

Item 3 **07/18/0737/F**

Location: **Oakdene, St James Road, Goffs Oak, Herts. EN7 6TR**

Description: **Retention of two additional residential caravans**

Applicant: **Mr B Spencer**

Agent: **Hertford Planning Service**

Date Received: **23/07/2018** **Date of Committee: 30/01/19**

Expiry Date: **24/09/2018** **Officer Contact: Gill Forbes**

Ward Members: **Cllr Mills-Bishop, Cllr Moule and Cllr Pearce**

RECOMMENDED that permission planning permission be granted subject to the conditions set out at the end of this report

1.0 CONSULTATIONS

1.1 Hertfordshire Highway initially recommended refusal as insufficient information had been provided in relation to which access point is used to the site and whether the proposal would result in an increase in vehicle trips. However, the access point has now been confirmed by the agent and it has also been stated that no additional trips would result as the caravans are already in situ and potential occupants already live on the site.

2.0 PUBLICITY

2.1 The application has been advertised by means of a site notice, and 14 individual letters were sent to the following properties:

Woodham Nursery, Pendine, Whitehouse Farm, JPM Contractors Ltd Whitehouse Farm, Rear House Brackendale, Workshop Brackendale, Brackendale, Whire Gate Cottage, 1, 2, 3, 4, 5 Oakdene, St James Road.

3.0 REPRESENTATIONS

3.1 15 objections have been received from neighbouring properties. These responses are summarised below:

- Concern regarding increased traffic and highway safety;
- Noise disturbance to local residents from commercial vehicles entering and leaving the site at all times;
- The Council has not enforced the removal of unauthorised caravans and this application would further increase the number of mobile homes on the site;
- What does the Council intend to do about removal or enforcement on this site;
- How can a new application be accepted when permission has already been refused;

- Will become one big traveller site unless the Council exercises control;
- Impact on local property prices;
- Development is not suitable in this area, out of character with residential detached dwellings;
- Increased vandalism, fly tipping and accumulation of waste;
- Have only been notified of one application although two have been submitted;
- There would also be a brick built day room;
- Planning permission was granted for Mr Henry Spencer and his immediate children. What generation does this stop at?

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
T3	Transport and new development
T11	Car parking standards

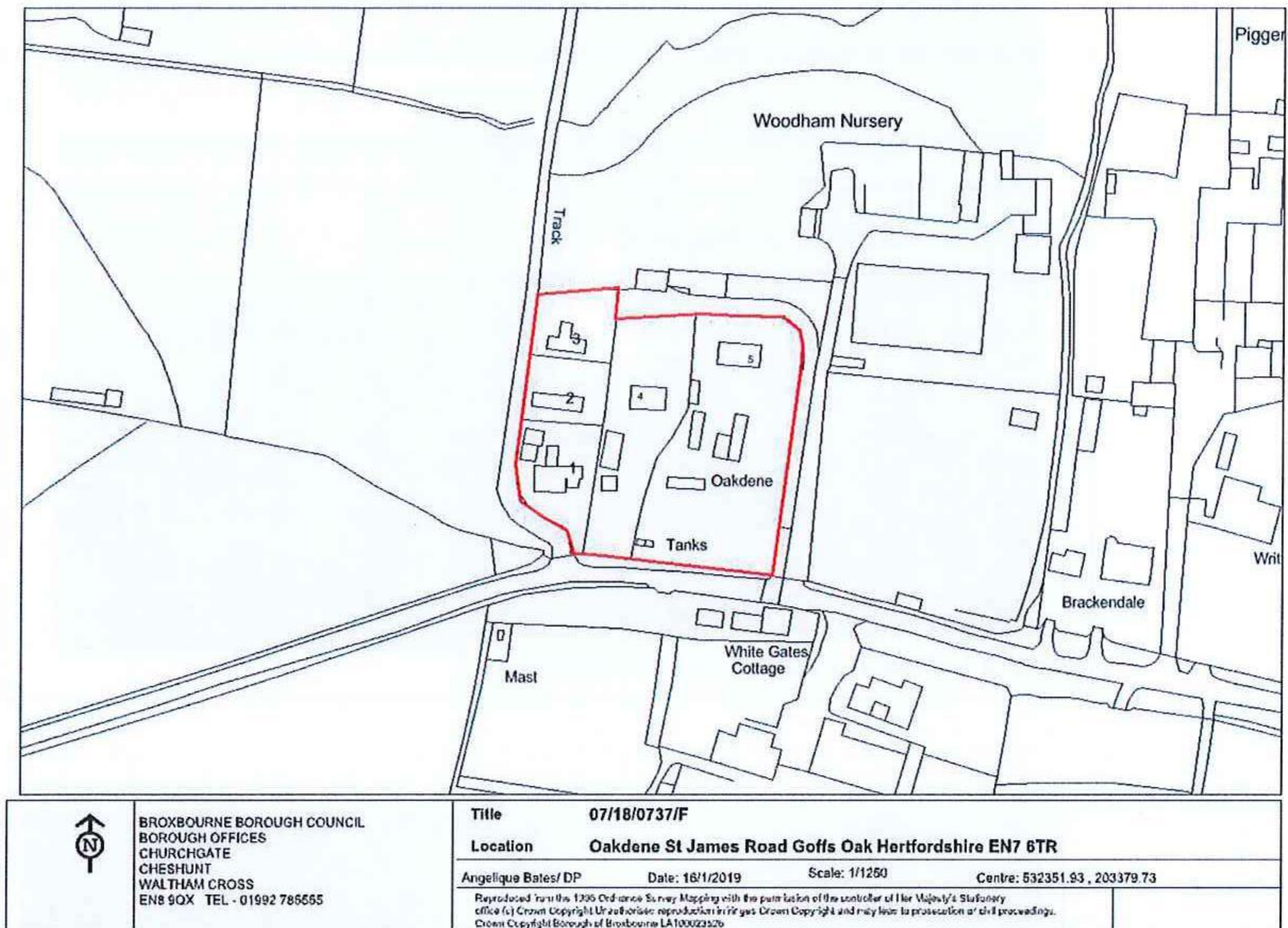
Also relevant are the following Policies of the emerging draft Local Plan 2018-2033

GT1	Gypsy and Traveller Sites
TM2	Transport and New Development
TM5	Parking Guidelines

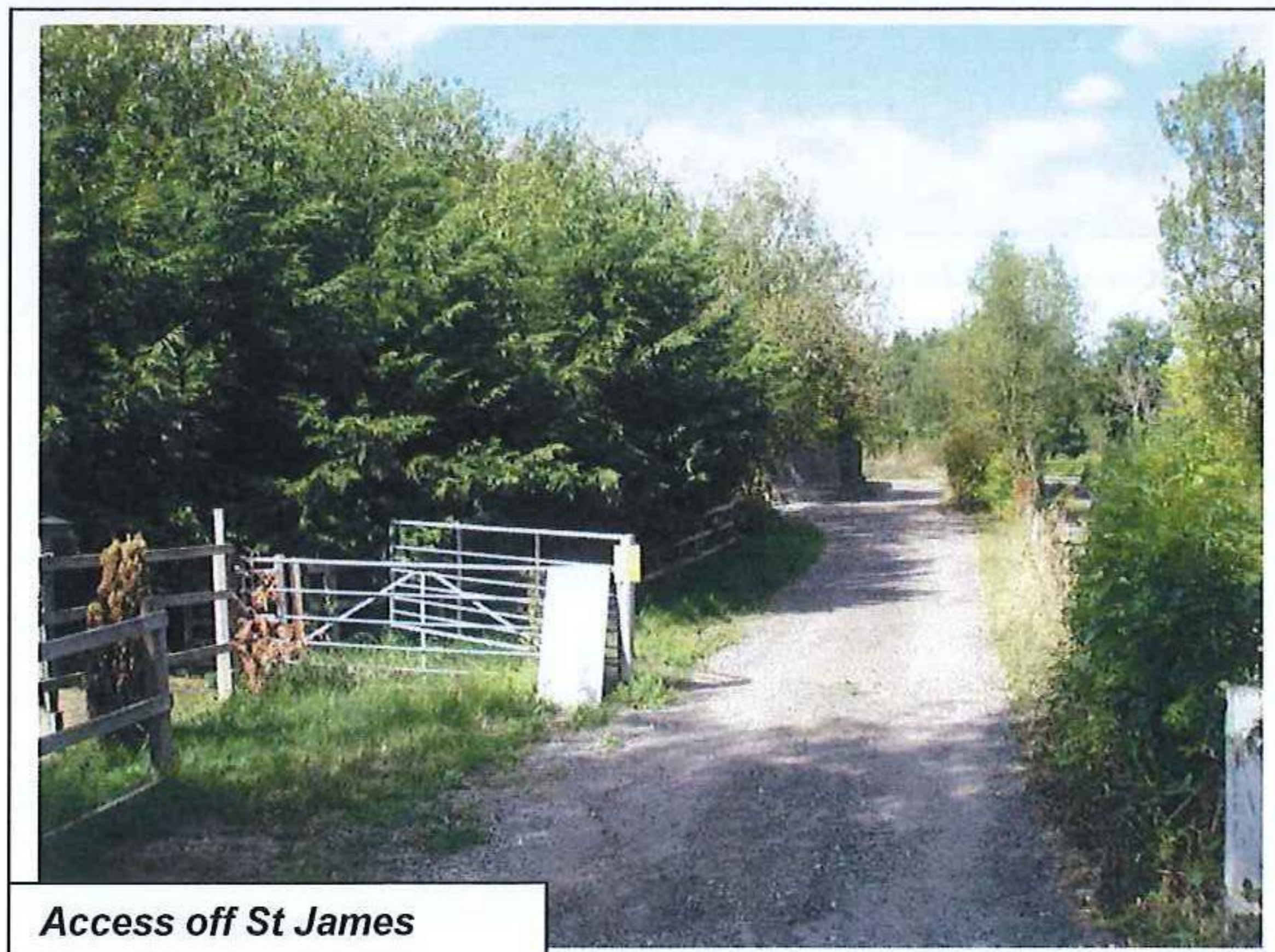
4.2 The Planning Policy for Traveller Sites (PPTS) (August 2015) sets out the Government's planning policy for traveller sites and is a relevant consideration in so far as providing a definition of travellers.

4.3 The National Planning Policy Framework (NPPF) (July 2018) is also relevant. The planning policies above are considered to accord with the aims and objectives of the NPPF.

5.0 LOCATION AND DESCRIPTION OF THE SITE

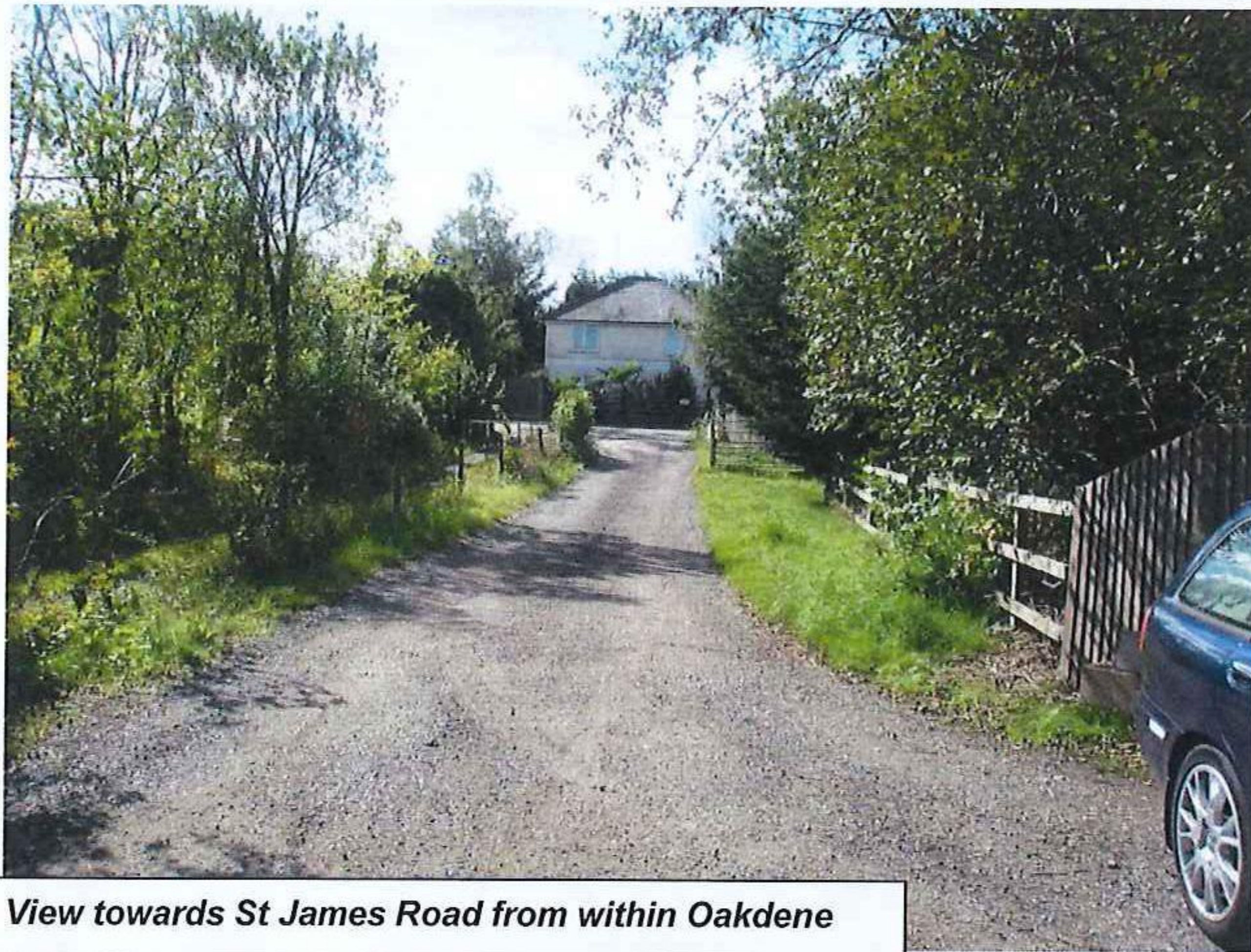


- 5.1 The application site is an established gypsy site that is detailed as such in the Local Plan. It is located to the north of St James Road and within the area of Goffs Oak also designated in the Local Plan as Green Belt. Oakdene is surrounded by nursery and farm sites with a few large detached dwellings in substantial plots to the east fronting St James Road.
- 5.2 Oakdene is accessed off St James Road by a single width track which runs along the eastern side of the site before bending northwards to provide a route to the mobile homes within the western section.





Mobile homes in western part of Oakdene



View towards St James Road from within Oakdene

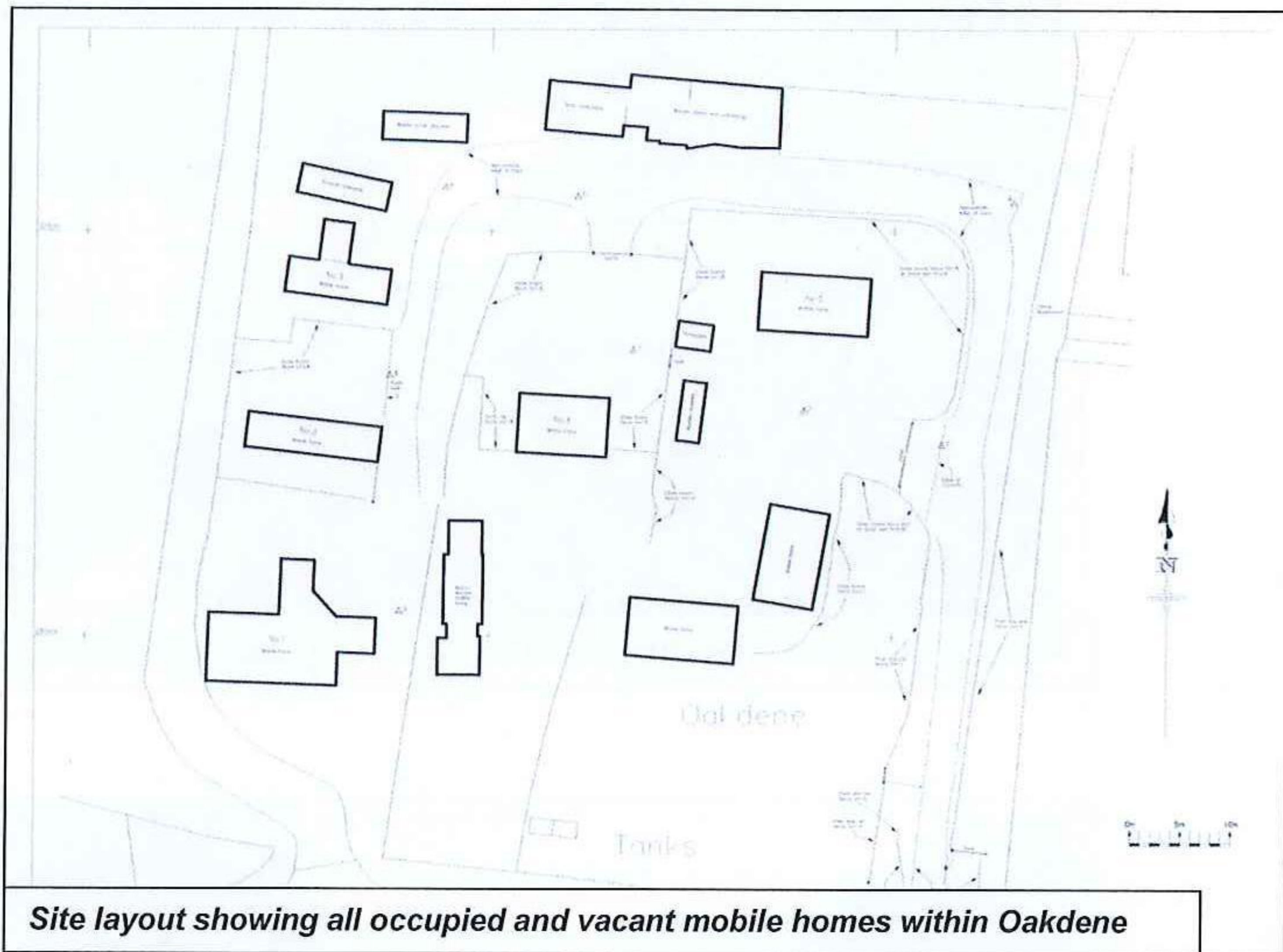


View through gates on western side of access



Mobile home within eastern section of Oakdene

5.3 There are six caravans within the site that have planning permission for use as residential units, one that is in residential use that is the subject of a separate Certificate of Lawfulness application, and two that are vacant pending renovation. There is also an old stable block and outbuilding on the northern boundary and various storage buildings around the site that are used to keep personal belongings of the residents of Oakdene.

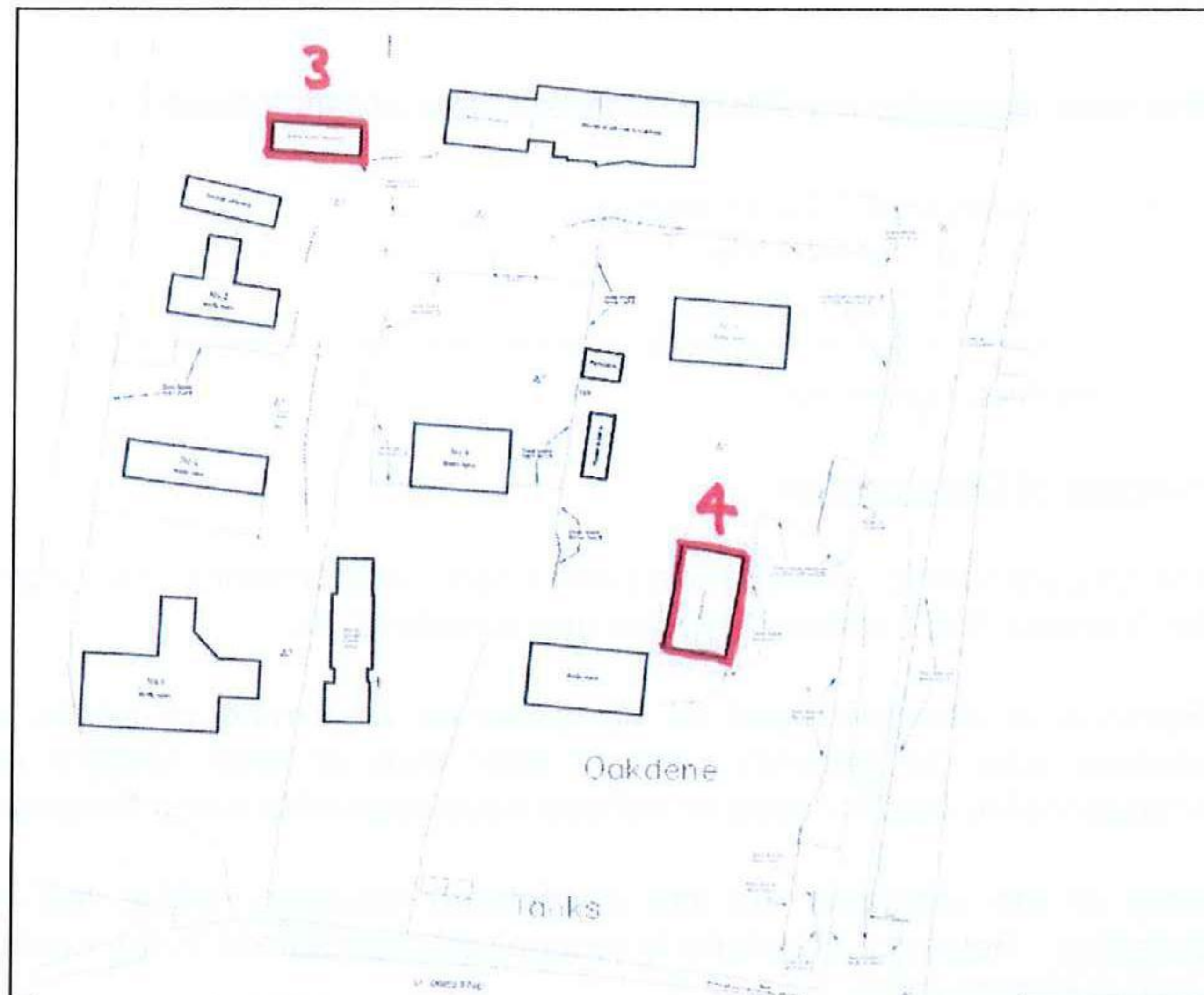


5.4 The boundaries of the site are defined by the highway to the south, vehicular tracks to the east and west and Woodham Nursery site to the north so there is limited scope to accommodate additional pitches within Oakdene.

6.0 PROPOSAL

6.1 This application seeks permission for the retention of the two additional vacant mobile homes which have been added to the site without planning permission. The proposal would result in the conversion to residential of the two units rather than the physical introduction of any further units. These two mobile homes are outlined in red on the plan below.

6.2 The mobile home annotated as No. 4 is intended as accommodation for the applicant's son and the mobile home annotated as No. 3 for a (minor) granddaughter to study and sleep. No. 3 is currently used for storage.



6.3 The application is supported by a letter from the applicant which provides additional information to explain the reasons for making this application to accommodate changing family needs as children mature and require more independent space from their parents.

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) – approved

7.2 In 2005/2006 requests were submitted to vary condition 2 of planning permission 7/209/1995 which restricted the number of caravans on Oakdene to three, to allow three additional caravans associated with the family on site. These were allowed.

7.3 7/16/1092/F – Variation to Conditions 2 and 3 of planning permission 7/209/1995 for two additional residential caravans, a replacement caravan, and storage caravans/sheds – refused June 2017 as the proposal was considered to be inappropriate development in the Green Belt and therefore contrary to adopted Green Belt policy and the NPPF and the residents of the site did not meet the definition of gypsies and travellers in the PPTS.

7.4 7/18/0736/LDC – Certificate of lawfulness for existing residential caravan, storage and wooden storage building – to be determined.

8.0 APPRAISAL

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

- Principle of the development
- Impact on the amenity of neighbouring residential properties
- Design/Visual Amenity
- Impact on the character and openness of the Green Belt
- Highways/parking

Principle of Development

8.2 The Department for Communities and Local Government's Planning Policy (PPTS), for Traveller Sites defines "gypsies and travellers" as:

'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...'

8.3 Most of the residents are not considered travellers within the context of this definition. However, Oakdene is recognised and defined in the Local Plan as a self contained gypsy site.

8.4 Policy GT1: Gypsy and Traveller Sites as shown in the emerging Local Plan supports the allocation of two new pitches within the existing St James Road site to meet the specific needs of the resident community. However, changes to the wording of the policy have been suggested during the Local Plan Inquiry process to exclude a fixed number of new pitches. Instead it is proposed to assess any requests for additional residential units within the site through the planning application process. It is still the aim of the policy to meet the needs of the gypsies on a case by case basis and there remains space within Oakdene to accommodate the proposed two additional residential pitches .

8.5 As the residents of Oakdene do not fall within the Government classification of travellers, the proposed development cannot benefit from the provisions of the PPTS. Accordingly, the proposal would currently be considered inappropriate within the Metropolitan Green Belt and should therefore only be approved in very special circumstances. Paragraph 144 of the NPPF states:

"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."

However, Members are advised that during the Local Plan Inquiry it was also suggested that there existed a strong case for releasing the existing gypsy and traveller sites from the Green Belt given the need for additional pitches and to be compliant with national policy. This would mean the applicant would no longer have to provide evidence of very special circumstances and the application would be access on whether the proposed occupiers meet the original criteria as set out below, and whether there is sufficient space within the existing site. 8.6 Although

the 1995 approved planning application allowed only three caravans on the land at Oakdene, Condition 2 of 7/209/1995 also stated that "...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." Therefore, the increase in number from the original three caravans was not discounted as long as the residents of the site were also part of the same family i.e. Mr Henry Spencer, his son, daughter and their dependents. This rule was followed in allowing a further three residential units (increasing the total to six) during 2005/2006 by providing written permission for the siting of units for the use of Spencer family members.

- 8.7 The circumstances of this site are unusual. The land benefits from a limited planning permission, which restricts its occupiers to those falling within three generations of the Spencer family. The current application for two additional residential units within the site, as with the 2005/2006 request, relates to use of the units by Spencer family members and the principle is therefore the same as previously accepted. The retention of the two units for residential use would also fulfil the criteria of Local Plan Policy GT1 for the St James Road site. It is therefore considered that very special circumstances exist to allow the otherwise inappropriate development in this case. A question has been posed by a third party commenting on the application, asking 'what generation does this stop at?'. It is considered that the answer to that question lies within the original planning condition; which permitted occupancy by Mr Spencer, his son and daughter and their dependants. It is considered unlikely that applications seeking accommodation beyond the original red line boundary of the application site would be considered acceptable as a matter of principle as the land immediately adjacent would remain in the Green Belt.

Impact on amenity of local residents

- 8.8 The site is located away from local residential properties, the nearest being White Gates Cottage on the opposite side of St James Road and approximately 37 metres from the nearest mobile home so would not result in any loss of privacy, or amenity to the occupiers of this site.
- 8.9 **Overall it is considered that the proposal complies with Local Plan Policy HD16 which seeks to protect residential amenity.**

Parking and impact on the local highway

- 8.10 No details have been provided regarding car parking provision, however the site is self-contained, with ample space for car parking within the site.
- 8.11 Hertfordshire Highways were initially concerned whether the additional residential units would result in increased vehicle trips to and from the site. They commented that as the visibility from the eastern access is limited, they consider that even a small amount of additional traffic routing through it is not ideal. Highways were also not clear whether the western or eastern access is used by residents and neither access point is shown within the red outline of the site. However, following additional information received from the agent, Highways consent that an objection of highways grounds would not be justified if no additional vehicle trips would be generated through the retention of the two caravans for residential use as proposed.

- 8.12 It is considered that the arrangements are satisfactory, given the limitation imposed by planning condition which will ensure that the occupiers remain within the same family group and given that the caravans and proposed occupants already occupy the site.

Design and Impact on the character and openness of the Green Belt

- 8.13 Oakdene is fairly secluded and well screened from views from outside of the site. The mobile homes to be retained are positioned within the existing site and are located between existing residential and storage units. All are low lying and there would be no detrimental impact on the character and openness of the Green Belt.

Overall it is considered that the proposal complies with Local Plan Policy GBC16.

Other Matters raised in third party representations

- 8.14 A local resident has stated that commercial vehicles will enter and leave the site at unsocial hours disturbing the neighbourhood. However, Oakdene is already well established as a residential site and to date no complaints have been received regarding any commercial business being carried and there is no evidence of such within the site.
- 8.15 Complaints have been received that no enforcement action has been taken following the refusal in 2017 in relation to the removal of unauthorised mobile homes within the site. However, the Council was contacted by a planning agent who advised they would be acting for the residents of Oakdene and requested that any enforcement action be held in abeyance to allow their clients to reconsider their position with a view to the submission of a further planning application. This was allowed, as the Council has a statutory duty to only take enforcement action where it is expedient and proportionate to do so. It was not considered expedient to commence enforcement action with a new application pending and the issue of principle also being subject to change through the development of the Local Plan. A site visit involving a Compliance Officer and the planning agent subsequently took place and communication was maintained between the two to ensure the matter progressed – the outcome of that dialogue is this planning application.
- 8.16 Objections raised in relation to potential for detrimental impact on house prices are not a planning matter, and the use of the site has remained unchanged since 1995.
- 8.17 Local residents have raised concerns that two applications have been submitted but they have only been consulted on one. However, the other application relates to a Certificate of lawfulness and the Council has no statutory requirement to consult on these applications.

9.0 CONCLUSION

9.1 In summary it is considered that the proposed development does not serve residents meeting the definition of 'Gypsy and Travellers' within the PPTS, but Oakdene is an established gypsy site where the addition of two additional residential pitches for the existing family is considered to be appropriate to meet the need of the established family occupying the and in accordance with the principle of development established within the 1995 planning permission. There would be only limited impact on the character and openness of the Green Belt and within this context, it is considered that very special circumstances exist which clearly outweigh the harm. Concern was raised by the Highway Authority regarding access to the site, but in the context of the occupancy being limited to extended family members already living on the site Highways no longer consider objection on highway grounds justifiable. It is therefore recommended that permission be granted.

RECOMMENDED that planning permission be approved subject to the following conditions:

- 1. This permission shall inure solely for the benefit of Mr Henry Spencer, his son, daughter and their dependants.**
 - 2. No additional residential units or other buildings to be brought on to the land.**
 - 3. No commercial, industrial or storage activity.**
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