

BOROUGH OF KETTERING

Committee	Full Planning Committee - 15/12/2015	Item No: 5.6
Report Originator	Louise Holland Development Team Leader	Application No: KET/2015/0910
Wards Affected	Welland	
Location	Plot 7 Greenfields, Braybrooke	
Proposal	Full Application: Siting of 2 no. static and 2 no. touring caravans and shed with associated hardstanding. 2 no. lights on high poles and septic tank	
Applicant	Mr P Doran	

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 this application be REFUSED for the following reason(s):-

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 KET/2015/0910

This application is reported for Committee decision because there are unresolved, material objections to the proposal and the proposal is a contentious application which, in the opinion of the Head of Development Services, is a matter for the decision of the Committee.

3.0 Information

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 were for plots within the southernmost half of the Greenfields site. These applications were heard at a Planning Committee on 27th October 2015 and were refused planning permission.

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). Those occupants subsequently left Plot 6.

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 the legal process is continuing.

An appeal against the refusal of planning permission has been lodged with the Planning Inspectorate (PINS) but as of 04 December 2015 the LPA had not received notification that the appeal had been validated by PINS, ie at the date of writing there is no start date for the appeal.

Update on Plot 6:

As at 30 November 2015 a caravan was known to be on Plot 6, along with a vehicle. This is to be followed up.

Plot 7 (the Application Site)

Plot 7 had a two year temporary planning permission granted by the Planning Inspectorate. This temporary permission expired at the end of April 2015. A new full planning application has been made for Plot 7 and is considered within this report to Planning Committee.

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.

KET/2014/0774 (Plot 4A)

Siting of caravans for residential occupation with associated hard standing, shed and cess tank. Refused.

KET/2014/0776 (Plot 4B)

Siting of caravans for residential occupation with associated hard standing, utility block or portaloo/portable toilet block and cess tank. Refused.

KET/2014/0777 (Plot 4C)

Siting of caravans for residential occupation with associated hard standing, utility block, container, shed and cess tank. Refused.

KET/2014/0778 (Plot 4D)

Siting of caravans for residential occupation with associated hardstanding, utility building and cess tank. Refused.

KET/2014/0784 (Plot 9)

Siting of caravans for residential occupation with ancillary development. Refused.

KET/2014/0786 (Plot 8)

Siting of caravans for residential occupation. Erection of utility building, installation of cess tank, construction of hard standing, and erection of close board fencing. Refused.

KET/2015/0079 (Plot 8A)

Siting of caravans for residential occupation with associated hard standing, shed and septic tank. Refused.

KET/2015/0317 (Plot 10)

Siting of caravans for residential occupation with associated hard standing, shed and septic tank. Refused.

KET/2015/500 (Plot 24B)

Siting of caravans for residential occupation with associated hard standing and utility block. Refused.

Enforcement Action

Various notices have been served since 2001. Some of the key notices served are 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 (Application Site) 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 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) – Application Site

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 of Greenfields have been carried out on numerous dates, the most recent being 30th November 2015.

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

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 Greenfields 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 Greenfields site at its southern end. 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) and indicates the location of Plot 7 (the application site).

A hedge line and gate physically and visually separates Greenfields into two halves. Plot 7 is positioned in the southernmost half of the wider site. 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 including Plot 7, the application site and the wider Greenfields 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 (including the application site Plot 7) 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.

An overhead pylon crosses the southern area of Greenfields.

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.

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' of the Greenfields 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.

Proposed Development

Siting of 2 no. static and 2 no. touring caravans and shed with associated hardstanding. 2 no. lights on high poles and septic tank. The proposed plans are included as Appendix 3.

Any Constraints Affecting The Site

Beyond Settlement Boundary - Open Countryside
Public Right of Way.

4.0 Consultation and Customer Impact

The following responses have been received at the time of writing this Committee report. The 21 day consultation period expires on 8th December 2015. Any further responses received will be reported in the Update to Planning Committee.

Arthingworth Parish Council:

To be advised

Braybrooke Parish Council:

To be advised

Harrington Parish Council:

Strongly objects to this application and strongly urges Kettering Borough Council to progress the enforcement proceedings to return the site to its original condition.

in summary for the following reasons:

- The site is in open countryside and not closely linked to an existing settlement which provides an adequate range of services and facilities. The use of the land as a residential site would therefore result in an undue reliance on the private motor vehicle to access services.
- The proposed development would result in a discordant and highly intrusive feature (especially in relation to 2 lights on high poles) in the landscape which would unduly harm the character and appearance of the area and as such would fail to conserve or enhance the landscape character of the area,
- The proposed development would add to the current piecemeal development of the larger Greenfields site to the point where the cumulative impact of the

development in conjunction with existing developments would be of an excessive scale.

- The access way is the subject of an enforcement order requiring its removal;
- Applications on the Greenfields site have previously gone to appeal and were rejected by the Inspector; it has been stated that the Greenfields site is in a “wholly unsustainable location economically, environmentally and socially” and that the site is “intrusive and discordant” and “could not be considered to be closely linked to an existing settlement”
- Kettering Borough Council now has a 5 year supply of Gypsy and Traveller sites/has provision for the travellers there is no justification for ignoring planning legislation and allowing this site to continue;
- Taking into account the many refusals both at first instance and on appeal it would be perverse to grant this application.
- The cumulative effect on the countryside of the caravans at Greenfields is disastrous and must be reversed as soon as possible;
- Where will the foul water from the septic tank flow away to? What guarantee is there that the local water courses will not be contaminated?
- It is clear from all other traveller sites that each plot has a number of commercial vehicles operating from the site. The stationing of these vehicles in the middle of the open countryside is entirely discordant with the surrounding;
- The surrounding network of roads is all single track and entirely unsuitable to increased traffic. There is no public transport in Harrington, we all, both settled and gypsy/traveller communities, have to use a car to go from A to B, the roads are narrow and can be death defying when meeting other vehicles;
- Recent Government legislation has reinforced Harrington’s belief with the publication of the new Planning Policy for Traveller Sites in August 2015. It says that the number of pitches or plots must relate to the specific size and location of the site and the surrounding population’s size and density. It is difficult to imagine how travellers will comply with some of the Government’s intentions but it is fair that if someone has given up travelling permanently then applications for planning permission should be considered as they are for the settled community within national planning policy rather than Planning Policy for Traveller Sites;
- The new policy document additionally says that councils should “very strictly limit” new traveller sites in open countryside;
- Our community is totally dominated by the many gypsy/traveller developments surrounding it. The Caravan Count of January 2015 states that

Kettering Borough has a total of 122 Caravans and Daventry 56. Virtually all of these, with the exception of those at Broughton are within 3 miles of this site and the majority of those are within 3 km.

Desborough Town Council

Object because the site is in open countryside and is unsuitable as an unauthorised site.

Northants Police Crime Prevention Design Advisor

Northamptonshire Police generally approve the use of land for traveller/gypsy sites provided that such sites are for small named family groups who have local connections to the area. Such small family sites integrate better with local settled communities.

If the site is not restricted to named individuals or families there is the possibility of the site being settled by persons from outside the county which would not achieve a reduction in the shortage of permanent suitable accommodation for local families within the county. Equally not restricting the use of the land to named individuals opens up the possibility that the land will be further let or sold to a number of different families which could give rise to tensions and disorder without any formal site management.

The site should meet the following conditioned criteria:

- Planning permission is specific to named individuals and only they shall reside on the site. Permission lapses if the named individuals and children leave the site;
- the application addresses local needs for the provision of traveller pitches/accommodation for people with local connections within Kettering Borough Council and the county of Northamptonshire only;
- no business shall be conducted on the site and no storage of trade waste or metals is permitted; caravans/mobile homes should be sited to adhere to the guidance contained within the 'DCLG Designing Gypsy and Traveller Sites' and the DCLG Model Standards 2008 for Caravan Sites in England good practice guides. A minimum of 6m should separate each individual unit to reduce the potential for fire spread;
- the whole site lay-out should comply with the 'access for emergency vehicles' section of the above guidance so all applications for this site should be looked at holistically. Access to the site is at present very difficult;
- Evidence of an adequate water supply should be demonstrated to prevent the potential for illegal tapping of nearby water supplies, which has been the subject of police investigation in the immediate vicinity in recent years.

Environmental Health KBC:

No objection to the application subject to the following condition(s) or notes/informatives being applied, should consent be given.

Condition

The floodlights shall be shielded and angled in such a way so as to prevent light nuisance to other residential units outside of the development area.

Reason: - In the interest of residential amenity

CS1 Caravan Site Licensing

The applicant may be required to apply for and be granted a licence under the Caravan Sites and Control of Development Act 1960 before the site can be occupied unless it is exempted from doing so. For more information see http://www.east-northamptonshire.gov.uk/site/scripts/documents_info.php?documentID=802&pageNumber=1 or speak to the Environmental Health Team at Kettering Borough Council.

The septic tank will need to be installed in accordance with the general binding rules of the Environment Agency or will require an environmental permit to operate, to prevent ground and water pollution. It is an offence to install and use a septic tank without a proper exemption though compliance with the general binding rules or holding an environmental permit. For more information see <https://www.gov.uk/permits-you-need-for-septic-tanks>

Highway Authority

No objection subject to conditions regarding:

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

Environment Agency

No comment.

Daventry District Council

Any comments received will be summarised for the Update

Countywide Traveller Unit (CTU)

Any comments received will be summarised for the Update

North Northamptonshire Residents Against Inappropriate Development (NNRAID)

Any comments received will be summarised for the Update

Neighbouring Ward and County Councillor

None received at date of writing

Third Parties

None received at date of writing

5.0 Planning Policy

National Planning Policy Framework

Presumption in favour of sustainable development: approving development proposals that accord with the development Plan, (paragraph 14)

Core Planning Principles (paragraph 17) including recognising the intrinsic character and beauty of the countryside; contribute to conserving and enhancing the natural environment; to actively manage patterns of growth to make the fullest use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable

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 31st July 2015. An Inspector has been appointed and the Examination commenced on 17th November 2015. The Inspector has indicated that his report will be provided in early 2016.

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.

Planning Policy Statement (Department of Communities and Local Government)

Green Belt and Intentional Unauthorised Development (came into force 31st August 2015)

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:-

1. Principle and Policy Considerations
2. Sustainability
3. Landscape and Visual Impact
4. Access
5. Residential Amenity
6. Layout and Design
7. Drainage
8. Human Rights

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. The presumption is in favour of sustainable development that accords to the Development Plan. The NPPF’s core principles (referenced above) are also fundamental.

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. The application site, Plot 7, previously had temporary planning permission which lapsed at the end of April 2015.

(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.

Table 1	
Level of Need	
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
Total additional pitches required up to 2020/21	23
Supply of Sites	
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 (KET/2014/0695)	3
Plot 1, Northampton Road, Broughton (KET/2015/0613)	3
Total Supply of Sites	23
Remaining Requirement	0

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 a 5 year supply of sites can be demonstrated.

(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 30th 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 commended on 17th 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.

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 and Human Rights

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

1.15 Permission is being sought by Mr Doran and family. The plot would be shared by Mr Doran and his four children who are between the ages of 4 and 14 years old. Three of the children are at school in Desborough and the eldest is home educated. Mr Doran has stated in his application information that he considers it important for his children to stay in education, with the two children doing well and one “is a school councillor”

1.16 Health issues have been raised. Before settling on Greenfields Mr Doran’s health was poor. He is a diabetic and has regular health checks. As he is now receiving the right treatment his health is a lot better. Every couple of weeks Mr Doran requires insulin and he receives this locally from a surgery in Desborough. Mr Doran needs to be settled and registered at the doctor’s.

1.17 Details supplied with previous applications for Plots 8 and 9 reveal that Mr Doran is related to the occupiers of those plots.

1.18 The applicants’ Human Rights, including their right to respect for private and family life, and a primary consideration about the needs of his children have been considered and weighed against all other material considerations.

1.19 These human rights were previously considered by a planning Inspector who determined an appeal in Plot 7 in 2013 (ref: APP/L2820/C/12/1285803) The Inspector stated in April 2013 that material considerations in favour of the proposal including the personal circumstances (of the applicant) “can be given substantial weight but individually or cumulatively they do not outweigh the harm” being “the considerable harm to the character and appearance of the countryside in a wholly unsustainable location”.

1.20 It is considered that any interference with Human Rights is still 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. This also takes into account that the Council has now a 5 year supply of sites and is being proactive in the work that is underway in identifying sites to be allocated for gypsy and traveller accommodation through the Site Specific Proposals LDD Part 2 Local Plan, as stated in paragraph 1.10 above.

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

1.21 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.

1.22 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.

1.23 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.

1.24 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.

1.25 The nearest settlement is Braybrooke, which is approximately 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.

1.26 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 occupiers may go further for basic needs. Desborough has a number of services and facilities, including a medical centre, primary schools, shops, library and leisure centre.

1.27 There is a public right of way which runs across Greenfields north- west to south-east connecting Greenfields 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.

1.28 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 highly likely that all if not most trips to and from the site will be predominantly by private vehicle. 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.

1.29 In distance and accessibility, the settlement nearest to the site is 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 the requirement of policy 17 of the CSS.

1.30 Planning Inspector decisions of August 2012 (relating to Plots 4, 8 and 9 and a separate decision relating to Plot 8a) and April 2013 (Plot 7 – the application site) conclude that Greenfields is not closely linked to an existing settlement with a range of services and facilities and therefore contrary to Policy 17 of the CSS.

1.31 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.

1.32 Whilst the site is not in an area designated as being environmentally sensitive, it is nevertheless significant in the countryside setting. 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 development will have a significant harmful visual and other impact on the landscape.

1.33 Furthermore, the piecemeal development of Greenfields 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.

1.34 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.

1.35 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 31st 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 proposal would increase pitch numbers further. The subdivision of Greenfields also would create pressure for further development and occupation should permanent permission be granted for the proposed development.

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

1.36 As referred to above (paragraphs 1.14 and following) supporting information has been provided with the application regarding personal circumstances. No further detailed information has been provided in the application regarding specific local connections, and according to the Appeal decision of 2013 the family had formerly lived on a site in Somerset managed by Mrs Doran until that was sold and closed in 2011.

1.37 Details supplied with previous applications for Plots 8 and 9 do however reveal that Mr Doran and his family are related to the occupiers of those plots.

Other considerations:

1.38 Northamptonshire Police's response is similar to that of previous consultation responses to other proposed development at Greenfields. Though explained, their recommendation that should permission be granted it should be specific to local named families, would not satisfy the tests for a planning condition. Instead, if the application were to be recommended for approval a planning condition should be imposed to ensure that the occupiers are Gypsy and Travellers and meet the definition set out in National Policy.

Emerging Joint Core Spatial Strategy

1.39 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 12th June and 27th 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.

1.40 The Joint Core Strategy has been submitted to the Secretary of State for Examination and its Examination commenced on 17th November 2015. The Inspector has indicated that his report will be available early 2016. Based on the responses to the consultation it is considered that substantial weight can be given to this policy.

Other material planning considerations

1.41 On 31st August 2015 the Department for Communities and Local Government issued a Planning Policy Statement on Green Belt protection and intentional unauthorised development. This statement sets out changes to national planning policy to make intentional unauthorised development a material consideration, and also to provide stronger protection for the Green Belt.

1.42 The Government is concerned about the harm that is caused where the development of land has been undertaken in advance of obtaining planning permission. In such cases, there is no opportunity to appropriately limit or mitigate the harm that has already taken place. Such cases can involve local planning authorities having to take expensive and time consuming enforcement action. For

these reasons, this statement introduces a planning policy to make intentional unauthorised development a material consideration that would be weighed in the determination of planning applications and appeals. This policy applies to all new planning applications and appeals received from 31 August 2015.

1.43 In this particular case Mr Doran received a temporary two year permission on 30 April 2013 which permitted him and his family to remain at Greenfields. This expired on 30 April 2015.

1.44 Although the development at the plot is currently unauthorised given the lapse of the permission, and a temporary permission had been granted by the Planning Inspectorate, as indicated in paragraph 1.18 it was considered at the time of that decision that the considerable harm caused was not outweighed any support for (or by mitigation proposed). However, with the background of the period of occupation and the previous temporary permission, in relation to Plot 7 and its occupiers, it is considered that the August 2015 National Policy Statement should be given limited weight in this case and decision.

1.45 At the time of writing the Housing and Planning Bill is going through its passage in Parliament. The implication for decisions on applications such as this cannot be considered until the Bill becomes law.

Policy and Principle Summary

1.46 The Local Planning Authority can currently demonstrate a 5 year supply of sites.

1.47 The site is located in the open countryside, the proposal 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 and access to good public transport.

1.48 It is considered that there will be considerable 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).

1.49 It is concluded that the application is contrary to National planning policies and to the Development Plan policies. The development is unsustainable and would result in significant harmful landscape and visual impacts.

1.50 The applicant's personal circumstances including any effect on Human Rights have been carefully considered, please see Section 8 below. These do not outweigh the significant demonstrable harm caused by the proposal.

2. Sustainability

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 1.24 to 1.28 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 – the Application Site) 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 NNCSS. 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 Impact

3.1 Policy 11 of the NPPF states that the planning system should contribute 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. The Greenfields land is visible from other properties and neighbouring farms.

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 development, individual boundary, and resultant smaller parcel of land interrupts the larger field patterns of the landscape and its distinct rural character. The proposed development, the structures/caravans bears no relationship to authorised or permitted structures or patterns of development within the local or landscape context. It is therefore alien in its landscape surroundings.

3.7 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.

3.8 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

3.9 The landscape is attractive, open, gently rolling countryside with dispersed isolated farms and few settlements. 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.

3.10 The site is visible within the landscape and positioned on the brow of a hill or higher ground; the whole site is extremely exposed.. .

3.11 The development introduces a piecemeal form, urban in character and alien to the rural environment It causes considerable harm to the countryside and is a discordant and highly intrusive feature in the landscape which significantly erodes the rural character and appearance. It is contrary to Development plan policy (Policy 13 and 17 of the Core Spatial Strategy) and also National Policy (Policy 11 of the NPPF) and 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 application. They have advised that they have no objection subject to a number of requirements. 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. It is considered that any further 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 laying of hard-core or 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 of 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.

5.3 The amenity of site occupiers should also be considered particularly given the locational relationship the proposed pitches have with one another. The pitch is demarcated by its own boundary and drainage will be provided. 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.

6. Layout and Design

6.1 Development Plan policy and the NPPF support the delivery high quality design. The layout and design of the pitch is considered to be acceptable. Although no utility building is currently proposed, should permission be granted a condition could be imposed to allow such a structure subject to parameters such as maximum dimensions and materials and subject to design details being submitted to and approved by the LPA. 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.

7. Drainage

7.1 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

7.2 A septic tank is proposed in this case. Mains drainage is not available and the flows from the pitch are unlikely to be sufficient to allow a package treatment plant to work satisfactorily. Should permission be granted a planning condition could be imposed to secure drainage details.

In response to consultation on the most recent nine planning applications at Greenfields, the Environment Agency (EA) previously advised that should permanent planning permission be granted the nine plots should seek to deliver a sustainable, strategic non-mains drainage solution serving all the plots. This was due to the applications coming forward together. In light of the refusal of those applications, and that this current application has come forward on its own and is for four caravans only, the EA do not have any comments to make.

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

8. Human Rights

8.1 The personal circumstances of the applicant and his family have been considered from the information submitted in the application. The applicants' Human Rights, including their right to respect for private and family life, have been considered and weighed against all other considerations.

8.2 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.

Conclusion

9.1 The proposal is unsustainable development and is contrary to the NPPF and to the Development Plan. There are no other material planning considerations that outweigh this. The development will have significant harm that cannot be mitigated: considerably harmful impacts on the landscape and upon the character and appearance of the area; the development is intrinsically unsustainable. Personal circumstances and Human Rights have been carefully considered. The refusal of planning permission is considered a proportionate course of action when considering and weighing all considerations.

Officers Report Summary

Policy & Principle Considerations

10.1 The Local Planning Authority can currently demonstrate a 5 year supply of

sites.

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.

Sustainability

10.3 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.

10.4 The application is 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

10.5 The site within open countryside is visible within the landscape and is positioned on higher ground near 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.

10.6 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.

10.7 The development introduces an urban character to the rural environment and harms the character and appearance of the area. Development 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.

10.8 Therefore, development would have a considerable 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). The development would also be contrary to emerging Development Plan Policy – Policy 3 ‘Landscape Character’ of the JCS.

Access

10.9 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 development at Greenfields is not considered to prejudice highway safety.

Residential Amenity

10.10 It is considered there are there are no adverse impacts on residential amenity and therefore no reason for refusal relating to this matter is recommended.

Layout and Design

10.11 The internal layout and design of the pitch is considered to be acceptable. However the landscape and visual impacts of the development 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

10.12 It is considered that an appropriate drainage solution could be secured by planning condition should the application be approved.

Human Rights and Personal Circumstances

10.13 The personal circumstances of the applicant and their family have been considered from the information submitted in the application. Their Human Rights, including their right to respect for private and family life, have been considered and weighed against all other considerations.

10.14 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 significant harm caused by the proposal and the recommendation to refuse is considered a proportionate response considering all impacts and having carefully considered and weighed the personal circumstances including Human Rights considerations.

Summary Conclusion

10.15 In light of the above considerations and conclusions it is considered that the proposed development would be unsustainable, have significant and harmful landscape and visual impacts and would result in demonstrable harm.

10.16 The application is therefore recommended for refusal for the reasons stated.

Background Papers

Title of Document:

Date:

Contact Officer:

Louise Holland, Development Team Leader on 01536 534316

Previous Reports/Minutes

Ref:

Date: