

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 25/05/2010</b>	<b>Item No: 5.2</b>
<b>Report Originator</b>	<b>Anne Dew Senior Development Officer</b>	<b>Application No: KET/2010/0133</b>
<b>Wards Affected</b>		
<b>Location</b>	<b>Millwinds, Harrington</b>	
<b>Proposal</b>	<b>Full Application: Change of use of land to siting of 2 no. mobile homes and 2 no. traveller vans</b>	
<b>Applicant</b>	<b>Mr &amp; Mrs J Stretton</b>	

### **1. PURPOSE OF REPORT**

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

### **2. RECOMMENDATION**

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED subject to the following Condition(s):-

1. The permission hereby granted shall be for a limited period expiring on 25th May 2013, on or before which date the use of the land for the siting of caravans shall be discontinued permanently and the site shall be restored to its former condition through the removal of all mobile homes, touring caravans, sheds, vehicles, materials and equipment brought on to the land in connection with the use, and all hardsurfacing, gravel and shingle laid on the land.

REASON: To allow a sufficient period of time for the sustainability of the site to be assessed strategically with other potential sites and delivered through a site-specific Development Plan Document for Gypsy and Traveller sites, in accordance with the guidance provided by ODPM Circular 01/2006 and Policy 13 of the North Northamptonshire Core Spatial Strategy.

2. The site shall not be occupied by any persons other than Gypsies and Travellers as defined in paragraph 15 of ODPM Circular 01/2006.

REASON: To ensure that the use is implemented as an exception to the general presumption against development in the open countryside, in accordance with Policies 9, 13 and 17 of the North Northamptonshire Core Spatial Strategy and PPS7.

3. No existing trees or hedgerows on the site or adjoining land within the same ownership as identified on the approved drawings shall be removed without the prior written consent of the Local Planning Authority.

REASON: To ensure the continuity of amenity afforded by existing trees or hedgerows in accordance with Policy 13 of the North Northamptonshire Core Spatial

Strategy.

4. There shall be no external illumination on the site at any time other than in accordance with a detailed scheme which shall first have been submitted to and approved in writing by the Local Planning Authority.

REASON: To control the appearance of the site and in the interests of highway safety in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

5. The land shall not be used in connection with any trade, industrial or business activity. REASON: In order to protect the amenities of occupiers of nearby properties and the appearance of the open countryside in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy and paragraph 56 of ODPM Circular 01/2006.

6. The development hereby permitted shall not be carried out other than in accordance with the siting and access arrangements.

REASON: To control the appearance of the site in accordance with Policy 13 of the North Northants Core Spatial Strategy.

7. There shall be no additional hardstanding on the site at any time other than in accordance with a detailed scheme which shall first have been submitted to and approved in writing by the Local Planning Authority.

REASON: To control the appearance of the site in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

8. Access into and out of the site for vehicles connected with the use hereby permitted, shall be taken only from the access shown from the byway GP16 and not from the existing access on Kelmarsh Road.

REASON: In the interests of highway safety and efficiency in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

Notes (if any) :-

NONE

### **Justification for Granting Planning Permission**

The proposal is in accordance with national and local policies as set out in Planning Policy Statements/Guidance Notes 1, 3 and 7, Policy 16 of The East Midlands Regional Plan, Policies 9, 13 and 17 of the North Northamptonshire Core Spatial Strategy and Policy 7 of the Local Plan for Kettering Borough. The issues relating to the protection of the open countryside are material planning considerations and, in reaching the decision to approve the proposal, have been carefully weighed against all relevant policy considerations.

## **Officers Report**

### **3.0 Information**

#### **Relevant Planning History**

*KE/85/0403 – Sale and repair of farm vehicles and some light fabrication work. Approved 31.07.1985*

*KE/85/0790 – Workshop, welding, fabrication and repairs. Refused 11.12.1985*

*KE/88/0415 – Agricultural buildings and agricultural machinery repair and dwelling houses. Part approved. 23.06.1988*

*KE/88/1438 – Outline for permanent agricultural dwelling. Refused 16.02.1989. Appeal dismissed.*

*KE/90/0649 – Renewal of temporary permission KE/88/0415 dwelling. Approved 14.08.1990*

*KE/91/0399 – Renewal of temporary permission for dwelling. Approved 23.07.1991*

*KE/91/0400 – Renewal of temporary permission for agricultural buildings and agricultural machinery repair. Approved 23.07.1991*

*KE/92/0497 – Renewal of KE/91/0399 – Caravan. Refused 08.09.1992*

*EN178 – Enforcement and stop notices served (siting and occupation of caravan. 25.11.1992 Withdrawn.*

*KE/92/0683 – Change of use to traveller/ caravan site. Refused 1.12.92. Appeal dismissed 19.07.1993. 10 pitches.*

*KE/95/0561 – Change of use to timber seasoning, preparation and storage. Refused 21.11.1995*

*KE/96/0363 – Proposed dwellings and stables. Refused 16.07.1996*

*KE/96/0550 & EN/96.167 – Change of use to private caravan site for 5 gypsy families. Refusal and appeal dismissed 18.07.1997. The inspector concluded that the development had an urban character and caused very significant harm to the rural character of the area. In addition, the site was considered remote in location from local services and facilities resulting in reliance on the private car which is contrary to the aim of reducing the need for travel. The period for compliance with the enforcement notice was extended to 9 months.*

*KE/98/0090 – Change of use to private gypsy caravan site for 4 caravans plus screen building. Refusal 31.03.1998 on the grounds of its remote location from services and consequent reliance on the private car and harmful impact on the character and appearance of the open countryside. Appeal 9.10.98 allowed –*

*visual impact could be overcome by location of caravans and landscaping. Issue 2 – proximity of services – recognises poorly located, however distances are not great and acceptable in the absence of other harm.*

*12/5/1999 – High Court decision – Appeal decision quashed.*

*4/4/2000 – Planning Inspectorate's Redetermination. Caravans are visually intrusive, particularly from Kelmarsh Road and residential use is harmfully out of character with the open countryside. A distance of 5km from local services was considered to be well beyond what is considered to be a reasonable distance.*

*KE/00/0620 – Change of use: Proposed use of existing building for light industrial and craft workshops. Withdrawn 27.11.2000*

*KE/01/0499 – Change of use of existing buildings to light industrial and craft workshops. Refused 13.11.2001. Appeal dismissed.*

*KET/2003/0546 – Change of use from caravan site to proposed use of existing building for light industrial and craft workshops. Refusal 18.11.2003*

### **Site Description**

*Officer's site inspection was carried out on 31 March 2010 and 11 May 2010.*

*The site is located within the open countryside in an area which is agricultural in character. The site was a former camp site for a second world war airfield and is currently vacant. There are two dwellings located nearby to the site, Wheatfield Lodge Farm located to the north east of the site, on the northern side of Kelmarsh Road and Warth Lodge located to the south west of the site, accessed off the byway to west of the site. Unauthorised commercial activities are also operating from land associated with Warth Lodge.*

*There are various areas of hard standing/ hardcore on the site, including access tracks into and within the site. The site currently has two vehicular accesses, one directly onto Kelmarsh Road located centrally within the site and a second from the by way that is located immediately to the west of the site, both of which are secured by a locked gate.*

*The site includes two agricultural buildings which will be demolished as part of the scheme, one to the south of the site and one to the east of the site and currently in a state of disrepair. There is mature planting on the north (Kelmarsh Road) and east boundaries of land owned by the applicant, but not forming part of the application site. Views of the site can be clearly gained from the west of the site from the by way with existing boundary treatment being a 1 metre high picket fence.*

### **Proposed Development**

*The scheme is for the use of the land for the siting of 2 mobile homes for 2 Gypsy families, each of which will have 2 bedrooms, and the stationing of 2 day caravans which will be used by the applicants when they are away from the site. One of the mobile homes will be occupied Mr Joseph and Cath Stretton and the second occupied by Rose and John Boswell and their 2 year*

*old son, all of whom are Gypsies. Joseph and Cath Stretton currently live at Just-in Travellers Site at Harborough Road, Great Oxenden, however they have sold the site and need to vacate the site no later than the end of June 2010. Information submitted in support of the application states that the need to sell their existing site and relocate was due to social problems relating to the occupation and use of the Just-In site. Rose and Luke Boswell, daughter and son in law of Mr and Mrs Stretton and their two year old son, are currently living in unauthorised sites across Northamptonshire and Leicestershire and are seeking to move to a more settled lifestyle.*

*Vehicular access to the site was originally proposed from the existing vehicular access into the site from Kelmarsh Road, however, following advice from the Highway Authority, revised plans have been submitted which amend the vehicular access into the site off the existing byway immediately to the west of the site and conditions are recommended in order to secure this arrangement.*

*Whilst the applicant owns a larger piece of land which surrounds the application site on all sides, the application site area has been restricted to a small parcel of land that only provides sufficient space for the accommodation of the two families. If Members were to grant temporary planning permission as recommended, it would only extend to the area applied for as shown on the plans submitted with the application.*

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

*C Road*

#### **4.0 Consultation and Customer Impact**

**Harrington Parish Council** – *The site has a long planning history and planning permission has never been granted for a caravan on this site. The site is located on a prominent location on a ridge line in the open countryside and also borders onto a special landscape area to the north for which it will have an adverse effect. Kelmarsh Road is a busy, fast commuter road with blind bend and narrow in places and not gritted. There is an existing over concentration of sites in the Kettering area and within the Harrington locality and Millwinds will exacerbate the situation. There are no services in Harrington, only a public house and no bus service. Rothwell is the nearest settlement and is 4 miles away and for this reason the site is considered unsuitable and contrary to the requirements of paragraph 65 of circular 01/06. As the applicant gets older, there may be requests for further caravans occupying the site. The site is a Greenfield site rather than brown field given the site has been used in the past for agricultural use. If permission is granted, conditions should be attached restricting occupancy to Mr and Mrs Stretton and Mr and Mrs Boswell, restricting further caravans on the site, details of foul sewerage and surface water drainage to be submitted and approved, domestic waste to be collected by KBC, premises shall not be used in connection with any business activity, no trees shall be felled and the site shall be kept neat, entrance should be kept free at all times to enable access to Wharf Lodge, no external lighting shall be used and fire extinguishers should be present on the site.*

**Highway Authority** - No objections to the revised access from by way GP 16. It cannot be conditioned that the existing access from Kelmarsh Road be removed as this access is occasionally required to access agricultural land to the back of the site.

**Countywide Traveller Unit Support** - the creation of private traveller sites, where practicable and in accordance with Circular 1/2006, as the provision of new sites will help to relieve the considerable amount of roadside encampments across the County, and ensure that Kettering Borough meets its obligations under the Housing Act 2004 as identified in the GTAA.

### **Neighbours**

Six responses received from neighbours. Objections are on the following grounds:

- All previous applications for traveller/ caravan sites have been dismissed at appeal
- Granting permission for this site for anything other than agricultural use will not promote good race relations
- Mr and Mrs Stretton currently live just outside of Market Harborough in the county of Leicestershire. It is not the responsibility of Kettering Borough Council to provide a site for them just because they want to move and vacant sites should be explored in Leicestershire.
- Kettering Borough Council is not under obligation to provide Mr and Mrs Boswell with a site
- Concerns a business will be operated from the site
- Planning permission has not been granted for a skip hire operation on adjoining land
- The site has only ever been used for agricultural purposes and as such is not brownfield.
- The scheme does not comply with parts b and c of policy 17 of the Core Spatial Strategy
- The council has already exceeded their required pitch provision for pitches up to 2012 by 1 and only 6 pitches need to be found by 2017.
- Precedent will be set
- Residential developments have not been permitted for other uses allowed along Kelmarsh Road
- If allowed, landscaping of the site will be required
- Site is in the open countryside and the scheme is contrary to planning guidelines
- No sanitation amenities serve the site
- Security and roaming dogs will be an issue for surrounding land owners
- Will not enhance the village of Harrington
- Adverse visual impact on Kelmarsh Road
- Increase in traffic
- The site will look like a travellers site
- Devaluation of surrounding land

## **5.0 Planning Policy**

### **National Policies**

*PPS1. Delivering Sustainable Development*

*PPS3. Housing*

*PPS7. Sustainable Development in Rural Areas*

*ODPM Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites*

### **Development Plan Policies**

#### **East Midlands Regional Plan**

*Policy 16. Regional Priorities for Provision for Gypsies, Travellers and Travelling Show people*

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

*Policy 9 Distribution and Location of Development*

*Policy 13. General Sustainable Development Principles*

*Policy 14. Energy Efficiency and Sustainable Construction*

*Policy 17. Gypsies and Travellers*

#### **Local Plan**

*Policy 7 Protection of the Open Countryside*

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

*Work is currently in progress on the DPD and allocation of sites, however, no sites have yet been allocated. It is anticipated that the final adoption of this document should be completed in about 2 -3 years from now.*

### **6.0 Financial/Resource Implications**

None

### **7.0 Planning Considerations**

*The key issues for consideration in this application are:-*

- 1. Planning History*
- 2. Planning Policy*
- 3. Proximity to Services*
- 4. Landscape and Appearance*
- 5. Highway Safety*

#### **1. Planning History**

*There has been significant planning history on the site in respect to gypsy settlements on the site all of which have been resisted by the authority and by the Planning Inspectorate at appeal. The last assessment of gypsy/traveller accommodation on site was in April 2000 with an appeal of planning application KE/98/0090. Historically, the two main reasons for the refusal for the accommodation of gypsy's is the adverse impact on the character of the surrounding area and the remote location of the site in respect of local*

services in respect of shops, schools and health facilities. Since this time, there has been a significant change in policy with the publication of Circular 01/2006 Planning for Gypsy and Travellers Sites and the undertaking of a Gypsy and Traveller Accommodation Assessment for the East Midlands.

## 2. Planning Policy

Section 225 of the Housing Act 2004, in conjunction with ODPM Circular 01/2006, created a statutory duty for local authorities to assess the demand for gypsy traveller accommodation in their area and to make provision to meet that demand through the planning process.

In Northamptonshire, the Countywide Traveller Unit has coordinated a Gypsy and Traveller Accommodation Assessment (GTAA) the results of which were published in March 2008. For Kettering Borough the GTAA concluded that a further 18 residential pitches should be provided by 2017.

GTAA findings across the region have been collated for the East Midlands Regional Plan adopted in March 2009. At Appendix 2 the Regional Plan identifies a need for a further 2 pitches in the borough up to 2012. This figure takes into account planning permissions granted since the publication of the GTAA which include 7 pitches at The Pastures (KET/2008/0397), 1 pitch at Stoke Albany Road (KET/2008/0423) and 1 pitch granted at Braybrooke (Springfield's ref KET/2007/0748)

Since the publication of the EMRP, the 7 pitches at the Pastures will not be implemented and instead (via a S106 obligation) the same applicant has secured planning permission for 10 pitches at an adjacent site (ref KET/2009/0155). The provision of these 3 additional pitches means that the EMRP 2012 minimum target is exceeded by 1 pitch. However, it must be stressed that the Regional Plan figures set out in Appendix 2 are minimum requirements and account has to be taken of unsatisfied future demand identified in GTAAs in respect of the natural growth of the population. This natural growth has been identified in the GTAA as a further 6, thus there is already an identified need for a further 5 pitches in the area for the period 2012 - 2017. Thus if planning permission were granted for the current scheme, there would then be an identified need for 3 further pitches in the Borough to 2017.

It is evident from the GTAA that there is a need for additional pitches for Gypsies and Travellers in order to meet current and future need. However, at this current point in time, notwithstanding the Council's duty under the Housing Act and ODPM Circular 01/2006 to provide pitches; the Council has no alternative sites to which the applicant could move. As such it is therefore considered unreasonable to refuse this application outright. With respect to the suitability of this site and other potential sites in the Borough, to meet the need identified in the GTAA the Council is currently preparing a Development Plan Document (DPD) which will identify the location of appropriate sites in accordance with the need identified in the East Midlands Regional Plan.



Once the DPD has been adopted, the local planning authority should be able to release sites for development sequentially, with sites identified in the DPD being used before windfall sites. At this current point in time, the site selection process has not commenced and it is not likely to be in place for the next two to three years. Given this is the case, and it is not known if more appropriate sites will come forward as part of the site selection process, it is considered appropriate to limit any planning permission to 3 years to allow further re-assessment once the DPD is in place.

### 3. Proximity to Services

The site is outside of the main village of Harrington and is some distance away from the nearest local shops and services, therefore accessing services will inevitably be dependent upon vehicle use. The forthcoming DPD process will identify and assess sites for sustainability in consideration of Policy 17 of the North Northamptonshire Core Spatial Strategy, and hence it is not clear at the moment as to whether the proximity of this site to services would score well in relation to other potential sites. It is therefore considered that it would not be appropriate to grant full planning permission, or conversely to refuse planning permission, until the application until the site is properly assessed via the DPD process.

### 4. Landscape and Appearance

The wider landscape character of the area has been identified by the Northamptonshire Environmental Character Strategy as falling within the Clay Plateau Character Area. This is an area of simple landscape, particularly across the more elevated plateau areas, with a land use dominated by agricultural production within medium and large scale fields. Long distance and panoramic views across open area of plateau, reinforces the sense of elevation and separation from urban areas. There is limited woodland and tree cover comprising broadleaved woodlands and mature trees. The Landscape Strategy for the Clay Plateau is to conserve the simple, unified and orderly character, conserve local variation and conserve and enhance expansive, panoramic views across elevated, open areas of plateau landscape.

Views of the site from Kelmarsh Road will be very limited with the existing mature hedgerow which runs along the northern boundary of the site and the eastern boundary of land within the applicant 's control but not part of the application site. The mobile homes and touring caravans will be visible in parts from the by way that runs immediately adjacent to the west of the site, however views of the site currently include a number of agricultural buildings, in varying conditions, two of which will be removed from the site and the scheme proposes no permanent structures. The access proposed within the site is already established with hard core and a condition has been recommended to control the appearance of any additional surfacing material added to these or other areas within the site. Whilst it is acknowledged that there will be some impact of the development on the open countryside, given the sites limited visibility it is not considered that the scheme will detract from its simple countryside character or be at odds with the landscape strategy for the Clay Plateau character area.

Concern has been raised that the scheme will result in an over concentration of Gypsy sites in the area which will have a harmful effect on the appearance and character of the area. There are no other Gypsy/ Traveller sites visible from the site and other sites are considered to be located sufficiently far away not to result in any overconcentration. In any event the site should be assessed in a more planned and strategic way via the forthcoming DPD as described previously.

In conclusion, in isolation from assessment against other potential sites to be brought forward in the DPD, the appearance of the proposal is not considered to have sufficient harmful impact to the landscape character and visual amenity of the area to warrant outright refusal of the application in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy. Such assessment can be more robustly made as part of the DPD process.

#### 5. Highway Safety

The proposed vehicular access to the site is from the existing access on the western boundary which is served via the by way. The Transport Assessment submitted has identified that there will be approximately 20 car movements per day to and fro from the site. Highways have been consulted on the scheme and have raised no objections to the use of this access and as such the scheme meets the requirements of policy 13 of the North Northants Core Spatial Strategy.

Whilst not part of the application site, there is an existing second vehicular access that serves the site from Kelmarsh Road. Whilst this access will serve the site, the applicant has advised that this needs to remain in place to provide access into the agricultural field behind, however it will remain padlocked and not be used in association with their occupancy of their site. The Highways Department have advised that this access is not suitable for the development due to inadequate visibility. This access has been removed from the application site boundary and a condition has been recommended that development be carried out in accordance with the approved drawings which clearly show this.

#### Conclusion

The Council has no alternative sites itself, or knowledge of any alternative sites available for the two families. However, work related to the provision of an alternative site and the potential inclusion of the application site in a sequential assessed site specific DPD for new Gypsy/ Traveller sites is underway.

In terms of policy, the current circumstances of the site fit within the government's policy guidance of Circular 01/06 in respect of planning for Gypsy and Traveller caravan sites. In accordance with that advice and the need of the occupiers, it is recommended that a temporary planning permission of 3 years is granted. This period will allow for the site specific DPD work to be completed.

**Background Papers**

*Title of Document:*

*Date:*

*Contact Officer:*

**Previous Reports/Minutes**

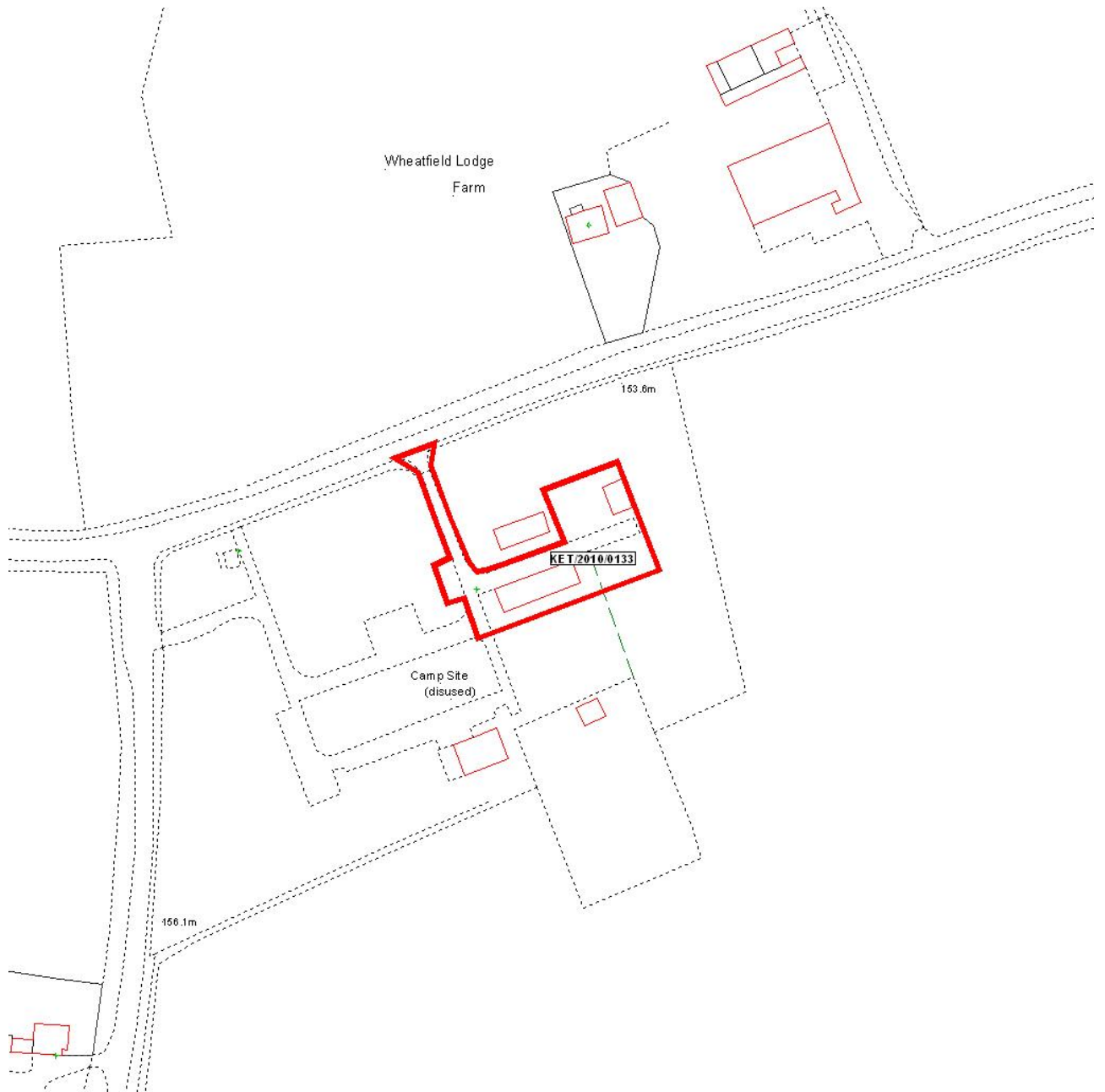
*Ref:*

*Date:*

*Anne Dew, Senior Development Officer on 01536 534316*

# SITE LOCATION PLAN

Millwinds, Harrington  
Application No.: KET/2010/0133



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