

BOROUGH OF KETTERING

Committee	Full Planning Committee - 18/07/2017	Item No:
Report Originator	Peter Chaplin Development Manager	Application No: KET/2016/0847
Wards Affected	Slade	
Location	The Old Willows, 10 Northampton Road, Broughton	
Proposal	Full Application: 10 mobile homes for gypsies and travellers (ie an additional 4 static caravans to the 6 pitches consented under KET/2014/0695); 1 touring caravan for site warden, play area, amenity building . In addition (as amended) 6 No. touring caravans for use by site occupiers	
Applicant	Mr P Rooney	

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):-

The Planning Policy for Travellers (PPTS) states that gypsy and traveller sites are to be well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness; promote opportunities for healthy lifestyle such as ensuring adequate landscaping and play areas for children; not enclose a site with so much hard landscaping, high walls or fences that the impression may be given that the site occupants are deliberately isolated from the rest of the community.

The North Northamptonshire Joint Core Strategy Policy 31 states that new site allocations and applications for planning permission should satisfy all of the criteria of the policy. This includes: c) the site provides a suitable level of residential amenity for the proposed residents and e) there is satisfactory access and adequate space for operational needs including, parking, turning and servicing of vehicles.

The submitted proposals are contrary to the above policies by virtue of the very small size of pitches for the 10 mobile homes which are considered inadequate for the families or individuals who fulfil the PPTS definition of gypsies and travellers e.g. no space for incidental mobile homes with each pitch,, limited areas for other needs. There is little or no room within the site for landscaping around the proposed dwellings to the detriment of the residential amenity of occupiers. The reliance of one amenity building for all of the site's occupiers is also considered inadequate.

The position of 6 touring caravans (for some of the occupiers) is reliant upon being kept alongside the site boundary without adequate manoeuvring space and access. In addition the siting of the wardens touring caravan and proposed amenity buildings leads to further cramped appearance and space restrictions. There are no areas for additional car parking without causing obstructions to free flows.

For these and other reasons relating to criteria (c) and (e) of Policy 31 the proposal would present an overdevelopment of the site.

Officers Report for KET/2016/0847

There are objections received relating to this proposal. In the opinion of the Head of Development Services this is a matter for the decision of the Committee.

3.0 Information

Relevant Planning History

KET/2014/0695 - Change of Use (from 3 pitch traveller site and former highway land) to Permanent Gypsy and Traveller Site for 6 no. Pitches and Play Area – APPROVED – 03.07.15

KET/2011/0363 - Change of use of land to residential gypsy traveller site of 3 no. pitches, comprising 1 no. mobile home, 1 no. associated touring caravan, 2 no. static caravans, together with the retention of a day room, toilet building, associated hard standing, external lighting and septic tank Klargestor - APPROVED 20.06.12

KE/93/0217 - [Plots 1- 9a and application site] Change Of Use: Proposed Residential Caravan Site For Seven Families (Refused: 25.03.93; APPEAL ALLOWED 11.07.94.

Site Description

Officer's site inspection was carried out on 01/02/2017 and at a subsequent date, (27 February 2017) a further visit was made by officers.

The Old Willows is part of an area of established gypsy and travellers pitches situated on remnants of the old A43, approximately 600 metres south of the village of Broughton. To the immediate north the established Gypsy and Traveller pitches total 13 in number and appear to be in the control of owners who occupy the sites.

Beyond the east side of the Old Willows is land which is open countryside. The other side of the western boundary behind a raised area of bank is the A43. Beyond the south side of the site after the site tapers is the alignment of the A43 and countryside either side of that road.

The Old Willows site measures approximately 14m to 24m wide and 125m long (in area 0.24ha). The dimensions have been checked and confirmed by officers during site visits.

The site is largely covered in crushed stone or the original former A43 road surface. At the time of a site visit by Officers at the end of February 2017 the site contained 10 static caravans, some of which were in a close line and not evenly spaced the length of the site; the applicant's intention being to space them out in accordance

with the proposal. There were also three caravans alongside the eastern boundary and a container.

A 1.8m timber fence runs along the west, east and southern boundaries. The north facing boundary (adjacent to the other caravan pitches in separate ownership or control) is a brick wall and gated entrance.

Proposed Development

The proposal is for accommodation for 10 static caravans for gypsies and travellers, to be positioned at the western side of the site. Alongside each static caravan will be space for a vehicle to be parked. This is an additional 4 pitches on top of the extant permission for 6 pitches and a play area that has earlier been granted, ref: KET/2014/0659. When considered along with the earlier proposals for caravan pitches, this current proposal would result in a total of 10 static caravans for gypsy and traveller families or individuals.

The note on the plan says indicative pitch to illustrate average size mobile home/ static caravan and 6 metre required distance between,”. (for fire safety) Also: “5m x 2.5m parking space”

A touring caravan for a site warden is also proposed alongside the eastern boundary, and an amenity building (of dimensions 8m by 3.5m).

Also (as amended) is proposed the siting of 6 touring caravans (for use by the site occupiers from within the 10 pitches).

Following a request for clarification, the agent confirmed the proposal was amended (by the plan dated 01 June 2017). The agent has stated:

“I am verifying that some residents in the mobile homes require space for six touring caravans which will be used by them as they travel around the country looking for work. Some of the residents will not have touring caravans but will travel to work using their own vehicles. The road leading to this site is quite acceptable for six touring caravans. They will be away for at least two months at a time and so will not be using the road very much”.

The agent added:

“This site is run by a warden who will ensure that everything is kept in good order on the site. There is ample room for an additional four mobile homes as shown on the drawing accompanying the application. The day room shown on the drawing can be conditioned if planning permission is granted”.

Alongside the eastern boundary, one of the caravans existing at the time of the officer site visit (or a replacement) would be for the 'wardens' caravan'.

The agent has confirmed that the warden for the site would be based/ living at the site.

The site owner who is the applicant lives at the Justin Park site which is near Market Harborough but within Daventry Council's jurisdiction.

The extra static caravans proposed (as well as the total number of principal caravans for occupation are to be (or will be) located on the site permanently, with the intention that they will be rented to gypsies and travellers. In the future, any vacancies will be made known by 'word of mouth'. If people arrive at the site they ask the warden if there are any vacancies. Such enquiries will then be referred to the site owner, who will decide whether to allow people to stay. The agent has confirmed that occupants can be asked to leave at short notice.

The reason an extra 4 static caravans can be shown on the latest plan, compared with the previously approved 6 No. pitches on the site is that the pitch sizes have been reduced.

In the 2014 application, 6 No. pitches were proposed, each with an individual pitch size of 15m x 15m (approx.) or area of 225 sq m

In the current proposal, therefore the site contains 10 No. pitches as detailed below:

Pitch 1 – 13m x 10m (approx.) area: 130 sq m

Pitch 2 – 10m x 10m (approx.) area 100 sq m

Pitch 3 – 9.5m x 10m (approx.) area 95 sq m

Pitch 4 – 9m x 10m (approx.) area 90 sq m

Pitch 5 – 10m x 10m (approx.) area 100 sq m

Pitch 6 – 9m x 10m (approx.) 90 sq m

Plus

4 No. additional pitches, each 10m x 10m (approx.) area of each 100 sq m

Arising from discussion with the agent the following is summarised: of the 10 families or individuals identified in the PCN, three families or individuals are said to have come previously from a site at Bagworth in Leicestershire, one family are said to be related to the applicant. One Gypsy or traveller family are believed to be from another part of Europe. The previous location(s) or the names have not been

explained.

Any Constraints Affecting the Site

A Road (Adjacent)

Outside settlement framework (Open Countryside)

4.0 Consultation and Customer Impact

Northamptonshire Highways

As it has been confirmed that there is to be 6 touring caravans located on the site too, the Local Highway Authority object (as stated below). The LHA recognised that there would be 1 caravan for the site warden. They have seen the amended plan which shows that the 6 No. touring caravans for use by the site occupiers would not be within each 'pitch'

The LHA state "The static plots have (a car parking space) within each pitch boundary. The touring (caravans) measure approximately 6.4m in length which brings into question as to the accessibility by a caravan, let alone a vehicle to tow it. There is no other space within the site to act as a car park without causing obstruction to the free flow. The increase raises concerns over the intensification in use of the site to its farthest reaches by the emergency services. This section of the old Northampton Road is classed as a private highway, therefore, the refuse collection vehicles have no duty to enter it and service the properties. It is common practice for residents to leave their bins at the nearest convenient point to the adopted highway. It would appear that a point is already in use. The site's western boundary lies adjacent to the highway verge of the A43 it is to be ensured that no works are carried out within the highway and that no part encroaches upon it."

Northamptonshire Fire and Rescue Service

They confirm that the Design Guidance document Designing Gypsy and traveller sites (supported by Model standards 2008 for caravan sites in England) was withdrawn in August 2015. The guidance note "Fire safety for gypsies and travellers" does include the 6 m gap advice. The proposed spacing (of the statics) meets the 6 metre criteria thus no objection (in that respect).

Northamptonshire Police

Initially concerns were expressed relating to the spacing of the caravan which could pose a significant fire risk. However, on the basis that the relevant laws are being adhered to in this application no additional comments were made.

(Officer comment: The matter of fire separation distance for the statics is clarified above)

Broughton Parish Council

Object on the grounds of:

- Over-intense use of site resulting in inadequate amenity space and separation distances being achieved to render the same viable or safe for residential occupation especially by families

Broughton Parish Council in response to the plan dated 01 June 2017 and letter accompanying that plan have made the following points:

- The earlier application was scaled back from the initial larger proposal (of 10 pitches) by your officer on the grounds of the application site area not being of sufficient scale to be able to accommodate more. Why would a different officer come to a different conclusion?
- The additional information received from (the applicant) serves to prompt further questions by adding in confusion.
- Are we looking at 10 “plots” of a traditional nature (not of a scale sufficient to support traditional gypsy and traveller families? (We would expect each plot to be able to accommodate touring caravans for other family members and associated vehicles)
- Or, is this a commercial proposal for 10 mobile homes providing multiple lettings? (in which case substantial concerns are raised by the Parish Council on the transparency of this site and suitability of operation
- There is nothing indicated in place to regulate whether these are individual or family lets. There is the potential for many unrelated individuals to be living there in very close confines which is far from ideal dwelling places. What will be in place to ensure that whoever is living in these accommodations is justifiably entitled to be there and how will this be maintained to ensure permanent visibility of this entitlement.
- The space allowed for the touring caravans doesn't seem adequate - if the drawing is to scale it looks like only 6m has been allocated for each caravan when even an average 2 berth is longer than that if you take the tow hitch into account. It begs the question how they would be able to get a vehicle in to hitch up and pull the caravan out of the line.

- The space allocated for tourers has them in very close proximity so they should not be occupied at any time to comply with Fire Safety recommendation of 3m separation for touring caravans. This arrangement should be for storage only and therefore fails to provide capacity for visiting family.
- Mr Rooney has advised that he could accommodate some touring caravans at Justin Park but this is more than 15 miles away and we do not consider that to be a satisfactory solution for visiting families.
- Do we have any evidence that Mr. Rooney can permanently guarantee that there is enough unallocated space at Justin Park for the remaining caravans whenever they may arrive? (*Officer comment: this observation relates to earlier correspondence which suggested keeping some touring caravans at Justin Park*) but please see the information from the agent's most recent letter which states that some of the residents will not have touring caravans)
- The application requires space for 2 commercial vehicles - where are they going as the revised drawings do not show any allocated space for these now?
- Owing to the transient nature of Gypsy and Travellers, usually they are self-employed and require their own work vehicles and equipment. This application does not allocate any provision for this.
- We are deeply concerned that the washing facility and toilet block that was in the original plan has now disappeared. This borders on the unimaginable to believe that so many people will cope without a satisfactory facility.
- There is no space allowed for a warden's vehicle - does s/he live on site or is this just an office?
- Question the numbers that have lived at the site for "18 months" and who would be asked to leave the site if there were more caravans than permitted.
- As this is a very narrow tapering site over some distance with only one entrance, how will it be possible to manoeuvre touring vans when they come in/go out.
- With very little manoeuvring room, we have substantial concerns for the potential risk of fire and delivery of emergency services.

- The Inspector on the recent appeals at Braybrooke has expressed written concerns over the overcrowding at Broughton. Is this concern to be ignored and if so, where is the justification that to deliver this application as proposed, will provide the opportunity to enhance or improve the overall site?
- The justification for Gypsies and Travellers to be able to live in sites in open countryside that would normally not be permitted is granted exceptionally on the basis of their ethnicity and traditional lifestyle which is to be respected by all parties. Can you please reassure us that you will be completely satisfied that this is the case at all times?
- We are very concerned that this site is being detrimentally harmed by this application as it will become a substantial departure from what it has been to-date which is: individual plots occupied by family units.
- The site at Broughton was strategically considered by KBC Planning Policy Committee to be of optimum scale and design at the time of the previously G&T Consultation however this example of previous good practice has been gradually eroded with subsequent applications since that committee decision leading to the Inspector from the Braybrooke appeal commenting on the overcrowding at this site, with the current application adding nothing of merit to consider.

Local Councillor wrote to comment that “would like clear evidence to demonstrate that the current/ proposed occupants are seeking accommodation as local members of the gypsy and traveller community. It would be quite wrong to see escalation in numbers of vans on this site or anywhere else as an economic alternative to accommodation within the settled community”.

Other representations:

Objection to the site from former resident of the area.

Letter of objection received 26/06/17 from local resident

“Existing site with increased numbers of plots since 2011 has become considerably constrained and no longer sustainable, outstanding breaches of planning conditions, site sits in open countryside and without locally evidenced need for intensification, noticeable fly tipping occurring from existing site over boundary fence of A43 this would be exacerbated by the approval of this plan”.

5.0 Planning Policy

Planning Policy for traveller sites (August 2015)

Applications should be assessed in accordance with the Development Plan unless material considerations indicate otherwise;

Applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the NPPF and the PPTS;

LPAs should consider : the existing level of local provision and need for sites; the availability (or lack) of alternative accommodation for the applicants; other personal circumstances of the applicant; that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/ plots should be used to assess applications that may come forward on unallocated sites; that they should determine applications for sites from any travellers and not just those with local connections;

LPAs should: very strictly limit new traveller site development in the open countryside that is away from existing settlements or outside areas allocated in the development plan; ensure that sites in rural areas respect the scale of and do not dominate the nearest settled community and avoid placing undue pressure on the local infrastructure;

LPAs should attach weight to effective use of previously developed (brownfield), untidy or derelict land, sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness; promote opportunities for healthy lifestyle such as ensuring adequate landscaping and play areas for children; not enclose a site with so much hard landscaping, high walls or fences that the impression may be given that the site occupants are deliberately isolated from the rest of the community.

If a LPA cannot demonstrate an upto date 5 year supply of deliverable (Gypsy and traveller) sites this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission;

LPAs should consider how they could overcome planning objections to particular proposals.

National Planning Policy Framework

Policy 7. Requiring Good Design

Policy 8. Promoting Healthy Communities

Policy 11. Conserving and Enhancing the Natural Environment

Development Plan Policies

North Northamptonshire Joint Core Strategy

Policy 1: Presumption in Favour of Sustainable Development

Policy 8: Place Shaping Principles

Policy 31: Gypsy and Travellers and Travelling Show People

Local Plan for Kettering Borough

Policy 7: Protection of the Open Countryside

Policy RA5: Housing in the Open Countryside

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.

Emerging policy

Kettering Borough Council will shortly be commissioning a Gypsy and Traveller Accommodation Assessment (GTAA) to identify pitch need in the Borough. A GTAA for West Northamptonshire, which includes Daventry District, was published in January 2017. It reports that there are no gypsy and traveller households in Daventry District that meet the planning definition, 24 households that may meet the definition and 2 households that do not meet the planning definition. It concludes the projected need for the period 2016-2031 to be 7 pitches. A GTAA was also published for Leicester and Leicestershire in May 2017. It reports that in Harborough District there are 7 households that meet the planning definition, 52 unknown households that may meet the definition and 11 households that do not meet the definition. It concludes the projected need for the period 2016-2036 to be 27 pitches.

PPTS paragraph 24 states that in determining applications, local planning authorities

should consider issues including level of provision and need, availability of alternative accommodation; other personal circumstances; and that applications for sites from any travellers, not just those with local connections should be determined. Any information supplied by the applicant or agent is discussed throughout this report.

Broughton Neighbourhood Plan:

A neighbourhood plan is being prepared for the Parish of Broughton. A draft plan was published for public consultation purposes in December 2016 (Regulation 14 of the Neighbourhood Planning (General) Regulations 2012, as amended). A revised version of the plan is expected to be formally submitted to Kettering Borough Council during August 2017. This will necessitate a further round of public consultation (Regulation 16). At this stage, little weight can be afforded to the draft neighbourhood plan document.

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

Principle of development

Gypsy/traveller status

Personal circumstances and Human Rights

Need and supply of sites

Sustainability of location

Highway safety

Design: size of pitches, character, residential amenity and landscape provision

Flood risk, surface water drainage safety, air quality and contamination of land considerations

Other impacts and considerations

The planning balance

Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

The national policy position comprises the National Planning Policy Framework 2012

(NPPF) and Planning Policy for Traveller Sites 2015 (PPTS). In the policy section above the key policies and considerations arising from these are identified.

Account is taken in the assessment of the proposals of PPTS Policy H (Determining planning applications for traveller sites) in Paragraph 24, that:

“Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- a) The existing level of local provision and need for sites
- b) The availability (or lack) of alternative accommodation for the applicants
- c) Other personal circumstances of the applicant
- d) That the locally specified criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites; and
- e) That they should determine applications from sites from any travellers and not just those with local connections

The site is an existing gypsy and traveller site and benefits from an extant permission (KET/2014/0695 expiry 2nd July 2018) that grants a permanent consent for 3 No. additional pitches (making 6 in total) for gypsies and travellers with an associated play area. This is a material consideration.

The use of the site for accommodation by gypsy and traveller families has been established by the 2014 consent.

There are other issues raised through the PPTS which are examined below, as well as through consideration of all material aspects. However, in terms of the principle of the land being suitable as a site for gypsy and travellers this is accepted.

Attention now turns to these other considerations:

Gypsy and traveller status

The 2015 PPTS outlined a fundamental change in the definition of gypsies and travellers, ie :

“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling show people or circus people travelling together as such.”

As noted above, the definition refers to those with a nomadic way of life (and who have not permanently given up travelling). The planning consultant who has been advising the applicant /agent has stated:

“All occupants lead a nomadic lifestyle as a result of the work they undertake. The male occupants either work alone or in groups with other site residents, undertaking all kinds of building and gardening related work. Their level of skill dictates the work they undertake, with the less skilled residents undertaking general labouring duties for the more skilled residents. They travel all over the country in search of work. Ordinarily, they would leaflet drop in certain areas on route to an already committed job, then when travelling back from that job, would settle in these areas and undertake the work requested. The volume of work secured, dictates the length of time they would be away from their base for. The women, when not responsible for children generally undertake seasonal fruit picking as and where demand arises. They also produce craft items and garments of traditional clothing, which they subsequently sell at the gypsy and traveller fairs which take place throughout the year, all over the country.

All site occupants, even the elderly travel to all the gypsy and traveller fairs to trade, for social reasons and to ensure their cultural traditions are instilled within the younger generations. Families travel to such events in advance, picking up work along the way and to purchase items to sell at the fairs”.

The planning consultant also has stated:

“vans/ cars are commonly used for transportation purposes, and if individuals do not own a touring caravan of their own they will either share with others, stay with family/ friends on their sites(nearby to the work secured) or where this is not possible, will stay in hotels, or in this case, rent a static caravan/ pitch.”

The agent for the application has identified the use of touring caravans for some of the occupiers when travelling (provision being sought to accommodate 6 touring caravans at the site). For the rest the agent has stated that some of the residents will not have touring caravans but use their own vehicle when travelling to work

Consequently, the picture that is presented is that those who are to occupy the site have a nomadic lifestyle.

It is not doubted that the applicant who is landlord of the caravans fulfils the PPTS definition of a gypsy and traveller though it is noted he does not live at the application site but at a site within Daventry District, near Market Harborough.

Following information sought through a Planning Contravention Notice (PCN) it was clarified by the planning consultant advising the agent and applicant:

“All occupants of the site are or will fall within Annex 1 definition of Gypsy and Travellers as per PPTS” This related to the names of 10 families or individuals who are currently identified as occupying the site or who it is intended will”

The above statement has been made pursuant to the PCN that was previously served. This and recognising that the Local Planning Authority has followed the appropriate procedure needed to establish that this site is intended for those who are gypsies and travellers by the PPTS definition, in the absence of evidence to the contrary the above statement is relied upon.

Therefore, it is concluded that those currently identified for occupation of the site are to be Gypsies or Travellers in accordance with the definition in the PPTS.

Personal circumstances and Human Rights

As the applicant has shown no need to live on the Broughton site, whether or not planning permission is granted for the current application is not a factor; the PPTS referring to “the availability (or lack) of alternative accommodation for the applicants”

From information supplied through the PCN and through discussion with the agent, 3 families or individuals identified as currently existing or intended occupiers are from sites in Leicestershire as stated earlier. Another of the families or individuals currently identified is related to the applicant.

Of the total 21 occupants identified through the PCN for the 10 caravans, 4 are children, 3 of whom attend school in Market Harborough, with 1 under school age.

The “best interests of children”, especially their medical and educational needs is a material planning consideration, as stated within Paragraph 16 of “Planning policy for traveller sites” (August 2015). This states that “subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances”.

However, there is no substantive evidence that their needs would be at risk if this proposal were not approved. It would seem possible under the extant planning permission for 6 pitches for at least named families with children to be accommodated at the site, thus ensuring that any decision on the current application does not put them at risk of being without a base.

Furthermore, the basis of the operation is for the applicant to rent out the static caravans to gypsies or travellers and so it would appear that the scenario of being faced with staying on the roadside is more dependant on whether the landlord continues to allow them to rent a caravan on site, rather than whether this current planning application is approved in its current form.

If planning permission were to be granted it would be without any knowledge of the personal circumstances relating to need of unidentified future occupants. This would not be an issue were the sizes of the pitches and provision on site considered suitable for any gypsy or traveller. This consideration is examined further on in this report.

Recognising the form of tenure being proposed and the available information of personal circumstances, these considerations have been taken into account.

Need and supply of sites

Paragraph 4 of the PPTS (2015) requires local planning authorities to make their own assessment of need for the purposes of planning and to ensure that local authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites. Paragraph 4 (h) highlights the aim to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply.

The North Northamptonshire Gypsy and Traveller Accommodation Assessment Update 2011 (GTAA) identified a need for 3 residential pitches in the period 2012 – 2017 (assuming 7 pitches are delivered at The Laurels) and 10 further residential pitches between 2017 – 2022. This is shown in table 2 below.

The Council has updated the position in relation to need following an appeal hearing held on 8-9th February 2017 regarding various appeals at Greenfields, Braybrooke. This position is set out in table 2 below.

The Inspectors at the appeal hearings at 24B Greenfields, Braybrooke and plots 4a, 4b, 4c, 4d, 7, 8, 8a, 9, 10 Greenfields, Braybrooke made conclusions in relation to need for pitches and 5 year land supply. The Inspector for plots 4a, 4b, 4c, 4d, 7, 8, 8a, 9 and 10 Greenfields was not satisfied that there is a five year supply of deliverable sites.

Table 1 provides the number of additional pitches which have been granted planning permission since the GTAA (2011). Table 2 uses the level of supply set out in table 1 to consider the remaining requirements against the level of need in the GTAA (2011), the Councils updated position and the conclusions of the Inspector for

appeals at Greenfields. In addition to the sites listed in table 1, the Council is also seeking to deliver 10 pitches on a site which has planning permission at Stoke Albany Road, Desborough (KET/2009/0155). This site is included in the final column of table 2.

Table 1: Additional Permanent Pitches Granted since the GTAA (2011)	
Northampton Road, Broughton – KET/2011/0363	2
Springfields, Harborough Road, Desborough – KET/2013/0376 (previous temporary consent)	1
Woodcroft, Stoke Albany Road, Desborough – KET/2014/0028	1
1 no. dwelling to replace mobile home and 5 no. pitches, Woodside (North East of), Stoke Albany Road, Desborough (KET/2008/0423)	5
Old Willows, Northampton Road, Broughton – KET/2014/0695	3
Plot 1, Northampton Road, Broughton – KET/2015/0613	3
The Paddocks, Braybrooke – KET/2015/0065 (Allowed on appeal) (Previous temporary consent)	3
Total	18
<i>The 7 pitches at The Laurels, Stoke Albany Road, Desborough (KET/2013/0263) was counted as supply in the 2011 GTAA so is not counted above.</i>	

Table 2: Assessments of need and conclusions in relation to remaining requirement.				
Need scenarios	Breakdown of need identified	Total need identified	Remaining need taking into account sites in Table 1 above	Remaining need taking into account 10 pitches at Stoke Albany Road, Desborough
GTAA (2011)	2011-17 – 3 2017-22 – 10 + 5 temps	18	0	-10
Update presented at Greenfields Appeal	2011-16 – 15 2016-21 - 11	26	8	-2

Based on the recent appeal decisions it can be concluded that there is a moderate unmet need within the Borough and that the Council cannot currently demonstrate a

5 year supply of sites.

Planning Policy for Traveller Sites states that where a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. This application is for a permanent permission but a condition could be used to grant temporary consent.

This is a consideration which gives some weight to a case for supporting the proposal which is discussed further in the report under the planning balance.

Sustainability of location

Criterion a) of JCS Policy 31 states that sites should be closely linked to an existing settlement with an adequate range of services and facilities;

As described earlier, the settlement of Broughton is less than 1km from the site which has a primary school, shops, post office facilities, pub and hot food takeaways. The village of Mawsley has doctors, dentist, café, nursery and a primary school which is 3.2km from the site. The town of Kettering is approximately 3.5km away and has a range of services and facilities commensurate with that of a large town.

The conclusion is that this is a sustainable location for the proposals.

Highway Safety

Criterion e) of JCS Policy 31 states that there should be satisfactory access and adequate space for operational needs including the parking, turning and servicing of vehicles;

The 'Old A43' which is used to access the site is of highway standard and is classed as a private highway. The existing gated access to the site will be retained and a turning head within the site is shown on the submitted plans. Each mobile home will have a parking space.

The Highway Authority (LHA) had in its original comments raised no objection to the addition 4 static caravans recognising that parking of a minimum of one space of minimum 2.5m x 5m per mobile home was to be provided.

The addition of touring caravans, however, has led to an objection from the LHA as

explained in the comments above.

Further parking spaces would be limited is a result of what is proposed to be accommodated on the site. The applicant's agent has argued that touring caravans would be away from the site for at least two months at a time and hence the traffic generation would be reduced.

Taking account of the comments received, it can be understood from the proposed layout that manoeuvring within the site would be restricted with the presence of caravans along the eastern side. This is a symptom of the scale of development proposed relative to the site area, an issue explored further below.

Judged against the policy criterion above, the balance indicates that the limitations for the operational needs of vehicles at the site would be contrary to policy and hence not provide a satisfactory arrangement for living conditions.

Design: size of pitches, character, residential amenity and landscape provision

Policy 31 of the North Northamptonshire Joint Core Strategy sets out criteria to be applied to applications for Gypsy and Traveller accommodation. Criteria (c) of JCS Policy 31 requires that 'the site provides a suitable level of residential amenity for the proposed residents'.

There are no nationally set size standards for pitches however the 'Designing Gypsy and Traveller Sites – A Good Practice Guide' (DCLG, May 2008) provided guidance on the size and design of gypsy and traveller pitches. This document has now been revoked, however the specifications included in the document remain a useful reference when considering whether an application provides a suitable level of residential amenity.

Paragraphs 7.12 and 7.13 of this guidance states that:

'As a general guide, it is possible to specify that an average family pitch must be capable of accommodating an amenity building, a large trailer and touring caravan, (or two trailers, drying space for clothes, a lockable shed (for bicycles, wheelchair storage etc), parking space for two vehicles and a small garden area.

Smaller pitches must be able to accommodate at least an amenity building, a large trailer, drying space for clothes and parking for at least one vehicle.'

The guidance states that where size permits inclusion of a garden or play space within each pitch is recommended.

The guidance also states that it is essential for an amenity building to be provided within each pitch, if an amenity building is provided across two pitches this should be through two separate and entirely self-contained semi-detached units. As a minimum an amenity building should include hot and cold water supply, electricity supply, a separate toilet and hand wash basin, a bath/ shower room, a kitchen and dining area.

This proposal includes 1 amenity building which would be shared by 10 pitches, the amenity building is relatively small in size and no details are currently provided in relation to the amenity building and the facilities it will provide.

Although there is no set size standards for pitches, some local authorities have used the DCLG 2008 guidance requirements in determining the appropriate size of pitches, and assessing character, residential amenity and landscaping to be expected.

Examples of standards applied elsewhere:

Whilst the following examples are not standards formally adopted by this Authority they provide a useful illustration:

The Derbyshire and East Staffordshire GTAA 2014 determined that a pitch of approximately 325 square meters would take into account all minimum separation requirements between caravans and pitch boundaries as stipulated in guidance and safety regulations for caravan development. A pitch size of at least 500 square metres would accommodate the following on-site facilities: Hard standing for 1 touring/ mobile caravan and 1 static caravan, 2 car parking spaces, 1 amenity block, hard standing for storage shed and drying, garden/ amenity area.

The Nuneaton and Bedworth gypsies, travellers and travelling showpeople site allocations – preferred options (2015) uses the DCLG Good Practice Guidance and experience of existing sites to indicate a pitch size of 500-550 square meters for permanent pitches and 300-350 square metres for transit pitches.

The Bath and North East Somerset – Gypsies and Travellers – Site Allocations – Site Assessment Report – Preferred Options uses the figure of 500m² per pitch as a guide to ensure final pitch design can accommodate all of the matters set out in the DCLG guidance.

The Mansfield DC Gypsy and Traveller Accommodation Needs Assessment 2017 determined that a pitch of approximately 325 square metres would take into account all minimum separation requirements between caravans and pitch boundaries as

stipulated in guidance and safety regulations for caravan development. A pitch size of at least 500 square meters would accommodate the following on-site facilities: Hard standing for 1 touring/ mobile caravan and 1 static caravan, 2 car parking spaces, 1 amenity block, hard standing for storage shed and drying, garden/ amenity area.

The Pembrokeshire County Council - Background Paper LDD – Gypsy and Sites identified the typical pitch areas required to comply with the good practice as 291 square meters for a single caravan, 583.2 square metres for two caravans and 874.8 square metres for three caravans.

The standards applied at Kettering Borough Council Gypsy and traveller site

By way of example within Kettering Borough, the Council's gypsy and traveller site at The Laurels, Stoke Albany Road, Desborough – Pitches are 20m deep and width ranges from 12.5m to 17.9m, each pitch has sufficient space for the siting of a static caravan, an amenity building containing a utility room and shower room, storage shed, gas bottle storage and parking space for a van and a car.

The size of pitches at The Laurels therefore range between 250 sq metres to 358 sq metres. Compared with what is being proposed (the range is between 90 sq metres and 130 sq metres with most around 100 sq metres. This represents a significant limitation in what can be accommodated on the proposed layout.

Residential amenity and soft landscaping

Criterion c) of JCS Policy 31 also requires sites to provide a suitable level of residential amenity for the proposed residents;

It is acknowledged that each caravan will be located within its own delineated plot with its own car parking space, electricity supply and sewerage. In addition occupants will have access to the proposed amenity building for laundry etc., an amenity play area and central refuse storage location. There is electricity and sewerage infrastructure already in situ.

However, this is evaluated in regard to what is stated in the PPTS about sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness; promote opportunities for healthy lifestyle such as ensuring adequate landscaping and play areas for children and not enclose a site with so much hard landscaping, high walls or fences that the impression may be given that the site occupants are deliberately isolated from the rest of the community.

Though the area of play proposed is similar to that accepted for the proposals when there were a total of 6 pitches proposed on this land, at that time the larger pitch size would have offered additional space for some play. With the proposed increase in occupation of the site overall, the amenities provided by the play area are necessarily reduced. Furthermore, a greater number of households would share the same utility building which would lead to potential overcrowding of that area too. There is little or no extra space for soft landscaping within the site, except for the hedges at the boundary behind the screen fencing.

This proposal fails in terms of expected residential amenity for the proposed residents and as such is considered contrary to criterion c) of JCS policy 31.

This leads to a conclusion that what is being proposed would be overdevelopment.

Impact on local infrastructure:

Criterion b) of JCS Policy 31 states that a site, or the cumulative impact of a site, in combination with existing or planned sites, will not have an unacceptable impact on local infrastructure;

Whilst the addition of 4 extra static caravans of itself could add to demand on local schools, at present any children are schooled away from the nearest village. There could be some increased demand on local services. The impact of the occupation by increased households would require additional waste collection and other services which would fall beyond the site confines eg bins stored at the highway with, some minor impacts in this regard anticipated.

Flood risk, surface water drainage safety, air quality and contamination of land considerations

Criterion d) of JCS Policy 31 requires a site to be served (or capable of being served) by an adequate water supply and appropriate means of sewage disposal.

Each plot would have its own electric and water supply and the whole site is serviced by a Klargestor BioDisc BA-BC to process sewage.

Criterion f) of JCS Policy 31 states that the health and well-being of occupants is not put at risk including through, poor air quality and unacceptable noise or unacceptable flood risk and contaminated land.

The site is not subject to any adverse flood risk, has a safe access, there has been no reports of poor air quality and is not on contaminated land.

Other impacts and considerations:

Criterion f) of JCS Policy 31 also states that the health and well-being of occupants is not put at risk through unsafe access to the site. The safety of the access is considered in relation to the well-being of occupants but this is not regarded as an overriding concern in this case as in regard to the extra numbers of people arising from the proposal, the roadway from the site to the adopted highway is of reasonable width to allow people and vehicles to pass with care

Criterion g) of JCS Policy 31 states that the size of the site and number of pitches does not dominate the nearest settled community.

The PPTS also 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 Broughton was 2,208 at the 2011 Census. There are a number of facilities in the village including a primary school, convenience shop, pub, take-away, village hall and recreation ground. Other facilities such as a doctor's surgery and dentist are available at Mawsley, located approximately 2,000m west of the site. Another gypsy and traveller site abuts the application site to the north, this provides 13 pitches.

On balance, given the size of the village and the range of facilities found at it, it is not considered that an additional 4 pitches would result in a scale of development that would dominate the nearest settled community, or that it would place undue pressure on the local infrastructure.

Criterion h) of JCS Policy 31 states that the proposed development does not have a significant adverse impact on the character of the landscape and takes account of the Landscape Character Assessment of the area. Appropriate landscaping and treatment to boundaries shall be provided to mitigate impact.

The site remains contained and screened by hedges and fences. The concern raised through the examination of the current application is the internal layout and lack of landscaping possible within the site. It is acknowledged that there may be some views through to the site which show the increased numbers of caravans which may have some impact but taking account of the enclosure and levels below the A43 especially, any such impact in regard criterion (h) is not regarded as an overriding concern.

Saved Local Plan for Kettering Borough policy

The implications of saved policy 7 from the Kettering Borough Local Plan have also been considered.

The site is located in open countryside where national and development plan policy strictly controls development. The site is comprised of a recognised Gypsy and Traveller site with an extant permission for 6 pitches. Within the immediate vicinity are further pitches.

For reasons already examined in this report, the proposal is not regarded as in breach of the saved local plan policy.

The planning balance

With recognition through recent examinations of the 5 year supply of gypsy and traveller sites at appeals affecting another site within Kettering Borough (i.e. at Greenfields) indicating a shortfall, the provision of 4 additional static caravans intended to serve as pitches would add to supply of sites. This is acknowledged whilst the proposals raise considerable concern about proposed pitch sizes and standards for residential amenity and the limited spaces for manoeuvring

Nevertheless, the offer of such a supply of an additional 4 static caravans for occupation is a significant planning consideration which has been given moderate weight. The nature of the operation of the site as rented units is distinct aspect of the proposal which could affect the availability of the pitch as it remains with the landlord to determine the time any tenant would be able to remain on site.

The suitability of the location in relation to services and hence its sustainability is also a factor that favours the proposal. Furthermore, it is not disputed that in principle the site has been found suitable in planning terms for gypsy and traveller pitches.

On the other hand significant concerns have been identified in relation to pitch sizes, and the adverse consequences of the proposed layout for the amenity of residents and manoeuvring. In that regard, account has been taken of national policy, especially the PPTS, and also of local policy contained in JCS policy 31 criteria c) and e).

The evidence is that the size of the site does not allow itself to be subdivided further than 6 pitches as approved to allow for well-planned pitch sizes, soft landscaped to positively enhance the environment and increase its openness and to promote opportunities for healthy lifestyle. The enclosed site has much hard surfacing with walls or fences with the impression that the site occupants are isolated from the rest of the community

The standards of amenity that could be expected in any residential development are

not to be unduly compromised for the travelling community. Accordingly, taking all considerations into account, the balance falls against the proposal. The concerns about overdevelopment cannot be overcome if the scale of development as proposed is placed on this site.

Other

The responses of all third parties have been considered in this assessment.

Conclusion

Having weighed all material considerations including the information available from the applicant, it has been concluded that the proposal represents an overdevelopment of the site for the reasons stated and would be contrary to national policies of the PPTS and Policy 31 c) and e) of the adopted JCS

Background Papers

Title of Document:

Date:

Contact Officer: Peter Chaplin, on 01536 534316

Previous Reports/Minutes

Ref: KET/2014/0695

Date:30/06/2015

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DO I NEED A MONITORING PRO-FORMA?

Form to be completed within "Communications" where any of the following questions are answered "YES":

<i>Loss/gain of planning unit</i>	<i>NO</i>
<i>Loss/gain floorspace (non-residential)</i>	<i>NO</i>
<i>Change of use for retail, leisure or employment</i>	<i>NO</i>
<i>Renewable energy projects</i>	

