

APPLICATION NO.	P12/V1901/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	22 September 2012
PARISH	WATCHFIELD
WARD MEMBER(S)	Simon Howell Elaine Ware
APPLICANT	Mr Paul Varey
SITE	Land south-west side of Highworth Road Watchfield
PROPOSAL	Change of use of land for the stationing of caravans for residential purposes for eight gypsy pitches together with the formation of additional hard standing and utility/dayrooms ancillary to that use
AMENDMENTS	None
GRID REFERENCE	424173/190644
OFFICER	Laura Hudson

1.0 INTRODUCTION

1.1 This application relates to land on the south-western side of Highworth Road, Watchfield. The site consists of a wedge shaped area of former agricultural land adjacent to the A420, which separates the site from Watchfield village to the east. Highworth Road runs along the north-east boundary of the site and open agricultural land lies to the north-west. The site is relatively flat and is bounded by mature hedgerows on all sides with a close boarded fence inside the hedgerow. The site lies at a higher level than the A420.

1.2 There is an existing site access located in close proximity to the junction of Highworth Road and the A420 which has been upgraded from a simple field entrance. The site contains areas of hardstanding including an access track which relates to the a previously unauthorised use of the site as a traveller's site, however there are currently no buildings or caravans on the site.

1.3 There are no existing residential properties in close proximity to the site.

1.4 A previous application for exactly the same development and submitted by the same applicant was refused in June 2011 and subsequently dismissed on appeal in August 2011 solely on highway safety grounds.

1.5 The application comes to committee as Watchfield Parish Council objects.

2.0 PROPOSAL

2.1 The application seeks full planning permission for the change of use of the site to a residential caravan site for eight gypsy families with a total of 16 caravans. In addition, the proposal includes a utility/day room on each pitch to provide washing and cooking facilities accommodated within single storey buildings each measuring 6.5 metres by 3.4 metres.

2.2 The pitches would be located about half way along the site, arranged and contained by close boarded fencing to the sides and post and rail fencing to the front of each pitch.

2.3 The application proposes to relocate the site access away from the A420 junction about half way along the Highworth Road site frontage. This would result in the removal of a

small section of hedgerow. The existing site access would be reduced in size and retained as a pedestrian access.

2.4 The application includes the installation of a new footway linking the pedestrian site access with a proposed new pedestrian crossing island within the A420 which would then link to another footway connecting to the village footpath network.

2.5 Foul drainage is proposed through an on-site treatment plant and not via mains drainage.

2.6 The application is partly retrospective as some areas of hardstanding have already been laid on the site and some lighting columns have been installed.

2.7 Extracts from the application drawings are **attached** at appendix 1.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 Watchfield Parish Council objects. Their full response is **attached** at appendix 2.

3.2 Longcot Parish Council objects. The site is outside the built-up area of Watchfield on a greenfield site. There is no information regarding drainage. The proposal would put pressure on local services and facilities. The A420 is extremely busy and the proposed crossing would be dangerous.

3.3 One of the local members, Elaine Ware, has raised a number of concerns and her full comments are **attached** at appendix 3.

3.4 County Highways Engineer – The proposed new site access is considered acceptable subject to conditions. Initial concerns raised regarding the safety of the proposed pedestrian crossing and a safety audit requested. Findings of the safety audit accepted subject to the finer detail of the proposed crossing and lighting details. Initially required the lighting details prior to determination of the application but now accept that these can be secured by condition providing the site cannot be occupied without the lighting in place. The condition should ensure that if the lighting cannot be secured then the development cannot proceed. Conditions recommended relating to provision of lighting and crossing prior to occupation, visibility splays, access and parking in accordance with the submitted plan, closure of the existing access and drainage details.

3.5 Council Planning Policy Team – The updated gypsy and traveller needs assessment is still in progress, however the draft figures indicate that there is a need for 13 additional pitches across the plan period to 2029. Permitting this site would enable us to demonstrate a five year supply of housing for traveller sites as required by the NPPF.

3.6 Council Drainage Engineer – No objections subject to conditions.

3.7 Waste Management team – recommend a waste collection point is provided by the site entrance.

3.8 Council Landscape Officer – Additional information required regarding proposed planting – this should be required by condition.

3.9 47 Letters of objection have been received from local residents and local organisations, including from three consultants on behalf of residents, raising the following concerns:

- The site is outside the built-up area of the village.
- The vehicular access is too close to the junction with the A420 and, therefore,

will be unsafe.

- The proposed pedestrian crossing across the A420 will be dangerous.
- The local school has insufficient capacity for additional children.
- The road is extremely fast and busy and the proposal will be unsafe.
- Animals and children could stray onto the main road causing a safety hazard.
- The proposed occupants would be segregated from the village by the road and fencing around the site.
- Light from the development would have a harmful impact on character of the area.
- The site's drainage could result in pollution to the local area.
- The proposal would have a harmful impact on the rural character of the area.
- There is no current need for traveller accommodation in the District.
- The village already has too much new housing and additional accommodation would put a drain on resources.
- The development was implemented illegally without consent.
- The proximity of the A420 would result in significant noise and pollution to future residents of the site.
- The site is too close to the Watchfield wind turbines.
- The proposal will lead to additional development on the far side of the A420.
- No business use should be permitted on the site.

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P10/V0653](#) - Refused (10/06/2010) - Dismissed on appeal (09/08/2011)

Change of use of land to use as a residential caravan site for eight gypsy families with a total of 16 caravans, including laying of hardstanding and installation of sewage treatment plant. A copy of the appeal decision is **attached** at appendix 4.

4.2 [P09/V0131](#) - Refused (30/03/2009) - Dismissed on appeal (22/09/2009)

Demolition of two sheds/shelters. Construction of new access (off B4508). Construction of cold store/feed/seed/livestock barn. Construction of equipment barn. Erection of four poly-tunnels. Construction of car parking area/pedestrian walkway and construction of extension to access track.

4.3 Enforcement action was taken in 2010 against the unauthorised works that were carried out and the stationing of caravans on the site. A High Court injunction resulted in the removal of the caravans and the occupants vacating the site. No further action has been taken against the remaining works given the previous planning application and appeal and this current application.

5.0 **POLICY & GUIDANCE**

5.1 *Vale of White Horse Local Plan 2011*

Policy H22 refers to proposals for caravan sites for gypsies and enables provision on sites which would not normally be considered acceptable for housing development. However, proposals are subject to a number of criteria which include;

- i) That there is an established need which cannot be met in any other way.
- ii) That the site will be provided with electricity, drinking water, sewage and waste disposal facilities.
- iii) That the development will be well screened and will not harm the landscape, especially in areas of outstanding natural beauty and areas of high landscape value.
- iv) That the development will not harm sites of nature conservation or historic or archaeological importance, including conservation areas and listed buildings and their setting.

- v) The site is not in the green belt; and
- vi) The proposal will not have a detrimental effect on the character of the area or the amenities of people in neighbouring properties.

The site is within the designated Lowland Vale as defined on the adopted local plan proposals map. This area is designated for the contribution it makes to long distance views from higher land and valued for its character of open fields, farms and villages.

Policy NE9 seeks to resist development which would have an adverse impact on the landscape of the Lowland Vale, particularly on the long open views across the area.

Policy DC1 refers to the design of new development including its layout, scale mass, and materials and seeks to ensure that it does not adversely affect those attributes that make a positive contribution to character of the locality.

Policy DC5 requires development to have safe and convenient access from the adjoining highway network for all modes of transport.

Policy DC9 refers to the impact of development on the residential amenity of neighbouring properties.

These policies are considered consistent with the National Planning Policy Framework and the government's policy for gypsy and traveller sites.

5.2 *National Planning Policy Framework (NPPF)*

At the heart of the NPPF is a presumption in favour of sustainable development (paragraphs 14 and 49). Paragraphs 34 and 37 encourage minimised journey lengths to work, shopping, leisure and education, and paragraphs 57, 60 and 61 seek to promote local distinctiveness and integrate development into the natural, built and historic environment.

Paragraph 50 requires local planning authorities to deliver a wide choice of homes and create sustainable, inclusive and mixed communities. Paragraph 159 requires councils to have a clear understanding of the housing needs in their area and that within the plan period they should address the needs for all types of housing including the needs of different groups in the community. This paragraph refers to the planning policy for gypsy and traveller's accommodation in meeting all types of need.

5.3 *Planning Policy for Traveller Sites (PPTS)*

This government policy was adopted in March 2012 at the same time as the NPPF and deals specifically with traveller accommodation. It supersedes Circular 01/2006.

The policy advises that it should be read in conjunction with the NPPF and that the overarching aim is to ensure fair and equal treatment for travellers that facilitates their traditional way of life (paragraph 1 and 3).

Paragraph 9 requires planning authorities to identify a supply of specific deliverable sites sufficient for five years. Where this cannot be demonstrated, this should form a significant material consideration in any planning decision when considering applications for temporary planning permission (paragraph 25). Paragraph 28 allows a 12 month period from the date of adoption of the policy (March 2012) to enable local planning authorities to comply with the five year supply requirement. It should be noted that the Vale will not have a five year supply of traveller sites in place by March 2013 so the policy set out in paragraph 25 applies.

Paragraph 11 requires sites to be sustainable economically, socially and environmentally, and the scale of sites in rural or semi-rural locations should not dominate the nearest settled community (paragraph 12).

Policy H refers to determining planning applications for traveller's sites and states that they should be assessed in accordance with the presumption in favour of sustainable development. Relevant considerations include the existing level of provision and need for sites, the circumstances of the applicant, and that proposals should be considered for any traveller and not just those with local connections.

Site specific considerations include the promotion of integrating with the local community, access to health and education services, providing a settled base, consideration of the environmental quality of the site, avoid placing undue pressure on local services and facilities, and sites should not be in areas liable to flooding (paragraph 11).

6.0 PLANNING CONSIDERATIONS

- 6.1 This proposal has already been the subject of a previous planning application which was refused and subsequently dismissed on appeal in August 2011. A copy of the appeal decision is **attached** at appendix 4. Whilst the planning application was refused by the council on a number of grounds, the appeal was dismissed on only one ground, relating to the highway safety of pedestrians crossing the A420 to access the nearby services and facilities in Watchfield.
- 6.2 Since the appeal decision there have been no material changes on the site, however in policy terms circular 01/2006 has been superseded by the NPPF and the Planning Policy for Travellers Sites (PPTS). Current saved policies in the local plan are considered consistent with this updated government policy. In terms of the inspector's findings, current government policy is not considered significantly different from the previous policy, therefore the inspector's decision is still a significant material consideration which needs to be afforded considerable weight.
- 6.3 In summary, the appeal inspector concluded that the proposal would have an acceptable impact on the local landscape and the character and appearance of the area (paragraph 24), and that there would be no adverse effect on the long open views across the Lowland Vale in relation to policy NE9 (paragraph 25). The site's characteristics have not changed since the appeal decision, and it should be noted that the council had to pay the appellant's costs on this issue.
- 6.4 In terms of need, at the time of the appeal the inspector stated that there was "a clear and immediate need" for more gypsy sites in the area and that no alternatives were currently available. The application at that time would have made up the shortfall and would have contributed to the required supply of housing land (paragraph 31). There is still a requirement for a five year supply of gypsy accommodation set out in the new PPTS, and the updated traveller needs assessment has identified a draft figure of 13 additional pitches. There have been no other applications for gypsy accommodation since the appeal and, therefore, it seems reasonable to conclude that there is still "a clear and immediate need". Current government policy requires councils to consider at least a temporary permission where there is no five year supply of traveller sites and there is no prospect of a five year supply being in place by March 2013 (12 months from the policy's publication).
- 6.5 In terms of location, the inspector acknowledged the site was close to the facilities of Watchfield and Shrivenham, would not be out of scale with the settled community, there are no dwellings close to the site which would be affected by noise and disturbance,

and that the site is not at risk of flooding. Any concerns about the drainage proposals could be addressed by condition (paragraphs 36 – 38). These factors have not changed since the appeal decision.

- 6.6 In concluding, the inspector stated that there are significant factors in favour of the appeal proposal. Your officers consider that these factors have not changed since the appeal decision, and that the proposal complies with the updated government policy in these respects. Therefore, your officers consider that only the issue of highway safety needs to be considered further in relation to this current proposal.
- 6.7 The inspector concluded that the above weighty factors in favour of the proposal did not override the significant highway safety objections to the proposal in relation to pedestrian safety (paragraph 40).
- 6.8 The site is located to the north-west of Watchfield, on the far side of the A420 which separates the site from the village. Whilst there is a pedestrian link through to the village used by dog walkers there is no formal footway or crossing over the A420. Whilst villagers use this route by choice for recreation, occupants of the proposed site would have to cross the road to access the village facilities on foot. Currently this is dangerous given the lack of footways on both sides of the road, the lack of a pedestrian refuge, and no lighting. The inspector noted that pedestrians waiting in the existing ghost island within the centre of the road would be vulnerable without protection from bollards, railings or kerbs (paragraph 16).
- 6.9 In seeking to address this concern the current proposal includes a pedestrian refuge with bollards, lighting and footpath links from the site to the existing pedestrian route through to Watchfield High Street, thereby enabling a safer crossing point for occupants of the site and easier access to services and facilities. This would also enable greater integration with the existing community, which is one of the aims of government policy.
- 6.10 The County Engineer initially requested further details of the proposal and a safety audit of the crossing in recognition of the extremely busy and fast nature of the road. The safety audit concluded that the principle of the proposed crossing was acceptable subject to further details and on the basis that it would include lighting. The County Engineer subsequently accepted the principle of the crossing subject to lighting details being submitted prior to determination of the application. Further discussions have taken place with the applicant and the County Engineer now raises no objections in principle to the crossing subject to a condition requiring the details of the lighting to be submitted and approved. The condition must ensure that the development cannot be occupied until the required lighting is in place.
- 6.11 Whilst the A420 is an extremely busy and fast road and even with the proposed pedestrian refuge there is likely to be some element of risk to pedestrians, the County Engineer now raises no objections to the proposal subject to conditions. Therefore, refusing planning permission on highway safety grounds could not be justified. On balance, therefore, and taking into consideration all other factors, it is considered that the proposal is acceptable.
- 6.12 There are no objections to the proposed new site access and the inspector accepted this part of the appeal proposal subject to conditions requiring the provision of visibility splays.
- 6.13 Concerns raised by local residents and the parish council include the impact of noise from the A420 and nearby wind turbines on future occupants of the site. The previous proposal included a consultation with the council's environmental health service, who

raised no objections on this issue, therefore it was not raised during the appeal. Other than the issue of pedestrian access to services and facilities, the appeal inspector considered the site suitable for the proposed development.

- 6.14 Other concerns relate to the capacity of the local school and other services and facilities. Large scale residential developments include a requirement for section 106 contributions to local services and facilities to mitigate the impact of additional residents on local services and facilities. This proposal for eight gypsy pitches is equivalent to eight dwellings. This is not a scale of development where it would be reasonable to require a financial contribution towards local facilities given its limited impact. There are no policies in place to justify requiring financial contributions on a development of this scale.
- 6.15 Conditions are recommended to include all of the highways matters, landscaping and boundary details, lighting within the site, a limit on the number of caravans on the site, prevention of business uses on the site, details of bin storage, and drainage.
- 6.16 If committee has concerns regarding a permanent permission on this site, a temporary permission of five years should be considered in order to allow time for the local plan process to identify if there are other more suitable sites to meet the required five year supply of pitches. This proposal would meet the current shortfall in the short term.

7.0 **CONCLUSION**

- 7.1 The previous appeal for the same development was dismissed on only one ground relating to pedestrian safety, with all other matters being considered acceptable. The proposed pedestrian crossing over the A420 is considered by the County Engineer to meet the concerns of the appeal inspector, subject to conditions. The site is well screened and the proposed development can be accommodated without having a harmful impact on the character of the area, the amenity of residential properties, drainage, or highway safety. There is an immediate need for additional traveller pitches and the proposal would help to meet this need. The site is located in close proximity to Watchfield and its associated services and facilities and the proposal is considered sustainable within the terms of the NPPF and the PPTS, in addition to complying with the relevant policies of the adopted local plan.

8.0 **RECOMMENDATION**

It is recommended that planning permission is granted subject to the following conditions:

- 1. TL1 – Time limit**
- 2. List of approved plan numbers**
- 3. Day room material details.**
- 4. Notwithstanding the current boundary treatment on the site and that shown on the submitted plans, full details of appropriate boundary treatment around each pitch and around the site perimeter of the site shall be submitted to and approved in writing by the local planning authority. The approved boundary treatment shall be in place prior to the occupation of the development.**
- 5. The development hereby permitted shall be lit by low level bollard lighting only, full details of which shall first be submitted to and approved in writing by the local planning authority.**

6. **LS1 – Landscaping scheme (submission)**
7. **LS2 – Landscaping scheme (implementation)**
8. **The site shall not be occupied by any persons other than gypsies and travellers as defined in paragraph 1 of Annex 1 of Planning Policy for Traveller Sites.**
9. **No more than 16 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 8 shall be a static caravan) shall be stationed on the site at any time. There shall be no more than 8 pitches on the site and on each of the 8 pitches hereby approved no more than two caravans shall be stationed at any time, of which only one caravans shall be a static caravan.**
10. **Access in accordance with the approved plan.**
11. **Submission of visibility splays at new access.**
12. **Existing access to be permanently stopped up other than for pedestrian use – details to be submitted.**
13. **Submission of drainage details (foul and surface)**
14. **Full details of the proposed pedestrian crossing – to be provided prior to occupation.**
15. **The site shall not be occupied until the installation of street lighting in accordance with details to be submitted and approved by the local planning authority.**
16. **Submission of bin storage details.**
17. **Contaminated land survey.**
18. **The site shall not be used for business purposes or for the storage of material in relation to any business use.**

Author: Laura Hudson
Contact number: 01235 540508
Email: laura.hudson@southandvale.gov.uk