

Item 3: 07/16/1092/F

Location: Oakdene, St James Road, Goffs Oak, Hertfordshire, EN7 6TR

Description: Variation to conditions 2 and 3 of planning permission 7/209/1995 for two additional residential caravans, a replacement caravan, and storage caravans/sheds

Applicant: Mrs C Brinkley

Agent: N/A

Date Received: 28/09/2016 **Date of Committee:** 28/06/2017

Officer Contact: Stuart Robinson **Expiry Date:** 29/12/2016

Ward Councillors: Cllr Mills-Bishop, Cllr Moule and Cllr Pearce

RECOMMENDED that planning permission be refused for the reason set out at the end of this report

1.0 CONSULTATIONS

1.1 HCC Highways – No objection – Unlikely to be a significant increase in trips.

2.0 PUBLICITY

2.1 The application was advertised by means of a site notice and 11 individual neighbouring letters.

3.0 REPRESENTATIONS

3.1 14 objections and a letter commenting on the application have been received from neighbouring properties. These responses have been summarised below:

- Concern regarding increased traffic and highways safety.
- The application is retrospective.
- The previous planning permission has not been complied with.
- Clarification sought regarding the community use.
- There are numerous families on site. The number of occupants on site has increased during the course of the planning application.
- There is a lack of power within the area.
- Concern regarding the impact to local property prices.
- The site is being used as a pig farm.

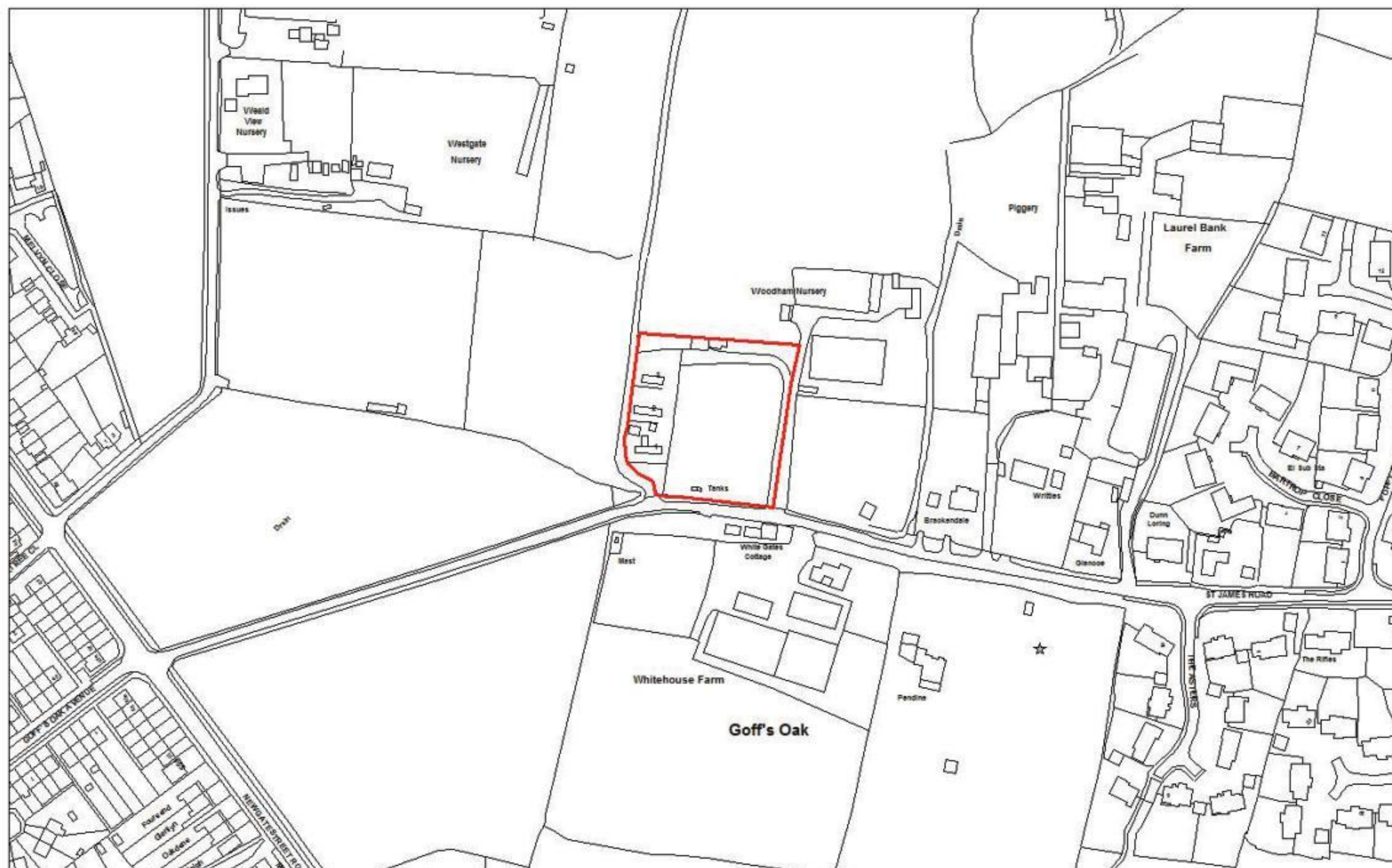
4.0 RELEVANT LOCAL PLAN POLICIES


4.1 The following policies of the Borough of Broxbourne Local Plan Second Review 2001-2011 (adopted December 2005) apply:

GBC2	Development within the Metropolitan Green Belt
GBC16	Landscape Character Areas and Enhancement
H6	Protecting the Amenity of Existing Residential Areas
H8	Design Quality of Development
HD13	Design Principles
HD14	Design Statement on Local Character
T3	Transport and New Development
T10	Cycling Provision
T11	Car Parking

- 4.2 The draft Local Plan 2016 – 2031 was published for consultation on 18/07/2016 and the emerging policies within it are of some relevance to this application.
- 4.3 The Planning Policy for Traveller Sites (PPTS) is a relevant consideration and sets out the Government’s planning policy for traveller sites.
- 4.4 The National Planning Policy Framework (NPPF) 2012 also needs to be considered. The local planning policies listed above are generally considered to accord with the policies and principles of the NPPF.
- 4.5 The Interim Policy for Residential Car Parking Standards (approved February 2011) is a relevant consideration.
- 4.6 The Technical Housing Standards – nationally described space standards (March 2015) are also relevant.

5.0 LOCATION AND DESCRIPTION OF SITE



 BROXBORNE BOROUGH COUNCIL BOROUGH OFFICES CHURCHGATE CHESHUNT WALTHAM CROSS EN8 9QX TEL - 01992 785555	Title Planning reference 07/16/1092/F
	Location Oakdene St James Road Goffs Oak
SB/DP	Date: 7/4/2017 Scale: 1/2500 Centre: 532355.21 , 203364.58
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- 5.1 The application site is located to the north of St James Road, to the north of Goffs Oak. The site is situated opposite White House Farm and is accessed by a single lane track road, which connects to St James Road.
- 5.2 The application site was granted planning permission for three caravans in 1995. The number of caravans was increased on site to 6 caravans in 2005/2006 via variations of condition to the original planning application.



- 5.3 The application site also contains a timber clad caravan, located to the south of the site. It has been suggested this has previously been used as a “dayroom” or community building for the site. One element of this application is that this building is proposed to be converted into a residential gypsy and traveller unit.



View within the unlawful dayroom building, proposed to be converted to a residential unit



View towards the north of the site

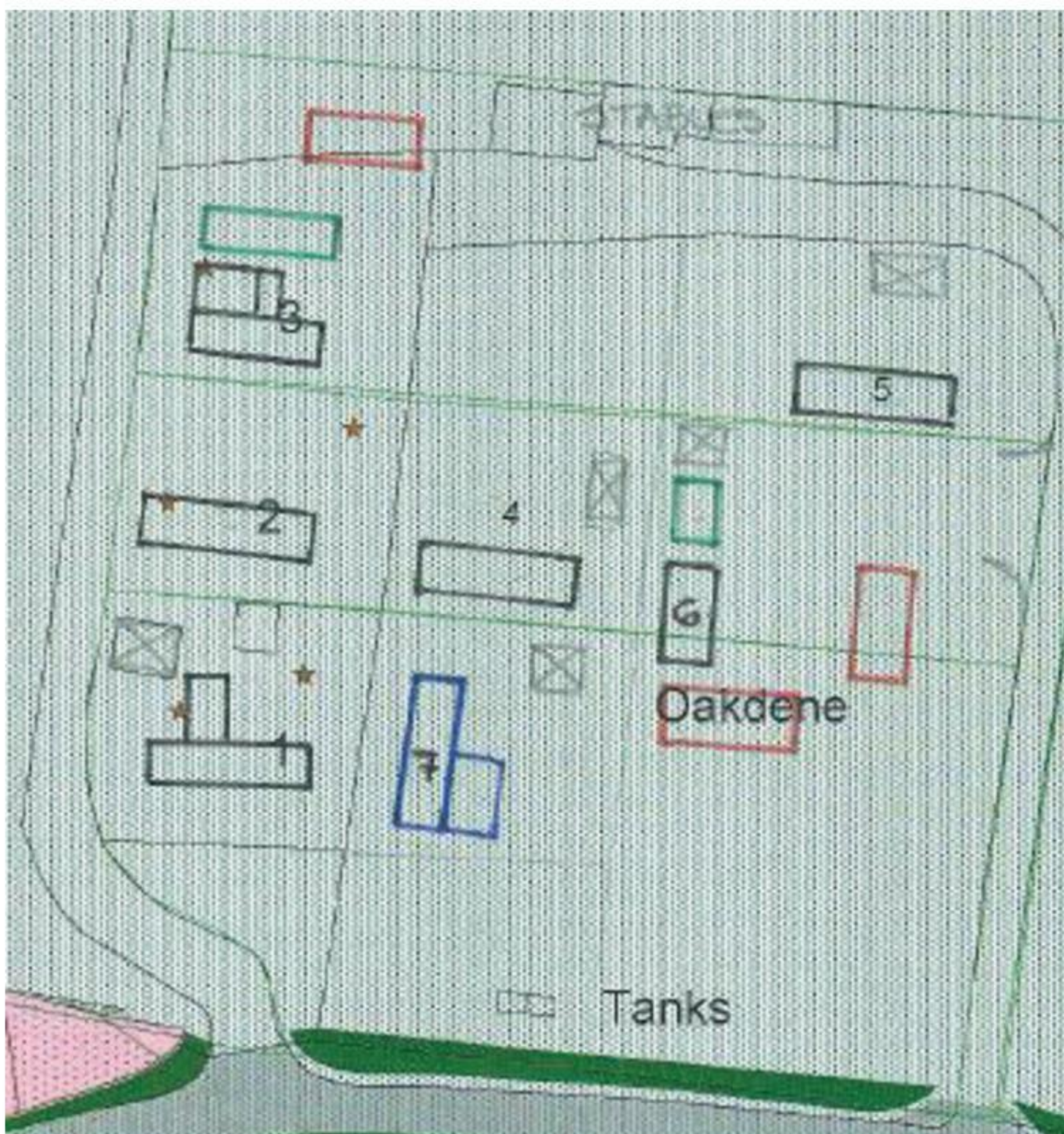
- 5.4 The site also contains several storage caravans which do not have planning permission. These caravans contain residential storage (such as clothes and garden furniture). These storage caravans are used by the existing residents of the site. There is a group of stable buildings situated to the north of the site which are lawful.

5.5 The eastern section of the site also contains two caravans, which are currently in the process of being repaired.



View north from the site access on St James Road

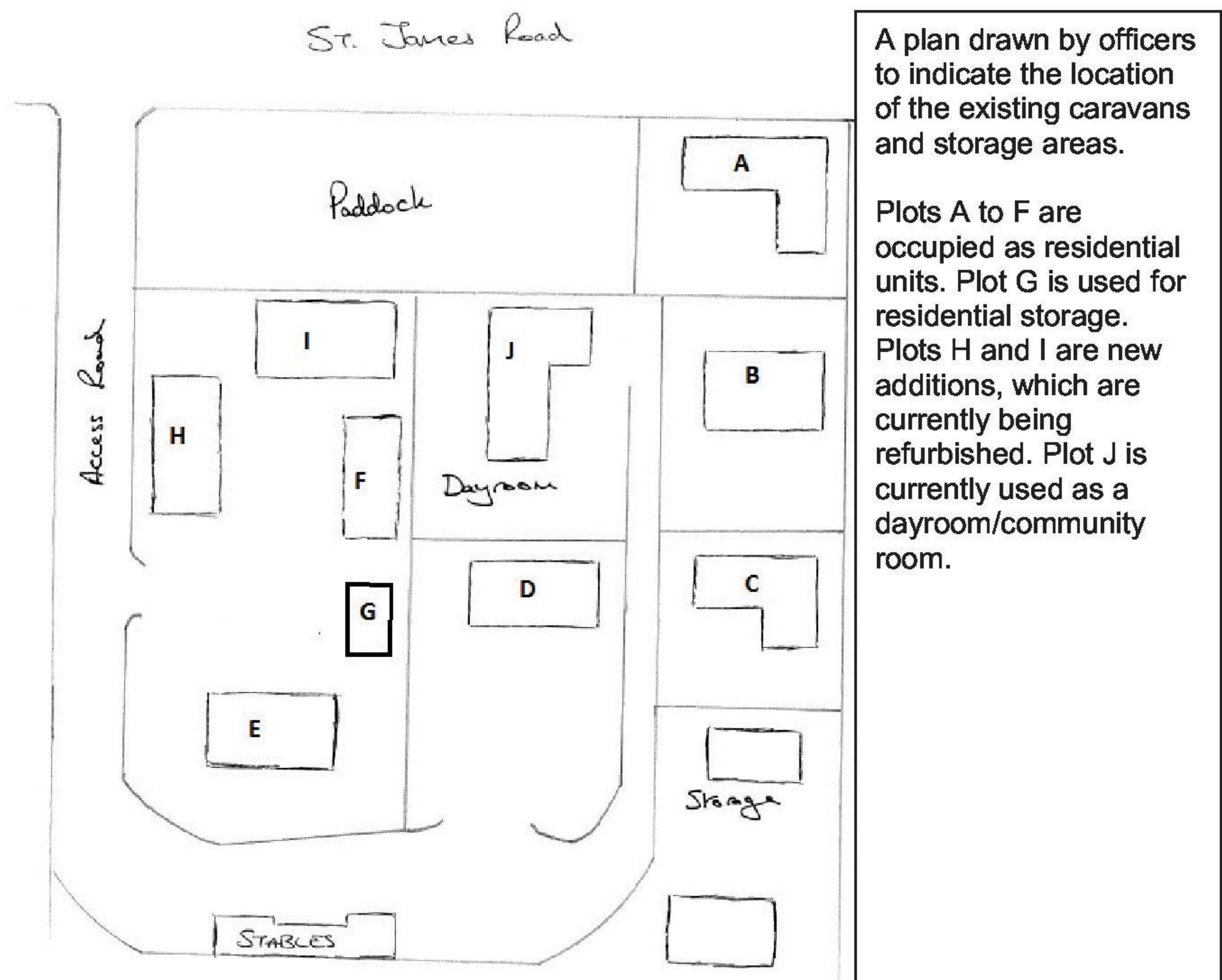
5.6 The site is located wholly within the Green Belt.

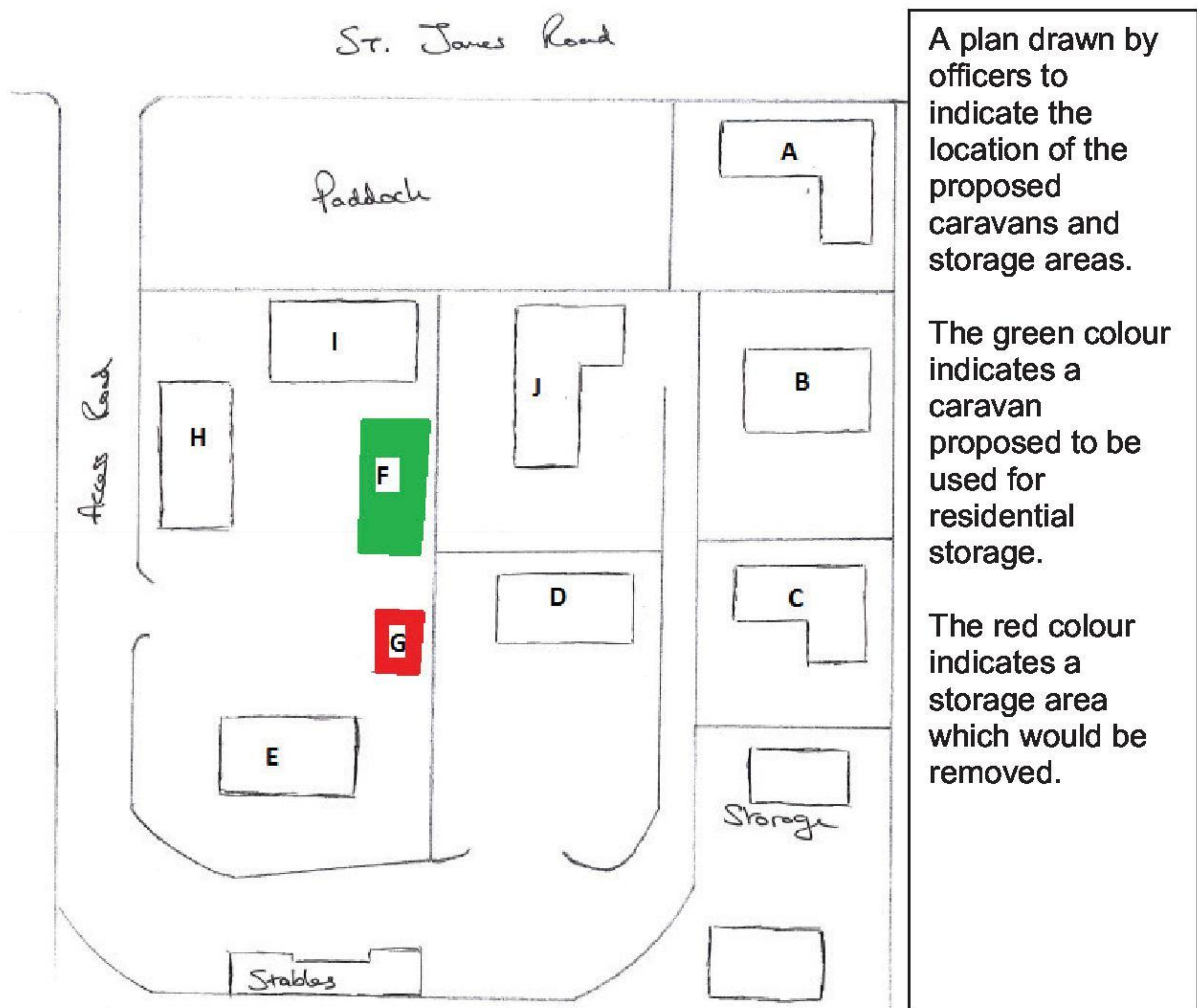


A plan drawn by officers indicating the residential caravans with planning permission in black, the permitted shed/utility rooms in grey, the unauthorised caravan in blue, the unauthorised storage caravans in green, and the unauthorised stationed caravans in red.

6.0 PROPOSAL

- 6.1 The application seeks to vary conditions 2 and 3 of planning permission 7/209/1995.
- 6.2 The applicant proposes to convert a timber clad caravan at Plot J (currently used as a dayroom) into a residential unit. The owner of Plot F would move to a new caravan at Plot I and the owner's previous caravan would be used for storage. The caravan at Plot G, which is currently used for storage purposes, would be removed as a result of the proposed development. Another residential caravan would be located on Plot H. This caravan would be used by a niece of the owner of Plot G as a residential use. These proposals are illustrated below.
- 6.3 The application also seeks planning permission for two existing storage caravans and five storage sheds across the site. The storage is associated with the existing residential caravans.
- 6.4 The application is supported by a Planning Statement, which includes a plan of the site and supporting text to justify the proposal.
- 6.5 The applicant has not undertaken pre-application advice with the Local Planning Authority.





7.0 RELEVANT PLANNING HISTORY

7.1 7/209/1995 - Residential caravan site for 3 caravans for one gypsy family (renewal on permanent basis of previous temporary permission granted) – Planning application approved. The conditions of the permission were as follows:

1. *This permission shall enure solely for the benefit of Mr Henry Spencer, his son, daughter and their dependents.
Reason – In granting this permission, the Local Planning Authority have had regard to the special circumstances of the applicant.*
2. *Not more than 3 caravans shall be stationed on the land at any one time and no further caravans shall be brought on to the land nor shall other buildings on the land be used to provide residential accommodation unless the prior consent in writing of the Local Planning Authority is obtained.
Reason – The site lies within the Green Belt where a more intensive use would be inappropriate.*
3. *No commercial, industrial or storage activity associated with the use hereby permitted shall be undertaken on the land without the prior consent of the Local Planning Authority.
Reason – The site lies within the Green Belt where such activities would be inappropriate.*

7.2 In 2005/2006, requests were submitted to vary condition 2 of this planning permission to allow three additional caravans associated with the family on site. These were allowed.

8.0 APPRAISAL

8.1 The main issues for consideration in this case are as follows:

- i. Principle of development
- ii. Design and Impact to the amenity of neighbouring residential properties
- iii. Highways/Parking;
- iv. Other matters

These matters will be appraised in turn, below.

Principle of Development

8.2 Paragraph 16 of the Government's Planning Policy for Traveller Sites (PPTS) identifies that traveller sites (temporary or permanent) in the Green Belt are inappropriate development. As the proposal would form new residential caravans, within the Green Belt, it is considered that the development would be inappropriate development within the Green Belt.

8.3 Paragraph 87 of the National Planning Policy Framework identifies that:

"inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances".

8.4 Paragraph 88 of the National Planning Policy Framework states that:

"Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations."

8.5 There is no definition of the meaning of 'very special circumstances' but case law has held that the words "very special" are not simply the converse of "commonplace". The word "special" in the guidance implies a qualitative judgement as to the weight to be given to the particular factor for planning purposes.

8.6 The applicant has not submitted any very special circumstances as part of the application. Having viewed the site and taking into account its policy context, it is considered that the need for Gypsy and Traveller pitches, together with the Policy context of the site, must be considered.

8.7 In order to establish whether the need for Gypsy and Traveller pitches is a relevant consideration, the government's Planning Policy for Traveller Sites must be considered. The PPTS identifies that the existing level of local provision and need for sites should be considered when determining applications for traveller sites. This document also provides a definition for "Gypsy and Travellers", which is identified below:

“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 showpeople or circus people travelling together as such.”

- 8.8 The existing site is occupied by a single family, across six residential caravans. The residential caravans that are subject to this application are proposed to be occupied by siblings of the resident family at the site. The Council has sought information as to whether these emergent households would meet the foregoing definition. The applicant has stated that the family still travel to some events (Appleby, Stowe Fair, New Forest Show), however there are limitations to their travelling such as providing care to elderly members of the family. No additional detail has been provided from the applicant, particularly in respect of the households that would occupy the residential caravans. In the absence of information that clearly demonstrates that the definition is met, it must be assumed that the households in question are not by definition of the PPTS gypsies/travellers. Their needs would not therefore require to be met through the provision of gypsy/traveller caravans/pitches.
- 8.9 Further to this, the Council has recently commissioned an up-dated Gypsy and Traveller Accommodation Assessment (GTAA) to support the production of the emerging Local Plan. That exercise is concluding that there is limited evidence to suggest that the St James site is occupied by multiple travelling families, adding further weight to the conclusion that the proposed occupants of the caravans are not travellers.
- 8.10 Based upon the foregoing, it is considered that the proposed development would not serve residents who meet the definition of “Gypsy and Travellers” within the PPTS. Members should also note that the emerging Local Plan contains a policy that potentially enables the significant expansion of the St. James site. In view of the up-dated travellers needs assessment and the information submitted with this application, that policy is likely to be amended within the Regulation 19 submission Local Plan.
- 8.11 Aside from this point, it must be noted that the application is to vary conditions 2 and 3 of the existing planning permission, retaining the first condition. Therefore, the proposal should comply with Condition 1 of the original planning permission, which states that the permission shall be *“solely for the benefit of Mr Henry Spencer, his son, daughter and their dependents”*. One of the additional caravans, on Plot I, would be for the niece of the grandson of Henry Spencer (senior). It is considered that this relative is not strictly a dependent of Henry Spencer (senior). It is also unclear whether the grandson of Mr Henry Spencer (senior) would be over 18, at which point he would be considered to no longer be “dependent”.
- 8.12 **Based upon the information submitted, and the findings of the GTAA, it is considered that the proposed development would not serve residents who meet the definition of “Gypsy and Travellers” within the PPTS. Therefore, the caravans would form inappropriate development within the Green Belt, which is not supported by a specific need. Very special circumstances are not considered to outweigh the harm to the Green Belt and the principle of development is not considered to be acceptable.**

- 8.13 The application also contains five storage sheds and two storage caravans. It is usual for traveller pitches to include external storage. However, the amount of storage proposed within this application is considered to be excessive in relation to the number of legitimate occupants of the site. The storage is therefore considered to constitute inappropriate development in the Green Belt. Depending on the outcome of this planning application, further discussions will take place with the applicant regarding the acceptable development of this site in relation to the storage proposed.

Design and Impact to the amenity of neighbouring residential properties

- 8.14 The proposed residential caravans would be located within the existing site considered by the original planning application. It is considered that the area of the proposed caravans would be such that the development would not overcrowd the site. It is also noted that a caravan would be removed as part of the proposal, at Plot G, creating additional space. The new residential caravans would be located on hardstanding, shielded from views of the public highway by existing vegetation.
- 8.15 The proposal is considered to present an acceptable level of amenity. The design would be similar in nature to the existing site. Therefore, the proposal would comply with **the NPPF, Policy HD13 and HD16 of the Borough of Broxbourne Local Plan Second Review and DSC1 of the emerging Broxbourne Local Plan.**

Highways/Parking

- 8.16 No details have been provided regarding car parking arrangements, however it is noted that the site is self-contained, with space for car parking within the site. Therefore, the car parking is not considered to present an unacceptable adverse impact in terms of highways safety or residential amenity.
- 8.17 From the information submitted, it appears that one additional resident would be on site. Hertfordshire County Council Highways has not raised an objection, as the proposal would be a very small increase in trips. **Therefore, it is considered that the proposal would not present an unacceptable adverse impact in terms of highways safety.**

Other matters

- 8.18 Lack of power – A neighbouring resident has raised concerns regarding the lack of power within the area. The applicant has identified that the site has mains power. It is considered that the relatively small scale nature of the proposed development is such that there would be a limited impact to surrounding utilities.

9.0 CONCLUSION

- 9.1 It is considered that the proposed development would not serve residents who meet the definition of “Gypsy and Travellers” within the PPTS. Therefore, the residential caravans would form inappropriate development within the Green Belt, causing harm to the Green Belt. Very special circumstances are not considered to outweigh the harm to the Green Belt and the principle of development is not considered to be acceptable. It is also considered that the amount of storage

proposed is excessive and that very special circumstances have not been demonstrated to justify it.

10.0 RECOMMENDED that planning permission be refused for the following reason:

- 1. The proposed development would form inappropriate development within the Green Belt, which would not be clearly outweighed by very special circumstances, the proposed development would be contrary to Policy GBC2 of the Borough of Broxbourne Local Plan Second Review 2001-2011 (December 2005), Policy GB1 of the emerging Broxbourne Local Plan, the National Planning Policy Framework and the Planning Policy for Traveller Sites.**
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