payment would be required. Previous planning applications have been submitted for residential development on this site and have been considered on their own merits. Issues raised by consultees in relation to purchase of the land, financial transactions, land values and length of ownership are not material planning issues. The previous use of the land and any materials stored therein would need to be subject to a land contamination survey, in line with the condition recommended by Environmental Health should the development be approved.

## Summary

- 9.10 The proposal is for 2 detached bungalows on a site in the countryside which has recently been granted approval for two travellers pitches at appeal. As the site is located in the countryside, development is strictly controlled by policy CS1, policy CS2 lists exceptions which would be permissible. The application proposes bricks and mortar housing in place of 2 pitches for travellers (which have the benefit of planning permission) this proposal does not fall within the definition of a pitch or site for gypsies and travellers, therefore it cannot be considered under policies CS3 of the Core Strategy or HOU9 of the draft East Cambridgeshire Local Plan. The potential loss of 2 traveller's sites is also of concern, as the Council needs to show a ten year supply, and this may lead to sites having to be sought elsewhere in the district. Furthermore the proposal, if permitted may result in the submission of further planning applications of this nature, thereby establishing a precedent for development of this type in the countryside and potentially resulting in a reduction in the provision of pitches in the district still further. The application is therefore recommended for **REFUSAL**.

## 10.0 **RECOMMENDATION**

### RECOMMENDATION: **REFUSAL**

- 1 The site is located outside the development envelope of Soham and is classified as 'countryside', where there is a policy of strict control over residential development. Exceptions to this policy of control may include affordable or special needs housing; travellers sites, replacement dwellings or dwellings essential to rural enterprises. Policy CS3 of the East Cambridgeshire Core Strategy identifies that at least 35 pitches will be provided in the district between 2006 and 2011. Policy HOU9 of the draft East Cambridgeshire Local Plan states that the District Council will make provision for gypsy, traveller and travelling sites to meet identified need and that provision should be made for at least 38 permanent gypsy and traveller pitches between 2011 and 2031. The application proposes bricks and mortar housing in place of 2 pitches for travellers (which have the benefit of planning permission) this proposal does not fall within the definition of a pitch or site for gypsies and travellers, therefore it cannot be considered under policies CS3 of the Core Strategy or HOU9 of the draft East Cambridgeshire Local Plan. The application proposal does not fall within any of the exceptions allowed for residential development in the countryside, and is therefore contrary to Policies CS1, and CS2 of the Core Strategy, and advice contained in paragraph 55 of the National Planning Policy Framework 2012.
  
- 2 National Guidance highlights that Local Authorities need to take account of the housing needs for gypsies and travellers. Adopted policies of the District Council allow for this provision both in terms of windfall and allocated pitches. The site currently has the benefit of planning permission for 2 Gypsy and Traveller pitches. There is a need for additional Gypsy and Traveller pitches to be provided in the district as set out in the Cambridge sub-regional Gypsy and Traveller Accommodation Needs Assessments 2006 and 2011, as detailed in Policy CS3, of East Cambridgeshire District Council Core Strategy 2009. The development of this site for bricks and mortar housing would reduce the amount of Gypsy and Traveller pitches which are available within the district when there is an identified need for this type of accommodation and which if permitted would allow a precedent for further planning applications of this nature to be submitted for consideration, thereby potentially reducing the provision for this type of accommodation in the district still further.

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<b><u>Background Documents</u></b>	<b><u>Location(s)</u></b>	<b><u>Contact Officer(s)</u></b>
Application File: 14/00208/FUL	Scott Jackson Room No. 011 The Grange Ely	Scott Jackson Planning Officer 01353 665555 scott.jackson@eastcambs.gov.uk