

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 09/10/2012</b>	<b>Item No: 5.1</b>
<b>Report Originator</b>	<b>Dean Baker Senior Development Officer (Enforcement)</b>	<b>Application No: KET/2012/0243</b>
<b>Wards Affected</b>	<b>Welland</b>	
<b>Location</b>	<b>Plot 14A, Braybrooke Road, Braybrooke</b>	
<b>Proposal</b>	<b>Full Application: Temporary use of land for residential gypsy site with two pitches</b>	
<b>Applicant</b>	<b>Mr D Ward</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 REFUSED for the following reason(s):-

1. 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 caravan site would therefore result in an undue reliance on the private motor vehicle to access services. Therefore the development would be unsustainable and contrary to the National Planning Policy Framework, the Planning Policy for Traveller Sites and policies 9, 13 and 17 of the North Northamptonshire Core Spatial Strategy.

2. The proposed development would result in a discordant and highly intrusive feature 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, contrary to Policies 13 and 17 of the North Northamptonshire Core Spatial Strategy.

3. The proposed development would add to the 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. Therefore the development would be contrary to policies 9, 13 and 17 of the North Northamptonshire Core Spatial Strategy.

Notes (if any) :-  
NONE

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

Not applicable

## Officers Report

### 3.0 Information

#### **Relevant Planning History**

Site is the subject of 4 enforcement notices being  
EN.01.0380 (2) Use of land for residential caravans and keeping of horses  
ENFO/2010/00294 Metalled track (Appeal dismissed)  
ENFO/2011/00237/1 MCOU to caravan storage  
ENFO/2011/00237/2 Erection of sheds structures and fences

Wider site has been the subject of unauthorised material changes of use to traveller sites and other development in the range of ENFO/2011/00231-240

Appeals against the traveller site refusals and ENs on the wider site were the subject of a hearing in June 2012, culminating in decisions dated 14 August 2012

The inspector's report findings and decisions are material to the consideration of this application. The appeal decision is appended at Appendix 1.

#### **Site Description**

The site comprises 0.2ha of farmland which forms part of a 15ha complex of plots in separate ownerships. It lies to the east of the northernmost field, on land that slopes down to the north. The plot is bordered on the east by mature hedgerow, other boundaries may include some fencing, but this is unauthorised by virtue of ENFO/2011/00237/2. The plot is crossed diagonally from NW to SE by public footpath GC007. Access to the plot is from Braybrooke Road to the south, along a strip of private right of way of some 300m. The southernmost 200m of this access has been made up into a track. This surfacing/making up is subject to enforcement notice action ENFO/2010/00194, which is beyond its compliance period. Between the northern and southern field is a substantial hedge, with a gate at the point of access.

There are differences between the northern and southern fields in the way that they sit in the landscape. The southern field is relatively level and is highly visible from Braybrooke Road, while the northern one slopes down from south to north, is currently shielded from view from Braybrooke Road by the internal hedge but is much more visible from the footpath that crosses the field and from longer views from the A6 and Jordan valley to the north.

#### **Proposed Development**

The proposal is to change the use of a plot in the northern field to a Gypsy caravan site for two pitches. The proposal is for a change of use only and categorically does not include any operational development whatsoever. The application seeks a temporary permission for 5 years.

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

Public Footpath,GC007

## **4.0 Consultation and Customer Impact**

### **Parish/Town Councils**

Braybrooke Parish Council objects on the grounds that the proposal would be contrary to Policy 13 of the NNCSS in that it would neither conserve nor enhance the intrinsic quality of the open countryside, nor is the site located where it would be accessible to public transport and would therefore rely on the private motor vehicle in an area made up of single track roads; that it would harm the setting of the public footpath that crosses the site; that it would be unjustified development in the open countryside, contrary to policy 7 of the LPfKB and to policies 9 and 10 of the NNCSS

Brampton Ash Parish Council objects on the grounds that it would affect a frequently used public right of way and it is not appropriate for the development to encroach on the right of way; and that the mobile homes would be visually intrusive in the countryside

Desborough Town Council objects on the grounds that the site is not an authorised site; that development should not be permitted outside of authorised sites; and that the north of the borough is overloaded with such sites.

Harrington Parish Council objects on the grounds that the development would be contrary to countryside protection policies; would result in increased traffic on local roads which are narrow; that the caravans, which do not blend into a pastoral landscape, would be highly visible in this landscape, located on the crest of a hill, and visible over a long distance; that the site is in an isolated location, too far from local services and public transport to be suitable for the use proposed; and that there is no justification for departure from development plan policy in this instance.

### **Highway Authority**

### **Other Local Authorities/NCC**

### **Environment Agency**

Requires foul water to be held in cess tank or disposed of into foul sewer. No objection subject to imposition of condition requiring submission/ approval/ implementation of appropriate foul drainage disposal scheme.

### **Neighbours**

Eleven letters received, objecting on the grounds that:-

- S.38(6) requires determination in accordance with the development plan – development contrary to policies 9, 13, 17 of NNCSS
- Contrary to national, regional and local policies for countryside protection
- The recent appeal decisions confirmed the unsuitability of the site
- There have been no changes in circumstances since the appeal decisions in August 2012

- Greenfield site – very visible in landscape
- Further piecemeal and sporadic development over a large and isolated area
- Harms character of open countryside in environmentally sensitive area
- Fails to conserve / enhance landscape character (NNCSS 13(o))
- Erodes green gap between local villages
- Unsustainable location: not closely linked to settlement with adequate range of facilities – potential for closure of school (NNCSS 9, 13, 17)
- NPPF/PPTS seeks to strictly limit sites away from settlements
- Reliant on use of private motor vehicles as no public transport in walking distance NNCSS 13(e) & (k)
- Affects enjoyment of public footpath (NPPF)
- Adverse impact on local road network – increase in traffic raises risk to cyclists/ walkers
- Standard of design (NNCSS 13 (h))
- Number of pitches on Greenfields overall increases the need for site management
- Disproportionately high number of traveller pitches in the locality and granting of further pitches will increase this dominant presence
- A five year permission would unacceptably extend the use of the site
- The current status of the applicants needs to be investigated before any such permission is granted

## **5.0 Planning Policy**

### **National Planning Policy Framework**

The National Planning Policy Framework ('the Framework') does not change the statutory status of the development plan as the starting point for decision making. It is a material consideration. At the heart of the framework is a presumption in favour of sustainable development.

Government policy as set out in 'Planning Policy for Traveller Sites' is also a material consideration in the determination of this application. The overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community. The policy confirms that LPA's should strictly limit new traveller site development in open countryside that is away from existing settlements.

### **Development Plan Policies**

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

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

Policy 9 confirms that new building development in open countryside will be strictly controlled.

Policy 13 sets out general sustainable development principles requiring development to meet needs, raise standards and protect assets including conserving and enhancing the landscape character.

Policy 17 is of particular relevance as it is specific to accommodation for gypsies and travellers.

### **Local Plan**

Policy 7 of the local plan states that development in the open countryside should be strictly limited to that required to meet other policies in the development plan.

## **6.0 Financial/Resource Implications**

None

## **7.0 Planning Considerations**

The key issues for consideration in this application are:-

### **1. Principle of Development**

The site is in open countryside, a good distance from any settlement. Policy 7 of the LPfKB, a somewhat dated but nevertheless saved policy, seeks to prevent unjustified development in the open countryside, unless it is otherwise provided for in the development plan. Other national and development plan policies recognise the almost inevitability of having development in the open countryside to meet the needs for the provision of traveller sites.

Policy 9 of the NNCSS sets out the Council's preferred sequential approach for the distribution and location of new building development. Although the proposed development does not include any new building, the spirit of the policy is to limit new development in open countryside.

The main traveller policy is contained in Policy 17 of the NNCSS which stipulates that where a need is identified for additional accommodation, planning permission may be granted, or site allocations proposed, when specific criteria are met. These are:

- a) The site should be in accordance with the locational guidance set out in Policy 9 and it should also meet the criteria set out in Policy 13 where relevant;
- b) The site should not be within an area designated as environmentally sensitive;
- c) The site should be 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.

Policy 13 sets out general sustainable development principles requiring development to meet needs, raise standards and protect assets including conserving and enhancing the landscape character.

The SSPLDD Options Paper Consultation (March 2012) set out four options for the location of sites. The responses indicated that option 1, the enlargement or

intensification of existing sites, was the least favoured; while options 2 (identifying new sites away from existing ones) and 3 (devising suitability and sustainability criteria for the location and assessment of sites) were the most favoured.

### Need

The GTAA update of October 2011 identified a minimum need of 10 pitches by 2017 and a further 10 pitches between 2017 and 2022. There are currently extant planning permissions for 10 pitches at Stoke Road and a further 7 pitches adjoining The Pastures. The permission for 10 has been begun, but it is not known when (or whether) either development will progress to delivery. A further permission has been granted and implemented in respect of 3 pitches at plot 10, Old Northampton Road, Broughton. As this related to the regularisation of one tolerated site, this has delivered 2 additional permanent pitches which count towards meeting the identified need.

In the recent appeal decisions for Greenfields, the inspector opined that (to 2022) a shortfall of 3 *deliverable* pitches remains (now adjusted to one, in view of the two additional pitches at Broughton), but there remains a greater shortfall of *available* pitches.

The recent appeal decisions were not made personal to the applicants, although their personal circumstances were clearly a factor in the decision. In this case no submission has been received in connection with the applicant's personal circumstances and so none can be taken into account. In the absence of any compelling reason to do otherwise, the application must be determined in accordance with the development plan.

### 2. Suitability and Sustainability

A formal set of criteria for assessment of sites has not yet been adopted. However, in the recent appeal decisions, the Inspector concluded that the site was not closely linked to an existing settlement with a range of services and facilities and that reliance on the private car to access facilities was the most likely scenario. Factors taken into consideration were: the distance from the site to Braybrooke and Desborough; the limited facilities available in Braybrooke; the distance from the rural bus service; and the nature of local roads and the public path across the wider site (with no footways along the roads) being deterrents for regular use for accessing facilities. The location of the site does not meet the requirements of Policy 17(c) of the NNCSS and the development conflicts with Policies 9, 13 and 17 of the NNCSS.

One change of circumstance that should be borne in mind is that, since the appeal decision, the education authority (NCC) has launched a consultation on the closure of Braybrooke School. Whilst the outcome of the consultation will not be known until February 2013, the closure of the school in July 2013 would result in one less facility being available within Braybrooke, thereby removing any possibility whatsoever of children walking to school from the site.

### 3. Character and Appearance

The application site is situated in open countryside. The area is not subject to

any 'environmentally sensitive' designation but is nevertheless a pleasant and attractive area of countryside, identified within the Northamptonshire Environmental Character Assessment and Key Issues Strategic Framework Study as the West Northamptonshire Uplands, having a gently hilly character with 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. These characteristics are typical of the area within which the application site is located.

The site is relatively isolated, which is exacerbated by the piecemeal development of a larger site which has resulted in a rather sporadic form of development; it lies some 300m distant from the road frontage; the location of the application site is in a separate field from those granted 2 year temporary permissions on appeal.

Access is via a partly surfaced track which is the subject of enforcement action. The notice was recently upheld on appeal. The Inspector found that the works materially affected the character and appearance of the field and that it is a discordant and highly intrusive feature in the landscape which significantly erodes the rural character and appearance of the area. The introduction of caravans, associated hardstandings, fencing and other domestic trappings within the same area erodes the rural character and appearance of the area, to a greater extent than the access. The sporadic nature of the development within the larger field complex means it is particularly incongruous.

To conclude the proposed development, unduly harms the character and appearance of the area contrary to Policies 13 and 17 of the NNCSS.

There is a separate issue about the cumulative impact of the development on the character of the wider area. The recent appeal decision did address this by considering that the traveller pitches around Braybrooke were, for the most part, separate and visually unconnected. Thus their cumulative impact did not harm the scale of Braybrooke village or visually dominate it. It is considered that the addition of these two particular pitches would not add any significant domination, due to the visual separation of the site from other nearby sites, however, if approved, would result in a development of an excessive scale, in view of the number of pitches already at Greenfields.

#### 4. Neighbouring Amenity

The site is located some 400m from the nearest residential property, Ritches Lodge Farm. As such, it is unlikely that any significant loss of amenity to neighbouring occupiers would arise from the development.

#### 5. Effect on Highway

The development would result in over 10 residential pitches on the site, in addition to numerous non-residential users. Were this a private access for conventional housing, it would necessitate the provision of a properly surfaced road into the site to adoptable standards, providing access of sufficient width to

enable two cars to pass. This is unachievable and would result in a further erosion of character in this countryside location. The views of the highway authority will be included in update papers.

### **Conclusion**

In the absence of any compelling reason to do otherwise, the application must be determined in accordance with the development plan, which indicates that planning permission should be refused for the reasons stated above.

#### **Background Papers**

Title of Document: Greenfields appeal decision  
Date: 14 August 2012  
Contact Officer: Dean Baker, Senior Development Officer on 01536 534316

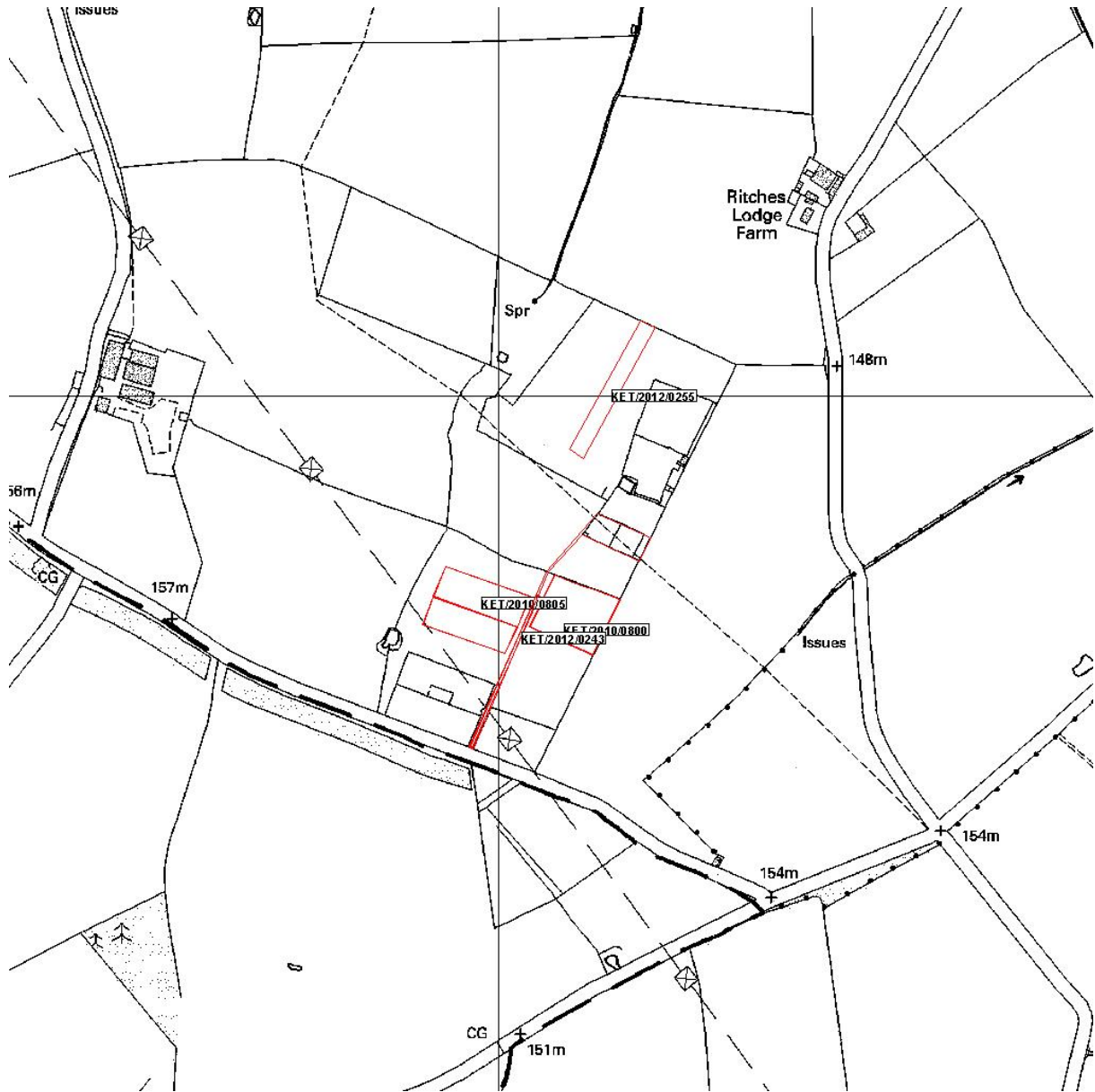
#### **Previous Reports/Minutes**

Ref:  
Date:

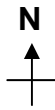
### **SITE LOCATION PLAN**

Plot 14A, Braybrooke Road, Braybrooke  
Application No.: KET/2012/0243





Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.



LA078344

Date: 12/04/2012 Do not scale from this map. For illustrative purposes only.