

## BOROUGH OF KETTERING

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| <b>Committee</b>         | <b>Full Planning Committee - 27/10/2015</b>       |
| <b>Items 4.1-4.9</b>     | <b>Greenfields Planning Applications</b>          |
| <b>Report Originator</b> | <b>Louise Holland<br/>Development Team Leader</b> |
| <b>Wards Affected</b>    | <b>Welland</b>                                    |

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|---------------------|--|
| <b>Item No: 4.1</b> | <b>Application No: KET/2014/0774</b>   |
| <b>Location</b>     | <b>Plot 4A Greenfields, Braybrooke Road, Braybrooke</b>  |
| <b>Proposal</b>     | <b>Full Application: Siting of caravans for residential occupation with associated hard standing, shed and cess tank</b> |
| <b>Applicant</b>    | <b>Ms M Creaney</b>  |

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| <b>Item No: 4.2</b> | <b>Application No: KET/2014/0776</b>  |
| <b>Location</b>     | <b>Plot 4B Greenfields, Braybrooke Road, Braybrooke</b>   |
| <b>Proposal</b>     | <b>Full Application: Siting of caravans for residential occupation with associated hard standing, utility block or portaloo/portable toilet block and cess tank</b> |
| <b>Applicant</b>    | <b>Mr M McDonagh</b>  |

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| <b>Item No: 4.3</b> | <b>Application No: KET/2014/0777</b>   |
| <b>Location</b>     | <b>Plot 4C Greenfields, Braybrooke Road, Braybrooke</b>  |
| <b>Proposal</b>     | <b>Full Application: Siting of caravans for residential occupation with associated hard standing, utility block, container, shed and cess tank</b> |
| <b>Applicant</b>    | <b>Mr J And M Cash</b>   |

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| <b>Item No: 4.4</b> | <b>Application No: KET/2014/0778</b>  |
| <b>Location</b>     | <b>Plot 4D Greenfields, Braybrooke Road, Braybrooke</b>   |
| <b>Proposal</b>     | <b>Full Application: Siting of caravans for residential occupation with associated hardstanding, utility building and cess tank</b> |
| <b>Applicant</b>    | <b>Mr M Mc Donagh Jnr</b>   |

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| <b>Item No: 4.5</b> | <b>Application No: KET/2014/0784</b>  |
| <b>Location</b>     | <b>Plot 9 Greenfields, Braybrooke Road, Braybrooke</b>  |
| <b>Proposal</b>     | <b>Full Application: Siting of caravans for residential occupation with ancillary development</b> |
| <b>Applicant</b>    | <b>Mr Patrick Doran</b>   |

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| <b>Item No: 4.6</b> | <b>Application No: KET/2014/0786</b>  |
| <b>Location</b>     | <b>Plot 8 Greenfields, Braybrooke Road, Braybrooke</b>  |
| <b>Proposal</b>     | <b>Full Application: Siting of caravans for residential occupation. Erection of utility building, installation of cess tank, construction of hard standing, and erection of close board fencing</b> |
| <b>Applicant</b>    | <b>Mrs Mary Doran</b>   |

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| <b>Item No: 4.7</b> | <b>Application No: KET/2015/0079</b>   |
| <b>Location</b>     | <b>Plot 8A Greenfields, Braybrooke Road, Braybrooke</b>  |
| <b>Proposal</b>     | <b>Full Application: Siting of caravans for residential occupation with associated hard standing, shed and septic tank</b> |
| <b>Applicant</b>    | <b>Mr C Julian</b>   |

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| <b>Item No: 4.8</b> | <b>Application No: KET/2015/0317</b>   |
| <b>Location</b>     | <b>Plot 10 Greenfields, Braybrooke Road, Braybrooke</b>  |
| <b>Proposal</b>     | <b>Full Application: Siting of caravans for residential occupation with associated hard standing, shed and septic tank</b> |
| <b>Applicant</b>    | <b>Mr C, E &amp; J Mongan</b>  |

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| <b>Item No: 4.9</b> | <b>Application No: KET/2015/0500</b>   |
| <b>Location</b>     | <b>Plot 24B Greenfields, Braybrooke Road, Braybrooke</b>   |
| <b>Proposal</b>     | <b>Full Application: Siting of caravans for residential occupation with associated hard standing and utility block</b> |
| <b>Applicant</b>    | <b>Mr P Gavin</b>  |

## 1. PURPOSE OF REPORT

- To describe the above proposals
- To identify and report on the issues arising from it
- To state a recommendation on the application

## 2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that each of the applications identified above be REFUSED for the following reasons:

(Each individual application for Greenfields is recommended for refusal for the same reasons).

Core principles of the National Planning Policy Framework (NPPF) apply to this proposal. The Development Plan: North Northamptonshire Core Spatial Strategy (NNCSS) contains policies 1, 9, 13 and 17 which require development to be focused in accordance with a network of settlements; to strictly control new development in the open countryside outside sustainable urban extensions; give preference to locations that are accessible by a choice of means of travel, comply with sustainable development criteria, and otherwise closely link sites to existing settlements with an adequate range of services and facilities in order to maximise the possibilities for social inclusion and sustainable patterns of living.

1. The application site as part of the land known as 'Greenfields' is located well beyond any settlement, and on relatively exposed higher ground within attractive, open, gently rolling countryside. The landscape context is also characterised by dispersed isolated farms and few settlements.

Core principles of the National Planning Policy Framework include recognising the intrinsic character and beauty of the countryside and supporting thriving communities within it; and to contribute to conserving and enhancing the natural environment. Policies 1 and 13 of the North Northamptonshire Core Spatial Strategy put strict controls over new development in the open countryside and require the landscape character to be conserved and enhanced. Saved Local Plan Policies 7 and RA5 have a similar intent. The Planning Policy for Traveller Sites 2015 (PPTS) states that Local Planning Authorities should very strictly limit new traveller sites in the open countryside.

The proposal which is piecemeal and urban in character results in a sporadic form of development that is visible, highly discordant and intrusive in the landscape and would result in considerable harm to the special character and appearance of the countryside. It is therefore contrary to the above Development Plan and National Planning Policies.

2. The site is not closely linked to an existing settlement with a range of services and facilities and the development would result in a significant reliance on private vehicles. Given the site's isolated location away from existing settlements possibilities for social inclusion and sustainable patterns of living would not be established or built upon. The site is unsustainable with regard to its location and relationship to facilities and services. The proposed development is contrary to Development Plan policies, specifically Policies 9, 13 and 17 of the North Northamptonshire Core Spatial Strategy and the Core Principles and Policies of the National Planning Policy Framework.

## **Officers Report for Greenfields Planning Applications:**

|          |                         |
|----------|-------------------------|
| Item 4.1 | Plot 4A (KET/2014/0774) |
| Item 4.2 | Plot 4B (KET/2014/0776) |
| Item 4.3 | Plot 4C (KET/2014/0777) |
| Item 4.4 | Plot 4D (KET/2014/0778) |
| Item 4.5 | Plot 9 (KET/2014/0784)  |
| Item 4.6 | Plot 8 (KET/2014/0786)  |
| Item 4.7 | Plot 8A (KET/2015/0079) |
| Item 4.8 | Plot 10 (KET/2015/0317) |
| Item 4.9 | Plot 24B (KET/2015/500) |

These applications are reported for Committee decision because there are unresolved, material objections to the proposals and the proposals are contentious applications which, in the opinion of the Head of Development Services, are a matter for the decision of the Committee.

### **Committee Report Layout**

Given that the above nine planning applications are part of the wider site which is known as 'Greenfields' sections 3, 4, 5 and 6 of this report apply to all applications referenced above; consultation and third party responses received apply to all applications unless otherwise stated.

It should also be noted that with respect to Planning Considerations to following planning considerations and the officer's assessment of these apply to all current Greenfields planning applications named above:

- Policy and Principle Considerations
- Sustainability
- Landscape and Visual Impacts
- Access

The description of each separate proposed development and other application-specific planning considerations has been set out in the report for each individual application.

### **Committee Report Summary**

There is Report Summary at the end of the Officers Report.

## **3.0 Information**

### **Relevant Planning History**

There is a complex history relating to Greenfields. Key events are summarised below.

The sale of small parcels of land at the Greenfields 15ha site commenced in about 2000. Subdivision of ownership in itself does not involve development requiring planning permission. Since that time, approximately 50 plots, typically in the range of 0.2 – 0.4 ha in area have been created and sold. Some of these individual plots have subsequently been further subdivided.

Enforcement action has been taken during the period from 2001 where unauthorised development has occurred. I have highlighted below some of the key enforcement notices served, planning applications and appeals made.

From October 2010 some plots in the southernmost field were developed as residential caravan sites by Travellers and a main access strip into the field was made up as a hard surface for approximately 200m into the site.

Planning applications were also submitted in respect of caravan site uses at Plots 4, 8 and 9 (details set out below). These applications were refused planning permission and Enforcement Notices alleging unauthorised residential caravan site uses and associated development were issued. Appeals were lodged against some of the refusals of planning permission and against these Enforcement Notices. The Planning Inspectorate, following an informal hearing, determined the appeals on 12 August 2012, granting temporary two year planning permissions for the uses but leaving various enforcement notices unchallenged.

Applications for planning permission for residential caravan uses in respect of other plots within the Greenfields site have been refused. Appeals against said refusals have been dismissed except where occupation in breach of planning control had already occurred. Other breaches of planning control (non-traveller related) have been the subject of Enforcement Notice action and all appeals against such notices have been dismissed and the notices upheld.

Further to the expiry of temporary planning permissions seven applications were made in March 2015 for the siting of caravans for residential occupation with associated hard standing and other associated works (plots 4A, 4B, 4C, 4D, 8, 8A and 9). A further application was made for another plot (Plot 10) in late April 2015 and that plot was occupied around the same time. Plot 10 did not have any previous temporary planning permission. All of these applications are for plots within the southernmost half of the Greenfields site. These applications are the subject of this committee report.

#### Plot 24B

In late May 2015 it came to light that caravans for residential occupation had been sited on Plot 24B, a plot within the northernmost half of Greenfields. Legal proceedings started in June 2015 to seek an injunction to remove the caravans and other works particularly hardstanding areas. During the period between legal proceedings commencing and the first Court date, some of the occupants of Plot 24B moved to Plot 6 (within the southernmost half of Greenfields). NB: the caravans that were sited on Plot 6 have now left Greenfields.

A valid application was made for Plot 24B in June 2015 after legal proceedings commenced. In addition to the applicant and his immediate family others also occupied the site for periods. The injunction was granted and required removal by 23rd July 2015. However, the legal proceedings are ongoing with an expected return to Court in the near future.

#### Plot 7

Plot 7 had temporary planning permission granted by the Planning Inspectorate. This temporary permission expired at the end of April 2015. To date no application has been made. The agent dealing with the site (who is also the agent for a number of the other plots) has indicated that an application is to be submitted.

#### **Planning Applications**

KET/2010/0698 (Plot 8)

Use of the site for siting of a modular dwelling and the keeping of horses, creation of hard standings, erection of stables and fencing, installation of septic tank. Refused.

KET/2010/0800 (Plot 4)

Change of use from agricultural land to a residential Gypsy site with 3 no. pitches and facilitating development. Refused. Appeal Allowed. Temporary 2 year permission granted.

KET/2010/0805 (Plot 9)

Change of Use from farm land to provide a residential Gypsy site with 2 no. pitches comprising 1 no. mobile home and 2 no. caravans, including associated hardstanding, access road and septic tank. Refused. Appeal Allowed. Temporary 2 year permission granted.

KET/2012/0243 (Plot 14A)

Temporary use of the land for residential gypsy site with two pitches. Refused. Appeal Dismissed.

KET/2012/0255 (plot 25B) Agricultural Building. Refused. Appeal Dismissed.

### **Enforcement Action**

Various notices have been served since 2001. Some of the key notices and those relevant to the plots currently seeking planning permission have been highlighted below.

An enforcement notice was served in 2001 when some parcels started to be developed by bringing horses and caravans onto the land and erecting buildings. Notice EN/01/0318 was served in respect of this change of use. This notice was not appealed, has not been withdrawn and is still extant.

Further development (not caravan related) took place on the wider site in 2006 which was also subject of enforcement notice action.

Enforcement Notice ENFO/2010/00294 was served in respect of the hard surfaced roadway that was created from the access point for approximately 200 metres into the site. An appeal against the Enforcement Notice was lodged but dismissed. The roadway has not been removed and remains illegally in breach of planning permissions and the relevant Enforcement Notice.

Enforcement Notices were served under references ENFO/2011/00231, 00233, 00234 and 00235 further to planning permission being refused for Plots 4, 8, 8a and 9 for change of use to gypsy and traveller pitches.

An enforcement notice was served regarding the siting of caravans in respect of Plot 24B (ENFO/2011/00239). This notice was complied with and remains extant.

An enforcement notice was served in 2012 in respect of Plot 7 for use of the land for use of the land as a residential caravan site (ENFO/2012/00161). The notice was appealed. The Planning Inspectorate granted a temporary permission for 2 years which expired at the end of April 2015.

A Temporary Stop Notice prohibiting the use of the land for the siting of any caravans/mobile homes or the undertaking of any further building or excavation works was served in 2013 in relation to Land Title Number NN229004, a plot Officers know as Plot 25B. This was followed by a subject of a court order preventing residential accommodation (see legal proceedings section).

**Deemed Applications** (i.e. approved by Planning Inspectorate pursuant to an appeal against an enforcement notice)

KET/2012/0524 (Plot 8a)

Deemed application for retention of material change of use of land from a use for the stationing and human habitation of caravans, the construction of areas of hard standing and the erection of fencing. Temporary 2 year permission granted.

KET/2012/0526 (Plot 8)

Deemed application for retention of a material change of use of the land from a use for agriculture to a use for the stationing and human habitation of caravans, the erection of buildings, the installation of a cess tank, the construction of an area of hardstanding, the carrying out of domestic planting and the erection of close boarded fencing. Temporary 2 year permission granted.

KET/2013/0369 (Plot 7)

Deemed application for the retention of material change of use of the land from a use for agricultural purposes to use as a residential caravan site, including the construction of hard surfaces. Temporary 2 year permission granted.

### **Legal Proceedings**

An injunction under section 187B of the Town and Country Planning Act 1990 was obtained in relation to the unauthorised development at Plot 25B further to a temporary stop notice being served.

Legal proceedings are ongoing with respect to Plot 24B. This action was started in June 2015 when caravans were sited on that plot for the purposes of residential occupation.

### **Site Description**

Officer's site inspections have been carried out on numerous dates since the applications were submitted.

A plan showing the location of Greenfields is included as Appendix 1.

### **Summary of Landscape Context**

The Greenfields site, which measures approximately 15 hectares (37 acres) in area, is located in attractive, open, gently rolling countryside with dispersed isolated farms and few settlements. Although the site is not within any national landscape designation it is locally defined as 'West Northamptonshire Uplands' within the Northamptonshire Environmental Character Strategy. Amongst the characteristics of this landscape are the regular field patterns and distant views of rolling hills. Towards the top of the site especially there are clear views from the site which can be seen from more distant fields and open spaces within the landscape.

It is a relatively exposed area being on higher parts of the undulating landscape, the highest 150m AOD contour crosses the site at the southern end. This development stands out. Furthermore, caravans on 'Plot 24B' at the north end (see below) are isolated from the rest and illustrate clearly the visually intrusive and uncharacteristic nature of the development in this landscape.

The rolling open slopes and the landscape are important for the cumulative contribution they make within the broader countryside setting.

One of the distinct characteristics of this area is isolated dwellings or buildings set within the open countryside. West of the site is a farm/ dog kennels, and to the north-west another property, Riches Lodge Farm.

### **The site and its current uses**

In 2000 Greenfields was subdivided and plots sold off. There is a long and complex planning history which has been summarised above.

Greenfields is an L-shaped area of land which has been subdivided into numerous plots. A plan at Appendix 2 shows how Greenfields has been sub-divided (it is believed that some plots may have been further sub-divided). The plots which are the subject of the applications before the Committee range in size and are depicted on the plan at Appendix 3.

A hedge line and gate physically and visually separates Greenfields into two halves. This separation is approximately just north of Plot 10. An access road leads up from the access point up to this point of separation. Beyond that there is no access road, only an unmade track across the field

Although the laying of hard-core and other works have been undertaken on parts of the site, associated with (the now) unauthorised siting of caravans, the site remains part of the countryside setting as described above. Substantial parts of the overall site remain grassed, with hedges strongest on the west and east sides of the southern half of Greenfields.

Development within Greenfields is therefore sporadic with nine plots occupied in the southernmost half of the site and with one plot, Plot 24B, occupied in the northernmost half, beyond the gate and dividing hedge line.

In relation to the numbers of caravans or other structures at the site, the regular monitoring has revealed that the numbers up there, with the exception of Plot 24b have been consistent with the structures or caravans for which planning permission has been sought. The variation in numbers at the different times when the site has been visited can be explained by the propensity of the community to go travelling during periods over the last year as could be expected.

The presence of hard-core originates from different dates. The track up to the hedge line across the site is of longer standing. Hard-core also exists on part of plot 4A; on plots 4B; a small part of plot 4C; on plot 4D; and plots 7; 8; and 9.

The hard-core laid at plot 10 and separately at Plot 24B date from June 2015. As part of the legal action being pursued in respect of Plot 24B there have been recent reductions in the extent of hard-core at Plot 24B.

An overhead pylon crosses the southern area of Greenfields.

Caravans that had moved onto the site at Plot 6 earlier this year have now been removed following action by the Council.

Finally, Plot 7 for which a temporary permission has also expired is not the subject of any current application, but enforcement action to address this is anticipated.



### Numbers of Pitches at Greenfields:

Based on recognised methodology (Annex 1 to Planning Policy for Travellers sites (2015)) there are 12 No. pitches at Greenfields. This figure includes 3 pitches at Plot 10 (application reference KET/2015/0317), 1 Pitch represented by each of the other 8 applications and also 1 pitch at Plot 7 which is not the subject of a current application.

### Locational Context of the Site

The existing settlements that are closest are Braybrooke and Desborough. Braybrooke is approximately 1.5 miles distance. It is a village with very limited community facilities, i.e. only a pub, village hall and Parish Church and in August 2013 its only primary school was closed; that site now to be redeveloped for housing.

The other nearest settlement is the town of Desborough which whilst containing basic community facilities is more than 2.5 miles away by unlit country roads. The road from the site, Braybrooke Road, leading to other similar narrow rural roads, has no pavements. No public transport passes close to the site. The site is therefore remote and separate from both of the above named settlements as well as from facilities further afield.

There are public routes or footpaths close to or in the vicinity of the site. The site is visible from Braybrooke Road which is also identified as part of the 'Midshires Way' and elsewhere from the public highway including approaches from the east. The Local Authority mapping information identifies public rights of way (footpaths or bridleways) in the locality including A Public Right of Way GC007/UC004 runs NW-SE to across the bottom part of the 'northern half' site, which helps to connect Braybrooke to Desborough. These and other footpaths will be available to ramblers and others.

The road to the south side is also the one along which the administrative boundary with Daventry District runs. The significance of this is the fact that across the road from the Greenfields entrance is smaller and permanent, authorised Gypsy/traveller site known as the "Golden Stables" This is a family site that has been subject to applications submitted to Daventry District Council with the details as follows:

- DA/2009/0059 Use of land for stationing of two mobile homes and three day vans for traveller family – Approved.
- DA/2014/0984 Change of use of land for stationing of 7 mobile homes and associated travellers caravans, extension to existing stables, extension to existing amenities building, new amenities building and formation of private accommodation road and access – Refused.
- DA/2015/0083 for the "Use of land for stationing of two additional mobile homes and associated caravans for family members, extension to day room and extension to stable building Despite objections including from Kettering Borough Council (our reference KET/2015/0119 notification by a neighbouring Council) to this proposed addition to the caravans at the Golden Stables site, Daventry District Council approved the siting of two additional caravans there. However, the overall scale is less compared with the numbers at the unauthorised Greenfields site – Approved.

### **Any Constraints Affecting The Site**

Beyond Settlement Boundary - Open Countryside  
Public Right of Way.

## 4.0 Consultation and Customer Impact

### Comments relate to all Greenfields applications unless otherwise stated.

#### **Arthingworth Parish Council**

Object. Grounds of objection are summarised as follows:

- Site is unsustainable as in open countryside and not linked to any existing settlement resulting in reliance on motor car contrary to national and regional policy.
- KBC now has sufficient Gypsy and Travellers sites.
- Braybrooke village overwhelmed by Gypsy and Travellers sites resulting in unaddressed and increasing tension between the two communities and pressures on infrastructure.

#### **Braybrooke Parish Council**

Object. Grounds of objection are summarised as follows:

- Unsustainable location.
- Development in open countryside.
- Over concentration.
- KBC now has sufficient Gypsy and Travellers sites
- Contrary to regional policy.
- Braybrooke village overwhelmed by Gypsy and Travellers sites resulting in unaddressed and increasing tension between the two communities and pressures on infrastructure.
- Unsustainable as in open countryside and not linked to any existing settlement.
- Inadequate highway network.

#### **Harrington Parish Council**

Object. Grounds of objection are summarised as follows:

- Site is unsustainable as in open countryside and not linked to any existing settlement resulting in reliance on motor car contrary to national and regional policy.
- Would result in intrusive and discordant feature causing undue harm to landscape character of the area contrary to regional policy.
- Development would add to piecemeal development of a wider site resulting in cumulative impact being of an excessive scale contrary to regional policy.
- Access is subject to enforcement notice.
- Applications on wider site have been rejected by Planning Inspector
- The lack of authorised sites for travellers is no justification to ignore planning legislation.
- Utility blocks are of a size that is out of keeping with surrounding countryside.
- No mains drainage or foul water disposal.
- Individual circumstances of applicants irrelevant as permissions are transferable.
- The siting of commercial vehicles on plots is discordant to surrounding area.
- The surrounding highway network is unsuitable for the increased traffic.
- If temporary permissions granted then should be for specific named individuals and not transferable.

#### **Desborough Town Council**

Object. Grounds of objection are summarised as follows:

The Borough has the required allocations of authorised sites with adequate provision up to 2021. Unsustainable location.

### **Northants Police Crime Prevention Design Advisor**

The police generally approve of sites provided:

- Sites are for small named communities with local connections to area and only they should reside on site.
- The permission should lapse if the named individuals leave the site.
- No business to be run from site and no storage of waste trade waste, materials or metals.
- Caravans should be sited in accordance with DCLG guidance.
- Site as a whole should comply with 'access for emergency services' section of DCLG Guidance.
- Evidence of water supply provided.

### **Environmental Health KBC**

No objection. Condition recommended regarding dealing with any unexpected contamination found and an informative about caravan site licencing.

### **Highway Authority**

No objection subject to conditions regarding:

- Access details
- Provision of passing layby within site
- Drainage
- Visibility splays

### **Environment Agency**

No objection subject to condition regarding:

- Details of sustainable, non-mains strategic drainage solution to serve all plots on Greenfields.

### **Daventry District Council**

Consulted. No comment has been received.

### **Countywide Traveller Unit (CTU)**

No comment received.

### **National Grid (Comment on KET/2015/0500 (plot 24B) only)**

No objection. National Grid has commented that they have apparatus in the vicinity of the site. They would like to be informed of the decision.

### **North Northamptonshire Residents Against Inappropriate Development (NNRAID) (2 submissions)**

Object. Grounds of objection are summarised as follows:

- Contrary to the NPPF.
- Contrary to emerging NNJCS policy 31.
- Issues with water supply.
- Concerns over access for emergency vehicles, particularly in winter.
- Site subject to enforcement notice.
- Previous temporary permissions granted on appeal have been made on personal circumstances, the veracity of which has not been checked.
- Situation at Greenfields is a consequence of KBC and NCC previous failures.
- KBC achieving target for supply of deliverable sites for Gypsy and Travellers.
- Requirement for consistency in decision making which is in public interest.
- Inspectors have deemed site unsustainable.
- Braybrooke village overwhelmed by Gypsy and Travellers sites resulting in

- unaddressed and increasing tension between the two communities.
- Actions or lack of by Local Authorities in area have resulted in an over concentration of sites in the immediate vicinity.
- Lack of settled families with young children in Braybrooke village as a result of the school being entirely focused on traveller children and their needs, causing its closure.
- A fair future for settled communities precludes any further development for Gypsy and Travellers sites.
- Refers to previous appeal decisions regarding isolated location being unsustainable, intrusive and out of character.
- Local communities united in their opposition to further Gypsy and Traveller sites.
- Braybrooke has 40% of Northamptonshire's Gypsy and Traveller population in its immediate vicinity.
- KBC targeted by Gypsy and Travellers.
- KBC acknowledges development plan has not delivered sufficient sites however the not yet adopted Site Specific Proposals Development Plan identifies 185 potential sites that are being reviewed for suitability.
- Material considerations in favour of proposal (unmet need, lack of alternative sites, failure of development plan to deliver sites and personal circumstances) that can be given weight do not outweigh harm.
- KBC failed to enforce Inspectors condition on temporary permission regarding landscaping resulting in a feeling of one rule for settled community and another for Gypsy and Travellers.
- Further subdivision of plots highly likely resulting in even more over development.
- Site provision at 5 sites will potentially provide 16 pitches in the borough.

### **Neighbouring Ward and County Councillor**

Object. Summarised as follows:

- Site is uneconomically and social unsustainable.
- Erosion of rural Northamptonshire.
- KBC working hard to meet its required provision therefore previous Inspector decision granting temporary permissions no longer relevant.

### **Councillor D Howes**

Object as:

- Site is agricultural land in open countryside and cumulative impact of subdivision of plots is catastrophic.
- Access is subject to enforcement notice.
- Lack of provision of Gypsy and Travellers sites has now been addressed.
- Site is intrusive and discordant.

### **Third Parties**

85 letters of objections have been received. The grounds of objection are summarised as follows:

- Site is in open countryside.
- Site is unsuitable.
- Unsustainable location economically, socially and environmentally
- Site is intrusive and discordant.
- Blot on the landscape; site is highly visible.
- Development destroys landscape character.
- Further sub-division would exacerbate the impacts; there is potential for the

site to grow.

- Site has the potential to become very large which is against Government recommendations for smaller sites.
- Cumulatively the area is overwhelmed by Gypsy and Traveller sites; exceptional density of sites within 3 miles of Braybrooke.
- No settled community should be dominated by Traveller sites.
- The cumulative impact is significant.
- Site should be returned to former condition.
- There will be a reliance on private motor vehicles.
- No public transport available.
- All roads are single track with no pavements or street lighting.
- Large amount of traffic from businesses carried out from the site, utility and waste disposal and sewage vehicles travelling through the village.
- Roads are not sustainable for the level of traffic created.
- Services such as medical and schools are not accessible from the site; site is not closely linked to an existing settlement.
- How are traveller children to access education?
- No sewerage disposal.
- Pressure on local infrastructure.
- Growing numbers of caravans, fencing and junk accumulation.
- Highway constantly strewn with rubbish from Greenfields which is cleared by local residents and KBC.
- Residents have to abide by planning regulations therefore Gypsy and Travellers should to.
- Gypsy and Travellers that wish a sedentary lifestyle should be encouraged but putting large numbers in restricted area does not serve them or settled community well.
- Land is agricultural and Gypsy and Travellers are exploiting planning laws for financial gain.
- Towns are best equipped for Gypsy and Travellers as support structures in place.
- Covenants on land preventing habitation.
- Occupiers that received temporary permission have now moved on and sub-let.
- Tensions between the two communities.
- Reports of waste being deposited and speeding vehicles on narrow lanes.
- Reports of interference with livestock.
- Previous appeal decisions are referred to in terms of Inspector's findings on sustainability and impact on the landscape.
- KBC have made suitable Gypsy and Traveller provision to 2021.
- No proven need for sites.
- Extant enforcement notices have been referred to including for the access track.
- Government Consultation referred to extra protection for countryside.
- Applications are in contradiction to the Council's current allocation policy.
- KBC has objected to Daventry Golden Stables.

## 5.0 Planning Policy

### **National Planning Policy Framework**

Core Planning Principles

Policy 7. Requiring Good Design

Policy 8. Promoting Healthy Communities

Policy 11. Conserving and Enhancing the Natural Environment

### **Planning Policy for Traveller Sites (August 2015)**

Policy H: Determining Planning Applications for Traveller Sites

### **Development Plan Policies**

#### **North Northamptonshire Core Spatial Strategy**

Policy 1: Strengthening the Network of Settlements

Policy 9: Distribution & Location of Development

Policy 13: General Sustainable Development Principles

Policy 17: Gypsies and Travellers

#### **Local Plan**

Policy 7: Protection of the Open Countryside

Policy RA5: Housing in the Open Countryside

### **Emerging Policies (Local Development Framework)**

#### **Emerging Joint Core Strategy**

Policy 3: Landscape Character

Policy 31: Gypsy and Travellers and Travelling Show People

Paragraph 216 of the NPPF states:

From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

A paper entitled 'Summary of Issues Arising from Representations to Consultation on the Pre-Submission North Northamptonshire Joint Core Strategy' provides a summary of the representations made to the Pre-submission JCS published for consultation in January 2015. This provides an indication of the objections made regarding different policies. Further to this a number of focused changes have been made to policies with a 6 week public consultation on these changes. The plan was submitted to the Secretary of State on 31<sup>st</sup> July 2015. An Inspector has been appointed and the Examination is scheduled to commence on 17<sup>th</sup> November 2015.

#### **Site Specific Proposals Local Development Document**

Site Specific Proposals Local Development Document Gypsy and Traveller Accommodation – Options Paper Consultation (June 2013).

**Other Considerations**  
Human Rights Act 1998

Part I The Convention Rights and Freedoms: Article 8 Right to respect for private and family life.

1 Everyone has the right to respect for his private and family life, his home and his correspondence.

2 There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

**6.0 Financial/Resource Implications**

Given the sites are currently occupied and are without any extant planning permission, should the applications be refused, enforcement/legal action may be needed. This would have resource implications.

**7.0 Planning Considerations**

The key issues for consideration in this application are:-

Site Wide Planning Considerations

1. Principle and Policy Considerations
2. Sustainability
3. Landscape and Visual Impact
4. Access
5. Residential Amenity

Site Specific Planning Considerations

6. Policy - Personal Circumstances
7. Layout and Design
8. Drainage
9. Human Rights

## **Site-Wide Planning Considerations**

### **1. Principle and Policy Considerations**

1.1 The Planning Policy for Traveller Sites (PPTS) was updated in August 2015. Key changes are:

- Removal of the words “or permanently” from the definition of “travellers” in Annex 1.
- Greater protection for the Green Belt and sensitive areas.
- Addition of the word “very” so the PPTS reads “Local planning authorities should very strictly limit new traveller site development in open countryside”.

1.2 The PPTS requires that applications are determined in accordance with it, the presumption in favour of sustainable development and other policies in the National Planning Policy Framework (NPPF). In terms of sustainable development, consideration needs to be given to the three dimensions of sustainable development, economic, social and environmental.

1.3 The PPTS requires consideration to be given, alongside other matters, to:

- (i) Level of local provision and need for sites.
- (ii) Availability of alternative accommodation for the applicants.
- (iii) Other personal circumstances of the applicant.
- (iv) Locally specific criteria used to guide the allocation of sites.
- (v) That applications should be determined from any travellers not just those with local connections.

1.4 The PPTS states that local authorities should very strictly limit new traveller development in the open countryside that is away from existing settlements or outside areas allocated in the Development Plan. The PPTS also states that sites in rural areas should respect the scale of and not dominate the nearest settled community, and avoid placing undue pressure on local infrastructure. The site that is the subject of this application is in the open countryside to the south east of Braybrooke. Some of the plots applying for permission have previously had temporary planning permission.

#### **i) Level of Local Provision and Need for Sites**

1.5 The North Northamptonshire Gypsy and Traveller Accommodation Assessment (GTAA) Update 2011 (October 2011) identified a need for 3 residential pitches in the period 2012 – 2017 and 10 residential pitches in the period 2017 – 2022. The Gypsy and Traveller Needs Assessment (2011) included 5 pitches with temporary planning permission in the supply of existing residential pitches. Therefore, if these sites are not among those progressed as allocations, the number of pitches required will increase by 5 to meet this existing need. These sites are therefore included in table 1 in the ‘Level of Need’ column.

1.6 Paragraph 25 of the PPTS states that if the local planning authority cannot demonstrate an up to date five year supply of deliverable sites this should be a significant material consideration when considering applications for the grant of temporary planning permissions. These applications are for permanent permissions but conditions could be used to grant temporary consents.



1.7 Table 1 shows the five year requirement for Kettering Borough based on the 2011 GTAA Update and the supply of sites identified.

| <b>Table 1</b>   |           |
|--|-----------|
| <b>Level of Need</b>   |           |
| No. of pitches required up to 2016/17  | 10        |
| No. of pitches required 2017/18 -2020/21   | 8         |
| Supply Met by Temporary Consents in GTAA   | 5         |
| Springfields, Harborough Road, Braybrooke  | 1         |
| The Paddocks, Park Lane, Braybrooke  | 3         |
| Woodcroft, Stoke Albany Road, Desborough   | 1         |
| <b>Total additional pitches required up to 2020/21</b>   | <b>23</b> |
| <b>Supply of Sites</b>   |           |
| No. of Additional Permanent Pitches Granted since the October 2011 GTAA Update   |           |
| Northampton Road, Broughton - KET/2011/0363  | 2         |
| The Laurels, Stoke Albany Road, Desborough – KET/2013/0263   | 7         |
| Springfields, Harborough Road, Braybrooke – KET/2013/0376 (previous temporary consent)   | 1         |
| Woodcroft, Stoke Albany Road, Desborough - KET/2014/0028 (previous temporary consent)  | 1         |
| 1 no. dwelling to replace mobile home and 5 no. pitches, Woodside (North East of), Stoke Albany Road, Desborough - KET/2014/0532 (replaces 1 pitch at Stoke Albany Road, Desborough KET/2008/0423) | 6         |
| Old Willows, Northampton Road, Broughton   | 3         |
| <b>Total Supply of Sites</b>   | <b>20</b> |
| <b>Remaining Requirement</b>   | <b>3</b>  |

1.8 An additional 10 pitches have been granted planning permission at Stoke Albany Road, Desborough (reference number KET/2009/0155). However through the work on the Site Specific Proposals LDD in relation to the allocation of sites, it has been assumed that this site will not be delivered because funding is not currently available to deliver it. Therefore the site has not been included in the five year supply of sites.

1.9 Table 1 shows that 3 permanent pitches are required to demonstrate a 5 year supply of sites. This is a significant material consideration as indicated above.

(ii) Availability of Alternative Accommodation for the Applicants

1.10 Work is underway in identifying sites to be allocated for gypsy and traveller accommodation through the Site Specific Proposals LDD Part 2 Local Plan. The Council consulted on the Site Specific Proposals LDD Gypsy and Traveller Accommodation – Options Paper in June 2013. This consultation document identified potential sites, alternative options and discounted sites. Following the consultation a report was taken to Planning Policy Committee and as a result 1 pitch at Woodcroft, Desborough was recommended to be progressed as an allocation and additional work was required to be carried out to assess land at (1) Highcroft Farm, Broughton, (2) land at Junction 4 of the A14, Rothwell and (3) The Paddocks, Braybrooke, a site with temporary consent (3 pitches). Since that time an application was made by the occupiers of The Paddocks site for permanent permission. This was refused by Planning Committee on 30<sup>th</sup> June 2015 and an appeal has been lodged by the applicants. This site is now therefore unlikely to progress through the policy process.

1.11 Progress has been made in resolving outstanding issues in relation to Highcroft Farm, Broughton and Land at Junction 4 of the A14, Rothwell, and the results of this work will be reported to the Planning Policy Committee once finalised. The Joint Core Strategy has been submitted to the Secretary of State and its Examination is to start on 17<sup>th</sup> November 2015. The draft Joint Core Strategy will provide a criteria based policy on which proposed allocations, and applications for planning permission will be assessed. Once adopted, this policy will provide added clarity in considering applications for permission, and provide a local policy for assessing land for allocation through the Site Specific Proposals Local Development Document.

1.12 Table 1 also highlights the sites which have been granted planning permission, outside of the plan-making process, and have contributed to the supply of sites and reduced the shortfall.

1.13 Greenfields was considered through the site assessment work for the Site Specific Proposals LDD. The site was considered for up to 15 pitches and was discounted as an option for allocation. The conclusion from the site assessment was that the site is in an unsustainable location with poor access to services and facilities. Development would have an unacceptable impact on the landscape character of the area.

(iii) Other Personal Circumstances of the Applicant

*1.14 This is set out under each application-specific assessment.*

(iv) Locally Specific Criteria Used to Guide the Allocation of Sites

1.15 The North Northamptonshire Core Spatial Strategy (CSS) sets out the overarching development strategy. Policy 17 of the Core Spatial Strategy sets out criteria to be met by applications for gypsy and traveller accommodation. The policy requires that:

- a) It should be in accordance with the locational guidance set out in CSS Policy 9 and should meet the criteria set out in CSS Policy 13 where relevant;
- b) The site is not in an area designated as environmentally sensitive; and
- c) The site is closely linked to an existing settlement with an adequate range of services and facilities in order to maximise the possibilities for social inclusion and sustainable patterns of living.

1.16 Policy 9 states that development will be distributed to strengthen the network of settlements as set out in Policy 1 of the CSS, which focuses development at the Growth Towns with smaller towns providing a secondary focus for development and limited development in the rural area. Policy 9 states that new building development in the open countryside, outside the Sustainable Urban Extensions, will be strictly controlled. Policy 9 gives priority to previously developed land within urban areas and gives preference to locations that are accessible by a choice of means of travel.

1.17 Saved Policy 7 of the Local Plan states that planning permission for development in the open countryside will not be granted except for where otherwise provided for in that plan. Saved Local Plan Policy RA5 states that planning permission for residential development will not normally be granted and lists exceptions to this, one of which is gypsy sites (criteria vi); however the related Policy 119 has not been saved.

1.18 The site is located outside the settlement boundaries contained in the Local Plan and it therefore constitutes open countryside. Development Plan policy and National Policy strictly control development in these locations.

1.19 The nearest settlement is Braybrooke, which is approx. 1.5 miles (by road) from the site. The role of Braybrooke in the North Northamptonshire Core Spatial Strategy (NNCSS) is that of a rural area or village, where development is limited to meeting local needs.

1.20 The locational context of Braybrooke has been described earlier. It's very limited services and facilities with only a village hall, church and public house available to the local community and with no shop or school means that occupants would need to travel to Desborough for the majority of their day-to-day needs, though in reality of some of the occupiers have said to officers that they go further for basic needs. Desborough has a number of services and facilities, including a medical centre, primary schools, shops, library and leisure centre.

1.21 There is a public right of way which runs across Greenfields north- west to south-east connecting the site to Braybrooke though given the limited facilities and services in the village this footpath is unlikely to be used. As also stated earlier there are however no footpaths along the rural lanes which link the site to the village or to Desborough. The narrow nature of the roads, the surface and lack of lighting mean that these rural lanes are unlikely to be used regularly to access services and facilities on foot. The County Connect bus service operates in Braybrooke parish. To use this service you need to register and book in advance. The nearest bus stops for a timetabled service are located in Braybrooke. The X43 service operates between Market Harborough and Kettering (also stops at Desborough and Rothwell amongst other destinations) on an hourly basis. Due to above factors including the distance from the site to the nearest bus stop it is likely that trips to and from the site will be predominantly by car. Indeed during the many site visits over recent months, when observed by Officers all movements on and off site by site occupants have been by private vehicle. This included on one occasion children being taken home and arriving by car after attending a day's schooling.

1.22 There is a public right of way which runs across Greenfields east to west, connecting the site to Braybrooke. Given the limited facilities and services in the village this footpath is unlikely to be used. There are however no footpaths along the rural lanes which link the site to the village or to Desborough. The narrow nature of the roads, the surface and lack of lighting mean that these rural lanes are unlikely to be used regularly to access services and facilities on foot. The County Connect bus service operates in Braybrooke parish. To use this service you need to register and

book in advance. The nearest bus stops for a timetabled service are located in Braybrooke. The X43 service operates between Market Harborough and Kettering (also stops at Desborough and Rothwell amongst other destinations) on an hourly basis. Due to the distance from the site to the nearest bus stop it is likely that trips to and from the site will be predominantly by car.

1.23 In distance and accessibility terms the site relates to Braybrooke rather than Desborough. The site is therefore not closely linked to an existing settlement with an adequate range of services and facilities and would not therefore, maximise possibilities for social inclusion and sustainable patterns of living in accordance with policy 17 of the CSS.

1.24 Planning Inspectors' decisions of August 2012 (relating to Plots 4, 8 and 9 and a separate decision relating to Plot 8a) and April 2013 (Plot 7) conclude that Greenfields is not closely linked to an existing settlement with a range of services and facilities in accordance with Policy 17 of the CSS.

1.25 The site does not comply with policy 17 of the Core Spatial Strategy in terms of its location relative to the nearest facilities and services.

1.26 Whilst the site is not in an area designated as being environmentally sensitive, it is nevertheless significant in the countryside setting. However the site is in an area of open countryside within the 'West Northamptonshire Uplands' local landscape character area. A full assessment of the landscape and visual impacts of the proposals are found at Section 3 of the Planning Considerations. The conclusion is that the proposed developments will have a significant landscape and visual impact. The piecemeal development of the site impacts on the character and appearance of the immediate area and erodes the rural character and appearance of the area. Policy 13 (o) of the Core Spatial Strategy requires development to conserve and enhance landscape character. This proposal would not conserve or enhance landscape character. The site is therefore contrary to policy 13 and 17 of the Core Spatial Strategy.

1.27 The PPTS states that 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 an undue pressure on the local infrastructure. The population of the parish of Braybrooke was 362 in 2011 with 167 households. Not taking into account the pitches at Greenfields, there are 24 pitches currently within 2km of Braybrooke; 21 permanent pitches and 3 at The Paddocks (Park Hill, Braybrooke), a site which had temporary consent, refused a further permission by the LPA earlier this year and is currently the subject of an appeal to the Secretary of State.

1.28 There are 54 within 3km of Braybrooke; 51 permanent pitches and 3 at The Paddocks. This includes sites outside the district boundary. These existing pitches are visually separate and located east, north west and south of Braybrooke. There are limited facilities in Braybrooke, these include a village hall, church and pub. The school closed on 31<sup>st</sup> August 2013. Whilst it is difficult to define the tipping point as to when a development dominates the nearest settled community, it should be noted that a large number of pitches are located across several sites in the area of Braybrooke with its very limited community infrastructure. The current proposals the subject of these applications would increase the pitch numbers further. The subdivision of Greenfields also could create pressure for further development and occupation should permanent permission be granted for these proposed developments.

(v) That Applications should be Determined from Any Travellers not Just Those with Local Connections

1.29 Supporting information has been provided with the applications regarding personal circumstances and some information regarding travelling history. Some of the applicants have local links whilst others do not. This information will be set out under each individual site-specific report.

1.30 Northamptonshire Police have recommended that should permission be granted this should be specific to local, named families. This is however not considered to be a reasonable condition. There is however a condition recommended (condition 2) to ensure that the occupiers are Gypsy and Travellers and meet the definition set out in National Policy.

Emerging Joint Core Spatial Strategy

1.31 The CSS is currently being reviewed; a pre-submission consultation on the Joint Core Strategy took place between January and March 2015, policy 31 sets out the approach to gypsy and traveller sites. A consultation on focused changes took place between 12<sup>th</sup> June and 27<sup>th</sup> July 2015. This included changes to policy 31. This policy sets criteria for applications to be tested against. It maintains the requirement for sites to be closely linked to an existing settlement with an adequate range of services and facilities and requires that the size of the site and number of pitches does not dominate the nearest settled community.

1.32 The Joint Core Strategy has been submitted to the Secretary of State for Examination. Based on the responses to the consultation it is considered that substantial weight can be given to this policy.

Policy and Principle Summary

1.33 The Local Planning Authority cannot currently demonstrate a 5 year supply of sites. The National Planning Policy for Traveller Sites states that this is a significant material planning consideration when considering applications for the grant of temporary planning permission. 3 pitches are currently required to achieve a 5 year supply.

1.34 However, this consideration of itself does not change the material and strong planning objections to the proposals. The site is located in the open countryside, does not make use of an area of previously developed land and is not in a sustainable location i.e. is not well related to a settlement with adequate range of services and facilities.

1.35 It is considered that there will be harmful impacts on the landscape and rural character and appearance of the area (this will be assessed in detail in the landscape and visual impact section).

1.36 It is concluded that the application is contrary to Development Plan policy and National Policy.

1.37 The lack of a 5 year supply of sites, which is a material planning consideration, is not considered to outweigh the policies of the Development Plan given the harmful and significant impacts of the development both individually and cumulatively.

**2. Sustainability – Location, Accessibility and Access to Services and Facilities**

2.1 Policy 17 of the Core Spatial Strategy sets out criteria to be applied when allocating Gypsy and Traveller Sites or when considering planning applications. Developments should be in accordance with locational criteria of Policy 9 of the

NNCSS which sets out that development in the open countryside will be strictly controlled and seeks to direct development to sustainable locations such as those accessible by a range of means of travel. Policy 17 also requires that such developments be in accordance with Policy 13 of the CSS and requires that sites are closely linked to an existing settlement with an adequate range of services and facilities in order to maximise possibilities for social inclusion and sustainable patterns of living.

2.2 The site is located outside the settlement boundaries contained in the Local Plan and it therefore constitutes open countryside. Development Plan policy and National Policy strictly control development in these locations.

2.3 For an understanding of the reasons for the site being regarded as unsustainable please refer to the text in paragraphs 1.18 to 1.22 of the Planning Considerations above which adequately sets this out.

2.4 In distance and accessibility terms the site relates to Braybrooke rather than Desborough. Braybrooke does not provide access to the necessary education, health, retail facilities or employment. This itself causes an element of separation between the settled and travelling community and promotes social exclusion. Furthermore Greenfields feels very remote from the village which exacerbates the lack of social inclusion.

2.5 Planning Inspectors' decisions of August 2012 (relating to Plots 4, 8 and 9 and a separate decision relating to Plot 8a) and April 2013 (Plot 7) also concluded that Greenfields is not closely linked to an existing settlement with a range of services and facilities in accordance with Policy 17 of the CSS.

2.6 As stated at Paragraph 1.13 Greenfields was also considered through the site assessment work for the Site Specific Proposals LDD. The site was discounted as an option for allocation. The conclusion from the site assessment was that the site is in an unsustainable location with poor access to services and facilities.

2.7 The site is not considered to be closely linked to an existing settlement with a range of services and facilities and would not therefore, maximise possibilities for social inclusion and sustainable patterns of living in accordance with Policy 17 of the NNCS. In planning terms the site is unsustainable with regard to its location and relationship to facilities and services.

2.8 The proposed developments are contrary to Development Plan policies, specifically Policies 9, 13 and 17 of the CSS.

### **3. Landscape and Visual Impacts**

3.1 Policy 11 of the NPPF states that the planning system should contrite to and enhance the natural and local environment by protecting and enhancing valued landscape. Development Plan Policy 13 (h) of the CSS seeks to conserve and enhance landscape character. Emerging JCS Policy 3 relates to Landscape Character and states that development should be located and designed in a way which is sensitive to its landscape setting. This emerging policy sets out a number of criteria developments should adhere to. This includes conservation and where possible enhancement of the local landscape, retention of features of landscape importance and safeguarding important views and vistas.

3.2 The hedgerow lining the road (off of which Greenfields is accessed) is of variable height, fragmented and with gaps and sporadic large trees. The site is visible from the road at intervals through gaps in the hedgerow and the entrance. There is also a Public Right of Way (PROW) which runs through Greenfields in an east to west direction. Views of the site will be possible to users of this PROW.

3.3 From examination of the Greenfields site and its characteristics it is concluded that the site as a whole is extremely exposed with there being views of neighbouring farms/buildings. It is therefore likely the site is visible from other properties and neighbouring farms. In addition when visiting the northernmost half of Greenfields it was noted by officers that they are long distance views of the surrounding area including views to/from the Midland Mainline railway line to the north of the site.

3.4 The site does not appear to be visible from the village of Braybrooke. From more distant roadside, as a pedestrian and driver the site is not visible at eye level. However the countryside is open, undulating and Greenfields is on the brow of a hill. There are clear views from the site outwards which suggests it can be seen from more distant fields and open spaces within the landscape.

3.5 Identification of the 'West Northamptonshire Uplands' within the Northamptonshire Environmental Character Strategy is significant. This refers to landscape with a gently hilly character and long local views criss-crossed by a regular pattern of hedgerows. The scarcity of settlements combined with the infrequency of isolated farms and cottages gives the landscape a remote and sometimes isolated character, with expansive views and a sense of openness prevailing on elevated land; the isolated dwellings/developments set within open countryside is one of the distinct characteristics of this area and can be seen from the site in adjacent farms, the kennels and working buildings.

3.6 Rolling open slopes here are of importance in terms of the cumulative contribution they make within the broader Northamptonshire Countryside. The field boundaries within the surrounding landscape are expansive and hedges create a framework of fields within the regular countryside setting. The proposed developments, individual boundaries, and resultant smaller parcels of land interrupt this much larger and distinct rural characteristic.

3.7 The proposed developments cumulatively consist of numerous repeated structures/caravans set within a tight, repetitive framework of small plots of land bounded by fences. The scale of this broken landscape and the intensity and regulated nature of the plots bear no relationship to other structures or patterns within the landscape.

3.8 Rolling open slopes here are of importance in terms of the cumulative contribution they make within the broader Northamptonshire Countryside. Development at Greenfields would have a negative impact on this character.

3.9 Therefore, the intense, regulated and repetitive nature of these small plots, caravans and associated boundaries and also the relationship between them would be incongruous. The developments are not in keeping with the character of the area in terms of its scale, intensity and layout. The nature of the proposed development, regular, spread and expansive goes against the grain of the surroundings.

3.10 The existing unauthorised development at Greenfields is urban in character; the plot sizes, mobile homes, caravans, utility buildings, fencing, hard core/stone surfacing and other domestic paraphernalia is discordant with the rural character of the area.

3.11 The number of plots amounts to an incremental sprawl and this in combination with other sporadic elements is considered to be out of keeping with the specific character of this part of Northamptonshire's landscape and also the general rural character of the area.

3.12 Planning Inspector's decisions in relation to enforcements notices and refusal of planning permission for siting of caravans and other operations agree that developments at the site would cause considerable harm to the countryside and would be a discordant and highly intrusive feature in the landscape which significantly erodes the rural character and appearance of the area.

#### Landscape and Visual Impact Summary

3.13 The landscape is attractive, open, gently rolling countryside with dispersed isolated farms and few settlements. Although it is not within any national landscape designation it is locally defined as 'West Northamptonshire Uplands' within the Northamptonshire Environmental Character Assessment. This area of landscape is characterised by its rolling, undulating hills with regular field patterns and hedgerows. Another key characteristic of the landscape is isolated buildings/development set within the open countryside. This gives the landscape a remote and sometimes isolated character.

3.14 The site is visible within the landscape and positioned on the brow of a hill or higher ground; the whole site is extremely exposed. There are clear views from the site outwards which suggests it can be seen from more distant fields and open spaces within the landscape.

3.15 The developments introduce an urban character to the rural environment and harm the character and appearance of the area. The piecemeal development of the larger site has also resulted in a sporadic form of development. Developments at the site would cause considerable harm to the countryside and would be a discordant and highly intrusive feature in the landscape which significantly erodes the rural character and appearance of the area. Past Inspectors Decisions relating to appeals agree with this conclusion.

3.16 When assessed individually each proposed development at Greenfields would have the above impacts on the landscape. Each would have a harmful impact and would be contrary to Development plan policy (Policy 13 and 17 of the Core Spatial Strategy) and also National Policy (Policy 11 of the NPPF). When the developments are considered cumulatively the detrimental impact becomes even more significant and again is contrary to Local and National Policy. The developments would also be contrary to emerging Development Plan Policy – Policy 3 'Landscape Character' of the JCS.

#### **4. Access**

4.1 The NPPF Policy 4 emphasises the importance of reducing the need to travel and to provide choice about how to travel. Maximising opportunities for sustainable travel is key and development should be located to minimise the need to travel.

4.2 NNCSS Policy 13 (d) (e) and (k) relate to access and travel. Emerging JCS policy 8 sets out key principles that developments should encompass including prioritising needs of pedestrians and cyclists, resisting development that prejudices highway safety and safe and appropriate access, parking and manoeuvring space.



4.3 As assessed in the above section, the site is not considered to be in a sustainable location; it is not closely linked to a settlement with an adequate range of services and facilities and there will be a heavy reliance of the private car/motor vehicle to access services further afield given the lack of other reasonable alternatives.

4.4 Access to Greenfields is off a narrow rural lane with passing places which lacks any footpath. NCC Highways has commented on the applications. They have advised that they have no objection subject to a number of requirements (which are the same for each application). These include paving the means of vehicular access for 10 metres from the highway boundary in a hard bound material and providing a 10 metre long lay-by within the site, close to the access to allow a vehicle to pull in off the highway and pass another vehicle.

4.5 Although not currently to an adoptable standard, the existing access to the site is not considered to currently prejudice highway safety. Any upgrades to the access and internal access road would exacerbate the harm to the character and appearance of the countryside. There is currently no internal access road beyond the hedge line and gate which divides the wider site into two halves. Beyond that point is the northernmost half of Greenfields which includes Plot 24B. It is considered however that any further development of internal roads and laying of hard-core would have a harmful impact on the character and appearance of the area and the landscape character of the area.

4.6 It is considered that there is some conflict with Policy 13 of the CSS in terms of the site location and sustainable travel. There is however considered to be an acceptable access to Greenfields and also adequate space within each pitch for parking and manoeuvring (CSS Policy 13 (d)). No further development of internal road, laying of hard-core, changes to the existing internal road or the point of access would be supported by Officers given the significant harmful impacts this would have on the landscape.

## **5. Residential Amenity**

5.1 Paragraph 17 of the NPPF states that planning should seek a good standard or amenity for all existing and future occupants of land and buildings. Policy 13 (l) of the CSS states that developments should not result in unacceptable impacts on amenities of neighbouring properties in terms of noise, vibration, smell, light or other pollution, loss of light or overlooking.

5.2 Greenfields is in a relatively isolated position. Whilst being visible from nearby dwellings the nearest property is approximately 150 metres from the edge of the Greenfields site. This is sufficient separation distance to not to cause amenity impacts including loss of light, overshadowing, noise or loss of privacy. It is however noted that there are concerns from third parties including the nearest neighbouring properties. Some of these matters are not within the remit of Planning Legislation. However the Council works together as a whole to investigate matters raised and resolve using the appropriate powers where this is within the control of the Council. In some cases where appropriate this may involve external stakeholders.

5.3 The amenity of site occupiers should also be considered particularly given the locational relationship the proposed pitches have with one another. Each pitch is demarcated by its own boundary and as it is proposed each will have its own facilities within a utility building. Drainage will also be provided. Mobile homes and caravans have been positioned to ensure the spread of any fire is minimised. A buffer of 3 metres is advised between any combustible structure and the site boundary. A separation of 6 metres between such structures within a pitch is advised. It should be

noted that this advice was contained within the Designing Gypsy and Traveller Sites Good Practice Guide which has now been cancelled as government guidance. It is considered that the positioning of structures within the pitches will maximise the level of privacy available. The amenity afforded to the site occupiers is considered to be acceptable.

5.4 It is not considered that there are sufficient grounds on which to recommend refusal of the applications in terms of the impact on residential amenity.

### **Site Specific Officer Assessments**

#### **Item 4.1: KET/2014/0774 Plot 4A Greenfields**

**Applicant: Ms M Creaney**

#### **Proposed Development**

The application proposes one mobile home (static), one touring caravan, retention of the existing hardstanding, utility block (two sheds as an alternative if temporary permission given) and a cess pit.

The applicant is seeking permanent planning permission but would accept as an alternative, a further temporary consent. The pitch approximately measures 31 metres x 30 metres (930 square metres).

Copies of the application plans can be found at Appendix 4.

#### **Site Specific Planning Considerations:**

##### **6. Policy – Personal Circumstances**

6.1A The PPTS requires consideration to be given, alongside other matters, to:

- (i) Level of local provision and need for sites.
- (ii) Availability of alternative accommodation for the applicants.
- (iii) Other personal circumstances of the applicant.
- (iv) Locally specific criteria used to guide the allocation of sites.
- (v) That applications should be determined from any travellers not just those with local connections.

Criterion (iii) is assessed here.

6.2A Information has been provided by the agent and applicant in a statement accompanying the application. This is available to view on the website/file. In summary:

6.3A The site is owned and occupied by the applicant Ms Creaney. She is 64 years old and is widowed. Ms Creaney's family bought her the plot in May 2014 so that has had some where to stop. Her two sons are relatively local with one at the site in Broughton and one at Greenacres in Market Harborough. Her daughter lives in the Huntingdon area. Before Greenfields Ms Creaney doubled up with relatives on the Greenacres site.

6.4A The above information has been considered as part of the Officers overall assessment of the application. Human Rights will be considered further below.

## **7. Layout and Design**

7.1A Development Plan policy and the NPPF support the delivery high quality design. The layout and design of the pitch is simple and elects the nature of the development occurring. The proposed utility building is relatively small scale. Materials could be conditioned. The development will however have landscape and visual impacts as described in Planning Considerations Section 3. These are harmful and cannot be overcome by mitigation for example through alternative design or landscaping. Therefore although the design in itself may be acceptable it is not appropriate in this location and landscape.

## **8. Drainage**

8.1A Policy 13 (q) of the CSS requires that developments do not cause a risk to the quality of the underlying ground water or surface water. Where non-mains sewerage is relied upon there is a hierarchy of drainage options that must be considered and discounted in the following order:

- (i) Connection to the public sewer
- (ii) Package sewer treatment plant
- (iii) Septic tank
- (iv) Cess pool

8.2A In this case a cess pool is proposed. A cess tank is already installed and connected on site. Two timber sheds are currently positioned on the plot, with one containing a toilet connected to a cess tank. These are proposed to be retained if temporary permission were granted. Should permanent permission be granted the sheds would be removed and replaced with a permeant utility block. This would be on the footprint of the existing shed housing the toilet. Given the comments of the Environment Agency it is considered that should permanent planning permission be granted the applicants in the southernmost half of Greenfields (which includes Plot 4A) should seek to deliver a comprehensive drainage solution. This can be conditioned. Should temporary consent be granted it is considered that the proposed continued use of the cess pool would be reasonable in the short-term.

8.3A This part of the application is considered to be in accordance with Policy 13 (q) of the NNCS.

## **9. Human Rights**

9.1A The applicants' Human Rights, including their right to respect for private and family life, have been considered and weighed against all other considerations.

9.2A It is considered that any interference with Human Rights is outweighed by the significant harmful impacts of the development. Officers consider that there is demonstrable harm caused by the proposal and the recommendation to refuse is considered a proportionate response considering all impacts and balancing this with Human Rights considerations.

## **Conclusions**

The proposed development is considered to be contrary to the Development plan and there are no other material planning considerations that outweigh this. The development will have harmful impacts which are significant and cannot be mitigated; there will be harmful impacts on the landscape and the character and appearance of the area and the development is intrinsically unsustainable. The lack of a 5 year supply of sites is not considered to outweigh the policies of the Development Plan given the harmful and significant impacts of the development both individually and cumulatively. Human Rights have been considered as above. The refusal of planning permission is considered a proportionate course of action when considering and balancing all considerations.

### **Item 4.2: KET/2014/0776 Plot 4B Greenfields Applicant: Mr M McDonagh**

#### **Proposed Development**

The application proposes one mobile home (static) and two touring caravans, hardstanding, utility block or portaloo/small portable toilet block and cess tank.

The applicant is seeking permanent planning permission but would accept as an alternative, a further temporary consent. The pitch approximately measures 32 metres x 35 metres (1120 square metres).

Copies of the application plans can be found at Appendix 5.

#### **Site Specific Planning Considerations:**

##### **6. Policy – Personal Circumstances**

6.1B The PPTS requires consideration to be given, alongside other matters, to:

- (i) Level of local provision and need for sites.
- (ii) Availability of alternative accommodation for the applicants.
- (iii) Other personal circumstances of the applicant.
- (iv) Locally specific criteria used to guide the allocation of sites.
- (v) That applications should be determined from any travellers not just those with local connections.

Criterion (iii) is assessed here.

6.2B Information has been provided by the agent and applicant in a statement accompanying the application. This is available to view on the website/file. In summary:

6.3B Permission is being sought by Mr McDonagh and family. The plot would be shared by Mr McDonagh, his two children (17 and 6 years old), Mr McDonagh's sister and her two children (10 and 12 years). Another of Mr McDonagh's sons is seeking permission for Plot 4D. Mr McDonagh has lived most of his life on the road and in the Leicestershire area. Prior to living at Greenfields he was on the road. His 6 year old daughter attends school in Desborough. Mr McDonagh's application states that he does suffer from health issue and is registered in Bristol where he lived for a short while. Mr McDonagh's sister who would also share the plot estimates that 2 weeks each month would be spent on the plot. She spends time on the road in England and

Ireland. The children do not attend a local school; they receive home tutoring wherever they stop.

6.4B The above information has been considered as part of the Officers overall assessment of the application. Human Rights will be considered further below.

## **7. Layout and Design**

7.1B Development Plan policy and the NPPF support the delivery high quality design. The layout and design of the pitch is considered to be acceptable and provides sufficient space for the elements proposed. The proposed utility building is a simple structure and is of an appropriate scale to house the required facilities. Materials could be conditioned. The development will however have landscape and visual impacts as described in Planning Considerations Section 3. These are harmful and cannot be overcome by mitigation for example through alternative design or landscaping. Therefore although the design in itself may be acceptable it is not appropriate in this location and landscape.

## **8. Drainage**

8.1B Policy 13 (q) of the CSS requires that developments do not cause a risk to the quality of the underlying ground water or surface water. Where non-mains sewerage is relied upon there is a hierarchy of drainage options that must be considered and discounted in the following order:

- (i) Connection to the public sewer
- (ii) Package sewer treatment plant
- (iii) Septic tank
- (iv) Cess pool

8.2B Currently there is a portable toilet/washing facility and portaloos on site which are connected to a cess tank. These are proposed to be retained if temporary permission were granted. Should permanent permission be granted these would be removed and replaced with a permanent utility block. Given the comments of the Environment Agency it is considered that should permanent planning permission be granted the applicants in the southernmost half of Greenfields (which includes Plot 4B) should seek to deliver a comprehensive drainage solution. This can be conditioned. Should temporary consent be granted it is considered that the proposed continued use of the existing facilities would be reasonable in the short-term.

8.3B This part of the application is considered to be in accordance with Policy 13 (q) of the CSS.

## **9. Human Rights**

9.1B The applicants' Human Rights, including their right to respect for private and family life, have been considered and weighed against all other considerations.

9.2B It is considered that any interference with Human Rights is outweighed by the significant harmful impacts of the development. Officers consider that there is demonstrable harm caused by the proposal and the recommendation to refuse is considered a proportionate response considering all impacts and balancing this with Human Rights considerations.

## **Conclusions**

The proposed development is considered to be contrary to the Development plan and there are no other material planning considerations that outweigh this. The development will have harmful impacts which are significant and cannot be mitigated;

there will be harmful impacts on the landscape and the character and appearance of the area and the development is intrinsically unsustainable. The lack of a 5 year supply of sites is not considered to outweigh the policies of the Development Plan given the harmful and significant impacts of the development both individually and cumulatively. Human Rights have been considered as above. The refusal of planning permission is considered a proportionate course of action when considering and balancing all considerations.

**Item 4.3: KET/2014/0777 Plot 4C Greenfields**  
**Applicant: Mr J and M Cash**

**Proposed Development**

The application proposes two mobile homes (static), 3 touring caravans, hardstanding, utility block, container (for storage purposes), shed and cess tank.

The applicant is seeking permanent planning permission but would accept as an alternative, a further temporary consent. The pitch measures 31 metres x 56 metres (1736 square metres).

Copies of the application plans can be found at Appendix 6.

**Site Specific Planning Considerations:**

**6. Policy – Personal Circumstances**

6.1C The PPTS requires consideration to be given, alongside other matters, to:

- (i) Level of local provision and need for sites.
- (ii) Availability of alternative accommodation for the applicants.
- (iii) Other personal circumstances of the applicant.
- (iv) Locally specific criteria used to guide the allocation of sites.
- (v) That applications should be determined from any travellers not just those with local connections.

Criterion (iii) is assessed here.

6.2C Information has been provided by the agent and applicant in a statement accompanying the application. This is available to view on the website/file. In summary:

6.3C The plot is owned by brothers James and Michael Cash. Michael is married to Eileen and they live with their 16 year old daughter. They have two other married children, and granddaughter, who live on the road and who are likely to visit for short stays. James would also occupy the site with his partner and two children. No information has been provided about the ages of those children or whether any of the children attend a local school. Some information has been provided regarding health issues. Two of the occupants alternative between doctor surgeries in Desborough and Nuneaton where they visit frequently. They register as temporary patients. The family have strong local connections. The supporting information states that both families are homeless and have nowhere lawful to stay.

6.4C The above information has been considered as part of the Officers overall assessment of the application. Human Rights will be considered further below.

## **7. Layout and Design**

7.1C Development Plan policy and the NPPF support the delivery high quality design. The pitch is relatively large and is capable of accommodating the elements proposed. The layout allows for some separation between the living accommodation. The proposed utility building is functional and relatively small scale. Materials could be conditioned. The development will however have landscape and visual impacts as described in Planning Considerations Section 3. These are harmful and cannot be overcome by mitigation for example through alternative design or landscaping. Therefore although the design in itself may be acceptable it is not appropriate in this location and landscape.

## **8. Drainage**

8.1C Policy 13 (q) of the CSS requires that developments do not cause a risk to the quality of the underlying ground water or surface water. Where non-mains sewerage is relied upon there is a hierarchy of drainage options that must be considered and discounted in the following order:

- (i) Connection to the public sewer
- (ii) Package sewer treatment plant
- (iii) Septic tank
- (iv) Cess pool

8.2C The existing shed houses a toilet connected to a cess tank. This is proposed for retention. A utility building is also proposed which would have a toilet and washing facility. Given the comments of the Environment Agency it is considered that should permanent planning permission be granted the applicants in the southernmost half of Greenfields (which includes Plot 4C) should seek to deliver a comprehensive drainage solution. This can be conditioned. Should temporary consent be granted it is considered that the proposed continued use of the existing facilities would be reasonable in the short-term.

8.3C This part of the application is considered to be in accordance with Policy 13 (q) of the CSS.

## **9. Human Rights**

9.1C The applicants' Human Rights, including their right to respect for private and family life, have been considered and weighed against all other considerations.

9.2C It is considered that any interference with Human Rights is outweighed by the significant harmful impacts of the development. Officers consider that there is demonstrable harm caused by the proposal and the recommendation to refuse is considered a proportionate response considering all impacts and balancing this with Human Rights considerations.

## **Conclusions**

The proposed development is considered to be contrary to the Development Plan and there are no other material planning considerations that outweigh this. The development will have harmful impacts which are significant and cannot be mitigated; there will be harmful impacts on the landscape and the character and appearance of the area and the development is intrinsically unsustainable. The lack of a 5 year supply of sites is not considered to outweigh the policies of the Development Plan given the harmful and significant impacts of the development both individually and cumulatively. Human Rights have been considered as above. The refusal of planning permission is considered a proportionate course of action when considering and

balancing all considerations.

**Item 4.4: KET/2014/0778 Plot 4D Greenfields**  
**Applicant: Mr M McDonagh Jr**

**Proposed Development**

The application proposes one mobile home (static), one touring caravan, hardstanding, utility building and cess tank. The applicant is seeking permanent planning permission but would accept as an alternative, a further temporary consent. The pitch approximately measures 31 metres x 29 metres (899 square metres).

Copies of the application plans can be found at Appendix 7.

**Site Specific Planning Considerations:**

**6. Policy – Personal Circumstances**

6.1D The PPTS requires consideration to be given, alongside other matters, to:

- (i) Level of local provision and need for sites.
- (ii) Availability of alternative accommodation for the applicants.
- (iii) Other personal circumstances of the applicant.
- (iv) Locally specific criteria used to guide the allocation of sites.
- (v) That applications should be determined from any travellers not just those with local connections.

Criterion (iii) is assessed here.

6.2D Information has been provided by the agent and applicant in a statement accompanying the application. This is available to view on the website/file. In summary:

6.3D Mr McDonagh will occupy the plot with his partner and two young children (18 months and 9 months). Mr McDonagh Jr's father, younger brother, sister and Aunt occupy Plot 4B.

6.4D The above information has been considered as part of the Officers overall assessment of the application. Human Rights will be considered further below.

**7. Layout and Design**

7.1D Development Plan policy and the NPPF support the delivery high quality design. The layout and design of the pitch is simple. The size of the pitch is capable of accommodating the proposed development. The proposed utility building is relatively small scale and modest in appearance. Materials could be conditioned. The development will however have landscape and visual impacts as described in Planning Considerations Section 3. These are harmful and cannot be overcome by mitigation for example through alternative design or landscaping. Therefore although the design in itself may be acceptable it is not appropriate in this location and landscape.

**8. Drainage**

8.1D Policy 13 (q) of the CSS requires that developments do not cause a risk to the quality of the underlying ground water or surface water. Where non-mains sewerage is relied upon there is a hierarchy of drainage options that must be considered and



discounted in the following order:

- (i) Connection to the public sewer
- (ii) Package sewer treatment plant
- (iii) Septic tank
- (iv) Cess pool

8.2D It is proposed to connect the utility building to a cess tank. The application sets out that should temporary permission be granted the applicant proposes to retain the portaloo as an alternative to erecting the utility building.

8.3D Given the comments of the Environment Agency it is considered that should permanent planning permission be granted the applicants in the southernmost half of Greenfields (which includes Plot 4D) should seek to deliver a comprehensive drainage solution. This can be conditioned. Should temporary consent be granted it is considered that the proposed continued use of the existing facilities would be reasonable in the short-term.

8.4D This part of the application is considered to be in accordance with Policy 13 (q) of the CSS.

## **9. Human Rights**

9.1D The applicants' Human Rights, including their right to respect for private and family life, have been considered and weighed against all other considerations.

9.2D It is considered that any interference with Human Rights is outweighed by the significant harmful impacts of the development. Officers consider that there is demonstrable harm caused by the proposal and the recommendation to refuse is considered a proportionate response considering all impacts and balancing this with Human Rights considerations.

## **Conclusions**

The proposed development is considered to be contrary to the Development plan and there are no other material planning considerations that outweigh this. The development will have harmful impacts which are significant and cannot be mitigated; there will be harmful impacts on the landscape and the character and appearance of the area and the development is intrinsically unsustainable. The lack of a 5 year supply of sites is not considered to outweigh the policies of the Development Plan given the harmful and significant impacts of the development both individually and cumulatively. Human Rights have been considered as above. The refusal of planning permission is considered a proportionate course of action when considering and balancing all considerations.

### **Item 4.5: KET/2014/0784 Plot 9 Greenfields**

**Applicant: Mr P Doran**

#### **Proposed Development**

The application proposes one mobile home (static), three touring caravans, hardstanding, utility block and septic tank.

The applicant is seeking permanent planning permission but would accept as an alternative, a further temporary consent. The pitch approximately measures 35 metres

x 50 metres (1750 square metres).

Copies of the application plans can be found at Appendix 8.

### **Site Specific Planning Considerations:**

#### **6. Policy – Personal Circumstances**

6.1E The PPTS requires consideration to be given, alongside other matters, to:

- (i) Level of local provision and need for sites.
- (ii) Availability of alternative accommodation for the applicants.
- (iii) Other personal circumstances of the applicant.
- (iv) Locally specific criteria used to guide the allocation of sites.
- (v) That applications should be determined from any travellers not just those with local connections.

Criterion (iii) is assessed here.

6.2E Information has been provided by the agent and applicant in a statement accompanying the application. This is available to view on the website/file. In summary:

6.3E Mr Doran occupies the plot with his wife and two young children (2 years and 8 months). Mr Doran's brother also lives with him. Mr Doran is related to other Travellers at Greenfields; his aunt lives at Plot 8 and his cousin is at Plot 7. Prior to moving onto the site they travelled on the road and rarely stopped for more than 2-3 day in any one place. The application states that they have a need to be more settled as it is becoming harder to live on the road with young children. One of their children should be attending nursery school. Mr Doran still intends to travel for work in the summer months.

6.4E The above information has been considered as part of the Officers overall assessment of the application. Human Rights will be considered further below.

#### **7. Layout and Design**

7.1E Development Plan policy and the NPPF support the delivery high quality design. The layout and design of the pitch is simple. The proposed utility building is functional and the design is a simple single storey structure with pitched roof. This is relatively small scale. Materials could be conditioned. The development will however have landscape and visual impacts as described in Planning Considerations Section 3. These are harmful and cannot be overcome by mitigation for example through alternative design or landscaping. Therefore although the design in itself may be acceptable it is not appropriate in this location and landscape.

#### **8. Drainage**

8.1E Policy 13 (q) of the CSS requires that developments do not cause a risk to the quality of the underlying ground water or surface water. Where non-mains sewerage is relied upon there is a hierarchy of drainage options that must be considered and discounted in the following order:

- (i) Connection to the public sewer
- (ii) Package sewer treatment plant
- (iii) Septic tank
- (iv) Cess pool

8.2E A utility building is proposed which will be connected to a septic tank. Given the comments of the Environment Agency it is considered that should permanent planning permission be granted the applicants in the southernmost half of Greenfields (which includes Plot 9) should seek to deliver a comprehensive drainage solution. This can be conditioned. Should temporary consent be granted it is considered that the proposed continued use of the existing facilities would be reasonable in the short-term.

8.3E This part of the application is considered to be in accordance with Policy 13 (q) of the CSS.

## **9. Human Rights**

9.1E The applicants' Human Rights, including their right to respect for private and family life, have been considered and weighed against all other considerations.

9.2E It is considered that any interference with Human Rights is outweighed by the significant harmful impacts of the development. Officers consider that there is demonstrable harm caused by the proposal and the recommendation to refuse is considered a proportionate response considering all impacts and balancing this with Human Rights considerations.

## **Conclusions**

The proposed development is considered to be contrary to the Development plan and there are no other material planning considerations that outweigh this. The development will have harmful impacts which are significant and cannot be mitigated; there will be harmful impacts on the landscape and the character and appearance of the area and the development is intrinsically unsustainable. The lack of a 5 year supply of sites is not considered to outweigh the policies of the Development Plan given the harmful and significant impacts of the development both individually and cumulatively. Human Rights have been considered as above. The refusal of planning permission is considered a proportionate course of action when considering and balancing all considerations.

### **Item 4.6: KET/2014/0786 Plot 8 Greenfields Applicant: Ms M Doran**

#### **Proposed Development**

The application proposes one mobile home (static), three touring caravans, hardstanding, utility building and septic tank. The applicant is seeking permanent planning permission but would accept as an alternative, a further temporary consent. The pitch measures 30 metres x 47 metres (1410 square metres). Copies of the application plans can be found at Appendix 9.

#### **Site Specific Planning Considerations:**

### **6. Policy – Personal Circumstances**

6.1F The PPTS requires consideration to be given, alongside other matters, to:

- (i) Level of local provision and need for sites.
- (ii) Availability of alternative accommodation for the applicants.
- (iii) Other personal circumstances of the applicant.
- (iv) Locally specific criteria used to guide the allocation of sites.
- (v) That applications should be determined from any travellers not just those with local connections.

Criterion (iii) is assessed here.

6.2F Information has been provided by the agent and applicant in a statement accompanying the application. This is available to view on the website/file. In summary:

6.3F Plot 8 is occupied by Ms Doran. She has two children (17 years and 12 years). She is related to other Travellers at Greenfields. Prior to moving to Greenfields Ms Doran was travelling on the road particularly around Corby and Kettering. No specific health issues are set out but it is that life is difficult with being moved on constantly (they are rarely allowed to stay in one place for more than 2-3 days). No information is provided regarding the education of the children.

8.4F The above information has been considered as part of the Officers overall assessment of the application. Human Rights will be considered further below.

## **7. Layout and Design**

7.1F Development Plan policy and the NPPF support the delivery high quality design. The layout and design of the pitch is considered to be acceptable occurring. The proposed utility building is relatively small scale and is a simple and modest appearance. Materials could be conditioned. The development will however have landscape and visual impacts as described in Planning Considerations Section 3. These are harmful and cannot be overcome by mitigation for example through alternative design or landscaping. Therefore although the design in itself may be acceptable it is not appropriate in this location and landscape.

## **8. Drainage**

8.1F Policy 13 (q) of the CSS requires that developments do not cause a risk to the quality of the underlying ground water or surface water. Where non-mains sewerage is relied upon there is a hierarchy of drainage options that must be considered and discounted in the following order:

- (i) Connection to the public sewer
- (ii) Package sewer treatment plant
- (iii) Septic tank
- (iv) Cess pool

8.2F A septic tank is proposed which will be connected to the utility building. Given the comments of the Environment Agency it is considered that should permanent planning permission be granted the applicants in the southernmost half of Greenfields (which includes Plot 8) should seek to deliver a comprehensive drainage solution. This can be conditioned. Should temporary consent be granted it is considered that the proposed continued use of the existing facilities would be reasonable in the short-term.

8.3F This part of the application is considered to be in accordance with Policy 13 (q) of the CSS.

## **9. Human Rights**

9.1F The applicants' Human Rights, including their right to respect for private and family life, have been considered and weighed against all other considerations.

9.2F It is considered that any interference with Human Rights is outweighed by the significant harmful impacts of the development. Officers consider that there is demonstrable harm caused by the proposal and the recommendation to refuse is considered a proportionate response considering all impacts and balancing this with Human Rights considerations.

## **Conclusions**

The proposed development is considered to be contrary to the Development plan and there are no other material planning considerations that outweigh this. The development will have harmful impacts which are significant and cannot be mitigated; there will be harmful impacts on the landscape and the character and appearance of the area and the development is intrinsically unsustainable. The lack of a 5 year supply of sites is not considered to outweigh the policies of the Development Plan given the harmful and significant impacts of the development both individually and cumulatively. Human Rights have been considered as above. The refusal of planning permission is considered a proportionate course of action when considering and balancing all considerations.

### **Item 4.7: KET/2015/0079 Plot 8A Greenfields Applicant: Mr C Julian**

#### **Proposed Development**

The application proposes one mobile home (static), two touring caravans, utility building, hardstanding, septic tank.

The applicant is seeking permanent planning permission but would accept as an alternative, a further temporary consent. The pitch measures 26 metres x 35 metres (910 square metres).

Copies of the application plans can be found at Appendix 10.

#### **Site Specific Planning Considerations:**

##### **6. Policy – Personal Circumstances**

6.1G The PPTS requires consideration to be given, alongside other matters, to:

- (i) Level of local provision and need for sites.
- (ii) Availability of alternative accommodation for the applicants.
- (iii) Other personal circumstances of the applicant.
- (iv) Locally specific criteria used to guide the allocation of sites.
- (v) That applications should be determined from any travellers not just those with local connections.

Criterion (iii) is assessed here.

6.2G Information has been provided by the agent and applicant in a statement accompanying the application. This is available to view on the website/file. In summary:

6.3G Plot 8a is occupied by the applicant, his wife and their seven children (11 years, 10 years, 9 years, 8 years, 6 years, 5 years and the youngest now being 11 months (born November 2014). Six of the children are of school age and attend schools in Rothwell. The application states that they require a settled base to allow the children to attend school.

6.4G Mr Julian is local, born in Northampton and moving to a Gypsy site in Desborough when he was 8/9 years old. He has also lived on another site in the

Desborough area with family. The applicant attended Braybrooke school. He has also lived in Rothwell with family. The applicant and his family have occupied the plot at Greenfields for approximately 3 years.

6.5G With regard to health, they are registered at doctors in Desborough. Their youngest child has serious health problems and is likely to need on-going medical attention/treatment. The application states that it is important for them to have a settled base given these serious health issues.

6.6G The above information has been considered as part of the Officers overall assessment of the application. Human Rights will be considered further below.

## **7. Layout and Design**

7.1G Development Plan policy and the NPPF support the delivery high quality design. The size of the pitch is considered capable of accommodating the scale of development proposed. The layout and design of the pitch is simple. The proposed utility building is relatively small scale and is a single storey structure with pitched roof. Materials could be conditioned. The development will however have landscape and visual impacts as described in Planning Considerations Section 3. These are harmful and cannot be overcome by mitigation for example through alternative design or landscaping. Therefore although the design in itself may be acceptable it is not appropriate in this location and landscape.

## **8. Drainage**

8.1G Policy 13 (q) of the CSS requires that developments do not cause a risk to the quality of the underlying ground water or surface water. Where non-mains sewerage is relied upon there is a hierarchy of drainage options that must be considered and discounted in the following order:

- (i) Connection to the public sewer
- (ii) Package sewer treatment plant
- (iii) Septic tank
- (iv) Cess pool

8.2G Currently a mobile toilet block is used. It is proposed to replace this with a utility building and septic tank. Given the comments of the Environment Agency it is considered that should permanent planning permission be granted the applicants in the southernmost half of Greenfields (which includes Plot 8A) should seek to deliver a comprehensive drainage solution. This can be conditioned. Should temporary consent be granted it is considered that the proposed continued use of the existing facilities would be reasonable in the short-term.

8.3G This part of the application is considered to be in accordance with Policy 13 (q) of the CSS.

## **9. Human Rights**

9.1G The applicants' Human Rights, including their right to respect for private and family life, have been considered and weighed against all other considerations.

9.2G It is considered that any interference with Human Rights is outweighed by the significant harmful impacts of the development. Officers consider that there is demonstrable harm caused by the proposal and the recommendation to refuse is considered a proportionate response considering all impacts and balancing this with Human Rights considerations.

## **Conclusions**

The proposed development is considered to be contrary to the Development plan and there are no other material planning considerations that outweigh this. The development will have harmful impacts which are significant and cannot be mitigated; there will be harmful impacts on the landscape and the character and appearance of the area and the development is intrinsically unsustainable. The lack of a 5 year supply of sites is not considered to outweigh the policies of the Development Plan given the harmful and significant impacts of the development both individually and cumulatively. Human Rights have been considered as above. The refusal of planning permission is considered a proportionate course of action when considering and balancing all considerations.

**Item 4.8: KET/2015/0317 Plot 10 Greenfields**  
**Applicant: Mr C Mongan, Mr E Mongan and Mr J Mongan.**

## **Proposed Development**

The application proposes 3 pitches within the plot i.e. plot is subdivided. Within each pitch it is proposed to have one mobile home (static), utility building, one touring caravan, hardstanding. A septic tank is also proposed.

The applicant is seeking permanent planning permission but would accept as an alternative, a temporary consent. Plot 10 measures approximately 38 metres x 43 metres (1634 square metres). Each pitch measures approximately 35 metres x 15 metres (525).

Copies of the application plans can be found at Appendix 11.

## **Site Specific Planning Considerations:**

### **6. Policy – Personal Circumstances**

6.1H The PPTS requires consideration to be given, alongside other matters, to:

- (i) Level of local provision and need for sites.
- (ii) Availability of alternative accommodation for the applicants.
- (iii) Other personal circumstances of the applicant.
- (iv) Locally specific criteria used to guide the allocation of sites.
- (v) That applications should be determined from any travellers not just those with local connections.

Criterion (iii) is assessed here.

6.2H Information has been provided by the agent and applicant in a statement accompanying the application. This is available to view on the website/file. In summary:

6.3H The applicants are three brothers, Christopher, Edward and James. All have spent time on the roadside in various locations. Christopher has lived on the roadside since 1999. Edward has spent time on the road in both Ireland and England. James spent time travelling around the Dublin/Galway area but returned to England in October 2013. Since then he has been moving around the London area but has been travelling around Leicestershire, Kettering, Derby, Coventry, Derby and Birmingham for work.

6.4H Information has been provided regarding each of the three families:

6.5H Christopher cares for four of his children (aged 9 years, 8 years, 5 years, and 3 years). Three are of school age but do not currently attend. He has a need to be settled given he is now caring for his children (they were previously living with his mother).

6.6H Edward has care of his four children (aged 14 years, 13 years, 12 years and 11 years). They do not currently attend school. They have been travelling around London, Coventry, Northampton and Milton Keynes. With regards to health issues, one of the children requires regular medical care and medication. The application states that they need to be settled to allow them to access medical care.

6.7H James, his wife and their four children will occupy one of the proposed pitches. The children are aged 4 years, 3 years, 2 year and 1 year. Since October 2013 they have been travelling for work as set out above. They are expecting their fifth child shortly according to the statement provided with the application. They state that they have a need to be settled as the children are coming up to school age.

6.8H The above information has been considered as part of the Officers overall assessment of the application. Human Rights will be considered further below.

## **7. Layout and Design**

7.1H Development Plan policy and the NPPF support the delivery high quality design. The layout and design of the pitch is considered to be acceptable. The proposed utility building is single storey with a pitched roof and is relatively small scale. Materials could be conditioned. The development will however have landscape and visual impacts as described in Planning Considerations Section 3. These are harmful and cannot be overcome by mitigation for example through alternative design or landscaping. Therefore although the design in itself may be acceptable it is not appropriate in this location and landscape.

## **8. Drainage**

8.1H Policy 13 (q) of the CSS requires that developments do not cause a risk to the quality of the underlying ground water or surface water. Where non-mains sewerage is relied upon there is a hierarchy of drainage options that must be considered and discounted in the following order:

- (i) Connection to the public sewer
- (ii) Package sewer treatment plant
- (iii) Septic tank
- (iv) Cess pool

8.2H A shared septic tank is proposed. A portable toilet is currently sited as a temporary measure. Given the comments of the Environment Agency it is considered that should permanent planning permission be granted the applicants in the southernmost half of Greenfields (which includes Plot 10) should seek to deliver a comprehensive drainage solution. This can be conditioned. Should temporary consent be granted it is considered that the proposed continued use of the existing facilities would be reasonable in the short-term.

8.3H This part of the application is considered to be in accordance with Policy 13 (q) of the CSS.



## **9. Human Rights**

9.1H The applicants' Human Rights, including their right to respect for private and family life, have been considered and weighed against all other considerations.

9.2H It is considered that any interference with Human Rights is outweighed by the significant harmful impacts of the development. Officers consider that there is demonstrable harm caused by the proposal and the recommendation to refuse is considered a proportionate response considering all impacts and balancing this with Human Rights considerations.

## **Conclusions**

The proposed development is considered to be contrary to the Development plan and there are no other material planning considerations that outweigh this. The development will have harmful impacts which are significant and cannot be mitigated; there will be harmful impacts on the landscape and the character and appearance of the area and the development is intrinsically unsustainable. The lack of a 5 year supply of sites is not considered to outweigh the policies of the Development Plan given the harmful and significant impacts of the development both individually and cumulatively. Human Rights have been considered as above. The refusal of planning permission is considered a proportionate course of action when considering and balancing all considerations.

### **Item 4.9: KET/2015/0500 Plot 24B Greenfields Applicant: Mr P Gavin**

#### **Proposed Development**

The application proposes two caravans (no more than one static), utility building, hardstanding and cess tank.

The applicant is seeking permanent planning permission. A temporary permission could be considered. The pitch measures 23 metres x 34 metres (782 square metres).

Copies of the application plans can be found at Appendix 12.

#### **Site Specific Planning Considerations:**

### **6. Policy – Personal Circumstances**

6.1I The PPTS requires consideration to be given, alongside other matters, to:

- (i) Level of local provision and need for sites.
- (ii) Availability of alternative accommodation for the applicants.
- (iii) Other personal circumstances of the applicant.
- (iv) Locally specific criteria used to guide the allocation of sites.
- (v) That applications should be determined from any travellers not just those with local connections.

Criterion (iii) is assessed here.

6.2I Information has been provided by the agent and applicant in a statement accompanying the application. This is available to view on the website/file. In summary:

6.3I The plot is to be occupied by Mr Gavin, his wife and their young son (approximately 5 months). Mr Gavin is local to the area and previously attended Braybrooke School. They have been living on the roadside in Northamptonshire including Brixworth, Desborough and Rothwell. They were generally moved on every 3-4 weeks. The application states that they need a settled site due to the birth of their baby son and this is in the best interests of the child. A statement made with the applicant's application to vary the injunction makes reference to health issues and that they are registered with a local doctor's surgery.

6.4I The above information has been considered as part of the Officers overall assessment of the application. Human Rights will be considered further below.

## **7. Layout and Design**

7.1I Development Plan policy and the NPPF support the delivery high quality design. The layout and design of the pitch is simple. The proposed utility building is timber and relatively small scale. Materials could be conditioned. The development will however have landscape and visual impacts as described in Planning Considerations Section 3. These are harmful and cannot be overcome by mitigation for example through alternative design or landscaping. Therefore although the design in itself may be acceptable it is not appropriate in this location and landscape.

## **8. Drainage**

8.1I Policy 13 (q) of the CSS requires that developments do not cause a risk to the quality of the underlying ground water or surface water. Where non-mains sewerage is relied upon there is a hierarchy of drainage options that must be considered and discounted in the following order:

- (i) Connection to the public sewer
- (ii) Package sewer treatment plant
- (iii) Septic tank
- (iv) Cess pool

8.2I A cess tank is proposed. Given the comments of the Environment Agency it is considered that should permanent planning permission be granted the applicant should seek to deliver a comprehensive drainage solution. This can be conditioned. Should temporary consent be granted it is considered that the proposed continued use of the existing facilities would be reasonable in the short-term.

8.3I This part of the application is considered to be in accordance with Policy 13 (q) of the CSS.

## **9. Human Rights**

9.1I The applicants' Human Rights, including their right to respect for private and family life, have been considered and weighed against all other considerations.

9.2I It is considered that any interference with Human Rights is outweighed by the significant harmful impacts of the development. Officers consider that there is demonstrable harm caused by the proposal and the recommendation to refuse is considered a proportionate response considering all impacts and balancing this with Human Rights considerations.

## **Conclusions**

The proposed development is considered to be contrary to the Development plan and there are no other material planning considerations that outweigh this. The development will have harmful impacts which are significant and cannot be mitigated;

there will be harmful impacts on the landscape and the character and appearance of the area and the development is intrinsically unsustainable. The lack of a 5 year supply of sites is not considered to outweigh the policies of the Development Plan given the harmful and significant impacts of the development both individually and cumulatively. Human Rights have been considered as above. The refusal of planning permission is considered a proportionate course of action when considering and balancing all considerations.

## **Greenfields Planning Applications: Officers Report Summary**

### Policy & Principle Considerations

10.1 The Local Planning Authority cannot currently demonstrate a 5 year supply of sites. The National Planning Policy for Traveller Sites states that this is a significant material planning consideration when considering applications for the grant of temporary planning permission. 3 pitches are currently required to achieve a 5 year supply.

10.2 The site is located in the open countryside, does not make use of an area of previously developed land and is not well related to a settlement with adequate range of services and facilities. Although not within a landscape which is designated as environmentally sensitive it is considered that there will be significant harmful impacts on the landscape and rural character and appearance of the area.

10.3 The lack of a 5 year supply of sites, which is a material planning consideration, is not considered to outweigh the policies of the Development Plan given the harmful and significant impacts of the development both individually and cumulatively.

### Sustainability

10.4 The site is not considered to be closely linked to an existing settlement with a range of services and facilities and would not therefore, maximise possibilities for social inclusion and sustainable patterns of living in accordance with Policy 17 of the CSS. In planning terms the site is unsustainable with regard to its location and relationship to facilities and services.

10.5 The applications are also considered to be unsustainable in the wider sense in that it will cause significant harm to the landscape and countryside which in itself is considered to create an unsustainable form of development.

### Landscape and Visual Impact Summary

10.6 The site is visible within the landscape and is positioned on the brow of a hill; the wider site is extremely exposed. There are clear views from the site outwards which suggests it can be seen from more distant fields and open spaces within the landscape. A PROW running through the site permits direct views of the development at Greenfields.

10.7 The site is within open countryside. Although it is not within any national landscape designation it is locally defined as 'West Northamptonshire Uplands' within the Northamptonshire Environmental Character Assessment. This area of landscape is characterised by its rolling, undulating hills with regular field patterns and hedgerows. Another key characteristic of the landscape is isolated buildings/development set within the open countryside. This gives the landscape a remote and sometimes isolated character.

10.8 The proposed developments, individual boundaries, and resultant smaller parcels of land interrupt the larger field patterns of the landscape and its distinct rural

character. The proposed developments bear no relationship to other structures or patterns within the landscape and go against the grain of the surroundings. Development at Greenfields appears incongruous within the landscape.

10.9 The developments introduce an urban character to the rural environment and harm the character and appearance of the area. The piecemeal development of the larger site has also resulted in a sporadic form of development. Developments at the site would cause considerable harm to the countryside and would be a discordant and highly intrusive feature in the landscape which significantly erodes the rural character and appearance of the area. Past Inspectors Decisions relating to appeals agree with this conclusion.

10.10 When assessed individually each proposed development at Greenfields would have the above impacts on the landscape. Each would have a harmful impact and would be contrary to Development plan policy (Policy 13 and 17 of the Core Spatial Strategy) and also National Policy (Policy 11 of the NPPF). When the developments are considered cumulatively the detrimental impact becomes even more significant and again is contrary to Local and National Policy. The developments would also be contrary to emerging Development Plan Policy – Policy 3 ‘Landscape Character’ of the JCS.

#### Access

10.11 Although there is conflict with Development Plan policy in terms of the sustainability of the site, the physical point of access is considered to be acceptable and the proposed developments at Greenfields are not considered to prejudice highway safety.

#### Residential Amenity

10.12 Although it is appreciated that there is concern from neighbours and the local community on a number of matters, it is considered there are insufficient grounds to recommend refusal on residential amenity impacts.

#### Layout and Design

10.13 The internal layout and design of each pitch is considered to be acceptable. However the landscape and visual impacts of the development, both individually and cumulatively, are significant and harmful and cannot be overcome by mitigation for example through alternative design or landscaping. Therefore although the design in itself may be acceptable it is not appropriate in this location and landscape.

#### Drainage

10.14 It is considered that an appropriate drainage solution could be secured by planning condition should any of the applications be approved.

#### Human Rights and Personal Circumstances

10.15 The personal circumstances of each applicant and the persons occupying each pitch have been considered from the information submitted in the applications. The applicants’ Human Rights, including their right to respect for private and family life, have been considered and weighed against all other considerations.

10.16 It is considered that any interference with Human Rights is outweighed by the significant harmful impacts of the development. Officers consider that there is demonstrable harm caused by the proposal and the recommendation to refuse is considered a proportionate response considering all impacts and balancing this with Human Rights considerations.

10.17 In light of the above considerations and conclusions it is considered that the

proposed developments, individually and cumulatively, would be unsustainable, have significant and harmful landscape and visual impacts and would result in demonstrable harm.

10.18 The applications are therefore recommended for refusal for the reasons stated. The same reasons for refusal apply to each of the Greenfields applications.