

CLYST VALLEY
Farringdon

07/1986/FUL

Target Date: 11.09.2007

Applicant:

Mr T Mahon

Location:

2 Princes Paddock, Farringdon

Proposal:

Retention of 2 no. small touring caravans, and erection of temporary day room and storage shed

CONSULTATIONS

County Highway Authority

The Director of the Environment, Economy and Culture on behalf of the Devon County Council as Local Highway Authority has no objection to the proposed development.

Gypsy Liaison Officer (Devon County Council)

No comments received for the current application but previous support offered for this site.

TOWN/PARISH COUNCIL

The applicant Mr T Mahon was awarded permission on appeal ref APP/U1105/A/05/1184995 by the planning inspectorate on his previous application.

The first condition of the approval stated:

"No more than 2 mobile homes and two touring caravans as defined by section 29(1) of the Caravan Sites and Control of Development Act 1969 shall at any time be stationed on the land"
The fifth condition of his approval stated: "No business or commercial activity shall take place on the land".

The current application seeks to obtain approval for a further two touring caravans together with a day room and storage shed. As you are aware the two touring caravans are already sited on the land and that the application call for their retention. These are totally unacceptable in the light of the condition as noted above. With regard to the erection of a day room, this was the subject of a previous application which was refused by EDDC and should be refused yet again for the same reasons. The storage sheds for storage tools and equipment would be contrary to the condition as noted above relating to business.

In conclusion Farringdon Parish Council urges EDDC to refuse this current application forthwith.

WARD MEMBER(S)

The initial comments of the Ward Member(s) are -

Councillor Peachey

Suggested Action: Object to the application

The applicant is aware that the permission he enjoys on this site is of a temporary nature obtained by appeal.

The basic principles for the original refusal have not changed, and the Authority should not change its policy.

It is however important that the position regarding traveller sites is resolved quickly.

In the event that this application comes to Committee I would reserve my position until I am in full possession of all the relevant facts and arguments for and against.

REPRESENTATIONS

Objections

1 letter has been received raising the following points:

- Noise, uncontrolled dogs and an extended family exist as previously noted
- The touring caravans are in a dilapidated state and close to neighbouring residential boundaries

Support

No letters have been received

RELEVANT PLANNING HISTORY

App.No:	Proposal	Decision	Date
06/2508/FUL	Erection of utility/store building & retention of two touring caravans	Refused	07.02.07.
06/0777/FUL	Application for one mobile home and 4 touring caravans	Approved	02.03.07.
05/0258/FUL	Siting on land of two mobile homes and two caravans for gypsy family including the creation of a new access	Refused	30.03.05.
00/P0586	New vehicular access	Refused	25.05.00.
98/P1605	Gateway in hedge	Refused	21.12.98.
96/P1235	Use of land for siting of mobile home	Approved	16.10.96.
96/P1043	New vehicular access	Refused	22.08.96.

PLANNING POLICIES

Government Guidance

PPS1 – Delivering Sustainable development
Circular 01/06 – Planning for Gypsy and Traveller Caravan Sites

Devon Country Structure Plan (2001-2016)

Policy ST1 - Sustainable development
Policy ST5 - Development Strategy

East Devon Local Plan (1995-2011)

Policy S4 - Countryside Protection

Policy D1 - Design and Local Distinctiveness

Policy H11 - Sites for gypsies

SITE LOCATION AND DESCRIPTION

2 Princes Paddock is an area of land that was formed by dividing a field on the edge of the village of Farringdon. The site is formed by gently rising grassed land that is surrounded by hedges and a few trees. Access is taken from the village road itself off the main A3052 Sidmouth to Exeter Road.

Permission was previously sought for the retention of two mobile homes and two caravans for a gypsy family in 2005. While this application was refused a subsequent appeal was successful and the Inspector allowed the retention of the family on site. This was largely on the basis of need and the lack of any authorised sites within the area. In allowing the appeal however the Inspector recognised that situations evolve and allowed only a temporary permission such that the sites use can be reviewed.

An application in 2006 sought permission to provide further facilities for the family in terms of the retention of two additional touring caravans and the erection of a day room and storage facility. The day room and storage facility were to be of brick construction and the application was refused for the following reasons:

“Without sufficient supporting information, the amount of additional accommodation and facilities that are sought, are considered to represent an unacceptable level of development within an area that is designated as open countryside, harming its character and appearance. The application is therefore considered contrary to the aims of national guidance (PPS1), Policy S4 (Countryside Protection) and Policy H11 (Sites for Gypsies) of the adopted East Devon Local Plan 1995-2011.”

“The proposed utility store, by reason of its size and in particular, degree of permanence, is considered contrary to planning policy as it represents a structure permanently attached to the land which with the exception of a temporary permission for use as a gypsy site, is in an area designated as open countryside. In accordance with advice in Circular 11/95 and irrespective of the store’s size, it would be unreasonable to grant permission for such a structure while requiring by condition its removal in less than 2 years. In this instance the application is therefore considered contrary to the aims of countryside protection embodied within PPS1 (The Planning System General Principles) (Delivering Sustainable Development), PPS7, (Sustainable Development in Rural Areas), and Policies S4 (Countryside Protection) and H11 (Sites for gypsies) of the adopted East Devon Local Plan 1995-2011.”

PROPOSED DEVELOPMENT

The current application acts as a resubmission of the previously refused 2006 scheme. The applicants now seek

The retention of two additional touring caravans

The erection of a timber clad sectional day room that would measure 9.2m x 4.3m – this would contain kitchen dining and living facilities together with a bathroom

The erection of a timber clad storage building for tools and garden equipment

CONSIDERATIONS AND ASSESSMENT

As with the previous application, the main issues remain the same namely the relationship that the works have with the existing permitted gypsy site, the degree of permanency of the structures, and the impact on the character and appearance of the open countryside.

While the permission that was allowed by an Appeal Inspector earlier this year limited it to four units, this was because this amount of accommodation was appropriate to the residential needs of the single family. The Inspector made that permission both temporary and personal ie only for the named gypsy family making the application. It appears that at the time little consideration was made of the associated paraphernalia which is part and parcel of their society, ability to host guests and visitors, outside storage and sufficient separate washing and day facilities. It is noted that the permitted family do currently fully utilise their existing facilities including an unauthorised timber catering van. It is therefore proposed within the current application that additional facilities are brought onto/retained on site. Given that the arguments regarding the appropriateness of the site for occupation (albeit temporary) has already been determined by an Inspector, it is therefore considered that some form of facility may be acceptable. However the applicant has applied for both the retention of an addition two touring caravans and the construction of two timber clad buildings. .

Utility Building

Although the utility building that is sought would have a fixed concrete base currently used for the main static caravan (that itself would be moved to the rear of the site) the materials and form of construction is less permanent than previously sought. The materials and form of additional accommodation that is sought mean that when the temporary permission for the site's use expires, this facility could be removed from the site relatively easily. It is the applicants intention to undertake such removal upon expiry of his temporary permission if he fails to secure a further period of time at the current site. In this regard, it has been stated that day rooms are an established part of the Gypsy culture and with the previous acceptance of this by the Gypsy Liaison Officer, it is therefore considered that the identified need for this facility, together with its temporary nature of construction and improved materials, helps to ensure that it complies with relevant policy.

Storage Building

In terms of storage provision, the additional timber shed that is sought would be located within a discreet section of the plot and be used to store general equipment and provision for both the applicant and his children. It is recognised that concerns relating to business use have been raised particularly relating to the amount of storage that would be provided by this scheme. However, it is considered that the existing garden plot which has to be managed and maintained itself requires a large amount of maintenance and the proposed storage space would not be unreasonable given this situation. It is possible to condition any permission that the storage is ancillary to the site.

Additional Touring caravans

With regard to the two additional touring caravans, there are considered to be a modest increase in number, are both mobile and screened from the wider public views by the existing hedging thereby limiting their impact and are reasonably necessary for the gypsy travellers. These are also considered compatible with the single family that currently have a temporary permitted use of the site and no objections are therefore raised on this aspect of the proposal. The conclusion on this aspect accords with the report on the previous application, and therefore to introduce additional concerns at this stage on a revised application is also likely to be considered unreasonable.

CONCLUSIONS

Based on the evidence within National Guidance, the Human Rights Act and planning policy, the need for additional facilities is not disputed. The means of provision has been significantly improved from the previous scheme and with the ability to link the temporary erection of these structures to the existing temporary permission on site there are no objections to this scheme.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason – To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.)
2. The utility and storage buildings and the two additional touring caravans hereby permitted shall be removed and the site restored to its former condition on or before the 14 March 2009.
(Reason: The permission is only justified for a limited period because the site only benefits from a temporary permission for use as a gypsy site, without which the current site represents open countryside.)
3. The storage shed and utility building hereby permitted shall be constructed in accordance with supporting statement submitted with the application. This shall include the timber cladding of these buildings and their construction in sections to allow easy removal.
(Reason: The permission is only for a temporary period and it would be unreasonable to allow a more permanent structure to be added to the site.)
4. The additional facilities hereby permitted shall be used for ancillary residential purposes only and not for any trade business or commercial enterprise.
(Reason - The site is located within the open countryside where development must be strictly controlled.)

Reasons for approval

1. The additional facilities are reasonably required for the culture of the applicant and are suitably temporary in nature to allow their removal upon expiry of their existing temporary permission.

Approved plans

Insert plan numbers

List of Background Papers

Application file, consultations and policy documents referred to in the report.