

Item No 03:-

17/03441/FUL

**Hillside View
Hartley Lane
Seven Springs
Gloucestershire**

Item No 03:-

The use of land for the stationing of caravans for residential purposes for 1 no. gypsy pitch together with the formation of additional hard standing and utility/dayrooms ancillary to that use. Formation of a dayroom for an existing gypsy pitch at Hillside View Hartley Lane Seven Springs Gloucestershire

Full Application 17/03441/FUL	
Applicant:	Green Planning Studio
Agent:	Green Planning Studio Ltd
Case Officer:	Andrew Moody
Ward Member(s):	Councillor Nicholas Parsons
Committee Date:	13th December 2017
RECOMMENDATION:	REFUSE

This application was deferred at the November meeting of this Committee to allow the 'Gypsy and Traveller Identification of Potential Sites for Cotswold District' to be made available prior to its determination.

The report is the same as included on the November agenda except for the sections in bold type.

Main Issues:

- (a) Principle of development in this location
- (b) The need for Gypsy / Traveller sites
- (c) The visual and landscape impact of the proposal
- (d) Highway safety
- (e) Proposed dayroom

Reasons for Referral:

The application is brought to Committee by Officers to allow the proposal to be debated in public due to the planning history of the site.

1. Site Description:

The application site comprises an area of land on the eastern side of Hartley Lane, north of the roundabout junction with the A435 Cirencester Road.

The application site consists of an access track leading from Hartley Lane and an area of hardstanding which currently accommodates a stable building and caravan, following the granting of a 3-year temporary planning permission on appeal following the refusal of planning application 12/04857/FUL, which subsequently became a permanent site following the removal of conditions 2 and 3 of the appeal decision (16/02140/FUL) in August 2016. To the west of the existing pitch, the land is grassed and surrounded by hedgerow.

The site is located within an Area of Outstanding Natural Beauty, and is bounded to the west by Hartley Lane and to the east by a tree belt, beyond which is the A435, Cirencester Road. Immediately to the south is a manege associated with the equestrian facilities at Windmill Farm. To the north are two further Gypsy / Traveller pitches that are also subject to a 3-year temporary planning permission.

2. Relevant Planning History:

11/03641/FUL: Change of use of field to equestrian and proposed construction of new access road and stables. Granted 18.10.2011

12/04857/FUL: Formation of residential caravan site for one gypsy family with two caravans, including one static caravan/mobile home on existing equestrian site to create mixed use site. Refused 18.12.2012; appeal allowed 07.08.2013

16/02140/FUL: Removal of Conditions 2 (temporary use and occupancy) and 3 (restoration of site) of planning permission 12/04857/FUL to allow permanent retention of the site. Granted 11.08.2016

3. Planning Policies:

NPPF National Planning Policy Framework
 LPR05 Pollution and Safety
 LPR10 Trees, Woodlands and Hedgerows
 LPR19 Develop outside Development Boundaries
 LPR23 Sites for Gypsy Travellers
 LPR38 Accessibility to & within New Develop
 LPR39 Parking Provision
 LPR42 Cotswold Design Code

4. Observations of Consultees:

Landscape Officer: Recommend refusal, comments incorporated into this report

Highway Authority: No objection

5. View of Town/Parish Council:

Coberley Parish Council: Objection. Full comments attached as an appendix to this report.

6. Other Representations:

40 representations objecting to the development have been received. The main points raised are as follows: -

- Impact upon the character of the AONB
- Such development has no place in this area which is visited by locals and visitors using the adjacent Cotswold Way
- An Inspector considered the site for the additional pitch to be unsuitable at a previous appeal
- There are other more suitable sites for such development
- Any decision should be postponed until after the public examination of the Draft Local Plan
- Precedent for encroachment into the AONB
- The Council can demonstrate a 5-year supply of Gypsy and Traveller sites
- No statement provided to confirm the occupants meet the definition of persons having a nomadic existence under Planning Policy for Travellers Sites 2015

7. Applicant's Supporting Information:

Plans

8. Officer's Assessment:

(a) The Principle of Development

The site is currently in use as a caravan site for one Gypsy family, with a temporary planning permission having been allowed on appeal on 7th August 2013. The Inspector determining the appeal imposed conditions to limit the use to a 3-year period, with the site to be occupied by the applicant and his wife and their resident dependents (condition 2), whilst also requiring the site to be restored back to its original state following the cessation of the use (condition 3).

A subsequent planning application to remove conditions 2 and 3 (16/02140/FUL), was granted in August 2016, and this site is therefore now permanent.

With regard to planning policy, paragraph 115 of the NPPF states: "Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads."

The Planning Policy for Traveller Sites (PPTS) was revised in August 2015 and sets out the Government's policy for Traveller sites, replacing the previous version from March 2012. It makes clear that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. This policy must be taken into account in the preparation of development plans, and is a material consideration in planning decisions.

With regard to Annex 1 to the PPTS, this provides a revised definition as to 'Gypsies and Travellers', as set out below:-

1. For the purposes of this planning policy "gypsies and travellers" means:

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.

2. In determining whether persons are "gypsies and travellers" for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:

- a) whether they previously led a nomadic habit of life
- b) the reasons for ceasing their nomadic habit of life
- c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.

3. For the purposes of this planning policy, "travelling showpeople" means:

Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family's or dependants' more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers as defined above.

4. For the purposes of this planning policy, "travellers" means "gypsies and travellers" and "travelling showpeople" as defined above.

5. For the purposes of this planning policy, "pitch" means a pitch on a "gypsy and traveller" site and "plot" means a pitch on a "travelling showpeople" site (often called a "yard"). This terminology differentiates between residential pitches for "gypsies and travellers" and mixed-use plots for "travelling showpeople", which may / will need to incorporate space or to be split to allow for the storage of equipment.

The key change that was made to both definitions was the removal of the term persons who have ceased to travel permanently, meaning that those who have ceased to travel permanently will not now fall under the planning definition of a Traveller for the purposes of assessing accommodation need in a Gypsy and Traveller Accommodation Assessment (GTAA).

Policy 23: Sites for Gypsy Travellers, of the Cotswold District Local Plan states that sites for Gypsies and Travellers will be permitted where there is a proven need, and only when all the following criteria are met:

- a) there is adequate access for slow moving vehicles towing caravans, and no harmful impact on the local highway network
- b) the site is within a reasonable distance of community services and facilities
- c) the site has the potential to provide facilities appropriate for the nature of the use proposed; and
- d) the use of the site would not cause significant harm to neighbouring businesses, agricultural activities or settlements

Policy 19: Development Outside Development Boundaries, states that development appropriate to a rural area will be permitted provided that the proposal relates well to existing development; meets the criteria set out in other relevant policies and would not result in new build open market housing, cause harm to existing patterns of development, lead to a material increase in car-bourne commuting, adversely affect the vitality and viability of settlements and result in development that significantly compromises the principles of sustainable development.

Policy H7: Gypsy, Traveller and Travelling Show People Sites of the emerging Cotswold District Local Plan (2011 - 2031) states that existing authorised sites will be safeguarded provided there remains a need for these uses, whilst part 2 of the policy identifies locations as preferred sites for accommodating the future needs of gypsies and travellers.

The 'Gypsy and Traveller Identification of Potential Sites for Cotswold District' has now been published. The relevant extract from Appendix 3 for this site is included as an Appendix to this report.

This concludes that the due to the previous appeal decision, and the harm identified to the AONB by the Inspector, there is considered to be no potential to expand beyond the existing pitch at the site.

(b) The need for Gypsy / Traveller sites

The relevant local and national policies in relation to Gypsy and Traveller sites make it clear that need is a material consideration in determining applications. As such it is initially necessary to consider what provision has been made, and whether there is a proven need for Gypsy and Traveller accommodation.

In order to provide an up-to-date assessment of need, Cotswold District Council has worked with the other local authorities in Gloucestershire HMA (the housing market area) to produce a Gypsy and Traveller Accommodation Assessment (GTAA), which was published in March 2017. This replaces the Gloucestershire Gypsy, Traveller and Travelling Showpeople Accommodation Assessment October 2013, (GGTTSAA), which had identified a need for the Cotswold District of an additional 26 permanent pitches.

However, bearing in mind the revised Gypsy and Traveller definition referred to above within the PPTS, in addition to updated survey work, there is now stated to be a need for 3 additional pitches in the District that meet the planning definition, which are at the existing site at Shorncote, some 16 miles from the application site, and arises due to a specific overcrowding issue upon an existing pitch.. There is also a need for up to 11 additional pitches for households that may meet the definition, and a need for 13 additional pitches for households that do not meet the definition.

The GTAA is a robust and comprehensive evidence-based assessment of the current and future accommodation needs for Gypsies and Travellers in the Gloucestershire HMA who meet the current planning definition of a Gypsy or Traveller. There were no Travelling Showpersons identified in Cotswold District.

The assessment used a combination of desk-based research, interviews and engagement with members of the travelling community living on all known sites. It also includes an estimate of need for those households who were not able to be interviewed and who may meet the current planning definition.

This, therefore, constitutes a significant reduction in the demand that was anticipated and as a consequence of this; the Local Planning Authority is to recommend to the Inspector that the sites at Hartley Lane, Coberley, are deallocated from Policy H7 as part of the ongoing Local Plan Inquiry.

It should also be noted that the application has been submitted with no supporting information as to the identity of any future occupants of the proposed additional pitch at this site, and it is therefore considered that this fails to address the requirement of the PPTS with regard to the definition at Annex 1.

(c) The visual and landscape impact of the proposal

The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way (CROW) Act 2000 states that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the AONB.

Paragraph 17 of the National Planning Policy Framework requires the planning system to recognise the intrinsic character and beauty of the countryside.

Section 11 of the National Planning Policy Framework requires us to have regard to the conservation and enhancement of the natural environment. Paragraph 109 states that the planning system should protect and enhance valued landscapes. Paragraph 115 states that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty.

Policy 42 states that development should be environmentally sustainable and designed in a manner that respects the character, appearance and local distinctiveness of the Cotswold District.

Policy 45 of the Local Plan states that high standards of appropriate landscaping should be required in all developments and any attractive, existing landscape features, such as trees, hedgerows and other wildlife habitats should be retained and integrated into all landscaping schemes.

The application site is located to the north-east of the village Coberley in the Cotswolds AONB. The site is sandwiched between two roads, Hartley Lane to the west and the A435 Cirencester Road to the east. The busy Seven Springs junction is located to the south of the site. A belt of mature woodland separates the site from the A435 and a mature hedgerow runs adjacent to Hartley Lane. The site itself occupies a small paddock area and adjoins an existing traveller site to the south.

The site is accessed from Hartley Lane, a narrow country road. There are a number of Public Rights of Way (PRoW) that cross the wider countryside and the Cotswolds Way which passes in the immediate vicinity of the site and follows Hartley Lane.

An application for the change of usage to a Traveller site was submitted in 2012 (12/04857/FUL) and was subject to four concurrent appeals following the refusal of planning permission and the issue of three Enforcement Notices. **The site for the proposed additional pitch includes land within the area subject to Appeals A, B and C, with the proposed mobile home, touring caravan and dayroom being shown within the area subject to Appeals A and B.**

Having regard to the Appeal decision appended to the report, Appeal A included included the site where a residential mobile home was sited, whilst Appeal B included land used for development comprising hard standing, a raised veranda and a building for purposes ancillary to the residential use.

At paragraph 10 of the appeal decision, the Inspector commented that: -

'Although... this is not a pristine, high quality part of the AONB, it is still attractive countryside that is only partially marred by the man made intrusions. In wider views other houses and farm buildings are visible, but these seem to be a natural part of the landscape. By way of contrast the settlement on the site does not. It stands out as alien and intrusive. This may partly be because it is new, but the mobile home and its domestic appurtenances in particular appear brashly out of place as they intrude into the paddock area, away from the stable building. They have a somewhat temporary and ramshackle feel. It would be wrong to add further harmful structures to this part of the AONB that is already suffering from a poorly designed road system.'

Paragraph 11 continues to state:-

'In my view, therefore, the harm caused by the site as it stands, is considerable. It is highly, even with screening, and stands out in views across the valley.'

Appeal D, for the retention of the mobile home located to the east of the proposed additional pitch was allowed at appeal with a temporary 3 year condition, and as stated above this became permanent in August 2016.

The Cotswold Way runs along Hartley Lane, adjacent to the site. This is a long distance national trail and would be highly sensitive to visual change. While the hedgerow that runs alongside Hartley Lane provides some screening in the summer months, the lack of evergreen cover would leave the development exposed in views during the winter months. New planting is proposed to the eastern boundary, but this would take time to establish leaving the site exposed in the short to medium term. In terms of longer distance views, given the sites' position on elevated sloping ground there would also be views of the development from across the valley.

The site is located on the edge of character area 8C High Wold Valley: Upper Churn Valley as defined in the Landscape Strategy and Guidelines for the Cotswolds AONB. Within the guidelines it states that:-

"The High Wold Valleys are sensitive to developments that might interrupt the sense of seclusion within them and their rural, pastoral character. In addition, the confined landform and steep slopes within the valleys, together with many areas of nature conservation interest together form a further constraint to development".

While there are urbanising influences near to the site, such as the road network, it is considered that the site retains a primarily rural character and the woodland belt provides visual separation.

The sloping valley qualities and open pastoral farmland extended between woodland slopes are considered to be typical of the High Wold Dip Slope Valley landscape character type. These qualities make an important and pleasing contribution to the wider rural AONB landscape.

The Cotswold Conservation Board has identified "Isolated development" as a local force for change. Some of the potential implications include:-

- Upgrading of minor roads and lanes in areas of new development and introduction of suburbanising features such as gateways, kerbs and street lighting;
- Introduction of 'lit' elements to characteristically dark landscapes;

- Suburbanisation and domestication of the agricultural landscape by the introduction of gardens e.g. ornamental garden plants and boundary features, parking areas, lighting and conversion of tracks to manicured drives and ornamental gateways;
- Loss of green space between built up areas on the valley slopes that often provide a green backdrop to settlements in the valley;
- Appearance and proliferation of stables and 'white tape' field boundaries for horses and ponies; and
- Loss of tranquillity.

The proposal is to extend the existing traveller site northwards for the stationing of caravans for residential purposes for 1 no. gypsy pitch together with the formation of additional hard standing and utility/ dayrooms ancillary to that use.

As noted previously this site was previously dismissed at appeal. The Inspector noted in the appeal decision, dated 7th August 2013, that "the harm caused by the site as it stands, is considerable. It is highly visible, even with screening, and stands out in views across the valley" and described the vans as standing out as "alien and intrusive" and added that "it would be wrong to add further harmful structures to this part of the AONB that is already suffering from a poorly designed road system".

The impact of lighting spill is also a concern. The Cotswolds AONB is recognised for its characteristically dark skies. Within the Cotswolds AONB Management Plan 2008-13 it notes that:-

"Noise and activity arising from developments in the countryside can have an adverse effect on tranquil areas. Lighting can also have a widespread impact and needs careful consideration and design".

In conclusion, it is considered that the introduction of further structures, hard surfacing, parked vehicles, lighting and domestic paraphernalia would have a detrimental visual impact on the appearance and character of the AONB landscape, with the adjacent national trail, would be significant.

(d) Highway safety

Gloucestershire County Council raised no objection to planning application 12/04857/FUL with regard to the impact upon highway safety.

Any increase in traffic that may arise from the proposed additional pitch is not sufficiently significant to warrant the refusal of the application, and would not be considered to have a 'severe' impact having regard to paragraph 32 of the NPPF. Therefore, the proposal is also in accordance with Policy 38 of the Local Plan.

(e) Proposed dayroom

The application also proposes a dayroom for occupants of the existing pitch, who have been using a temporary facility in a modular building since occupying the site. What is proposed would be a timber clad building with reconstituted slate roof, located adjacent to the stable block at the site.

The building would have dimensions of 8m x 5m, and would include a dayroom, kitchen, wash room and bathroom. Considering that the use of this pitch is now permanent, there is no objection to this element of the proposal, which would not be considered to be harmful to the character of the landscape within the AONB given its proximity to the mobile home and stable block, and existing landscaping.

9. Conclusion

Whilst granting a 3-year temporary planning permission for the development of part of this site for a Gypsy / Traveller residential site, the Inspector considered that the general need for such accommodation within Cotswold District outweighed the identified harm to the AONB, which the NPPF makes clear should be attached 'great weight' in terms of preserving its natural beauty. However, an appeal with regard to that part of the site where the additional pitch is proposed was dismissed in view of the harm caused to landscape character.

When considering the reduced need for Gypsy and Traveller pitches identified in the GTAA published in March 2017, there is not considered to be any identified need for an additional pitch in this location, or any evidence provided as to who the future occupant(s) would be. **Furthermore, the 'Gypsy and Traveller Identification of Potential Sites for Cotswold District' states that there is no potential to expand the site beyond the existing pitch due to the identified landscape harm to the AONB.**

No objection is raised to the proposed dayroom for the existing pitch.

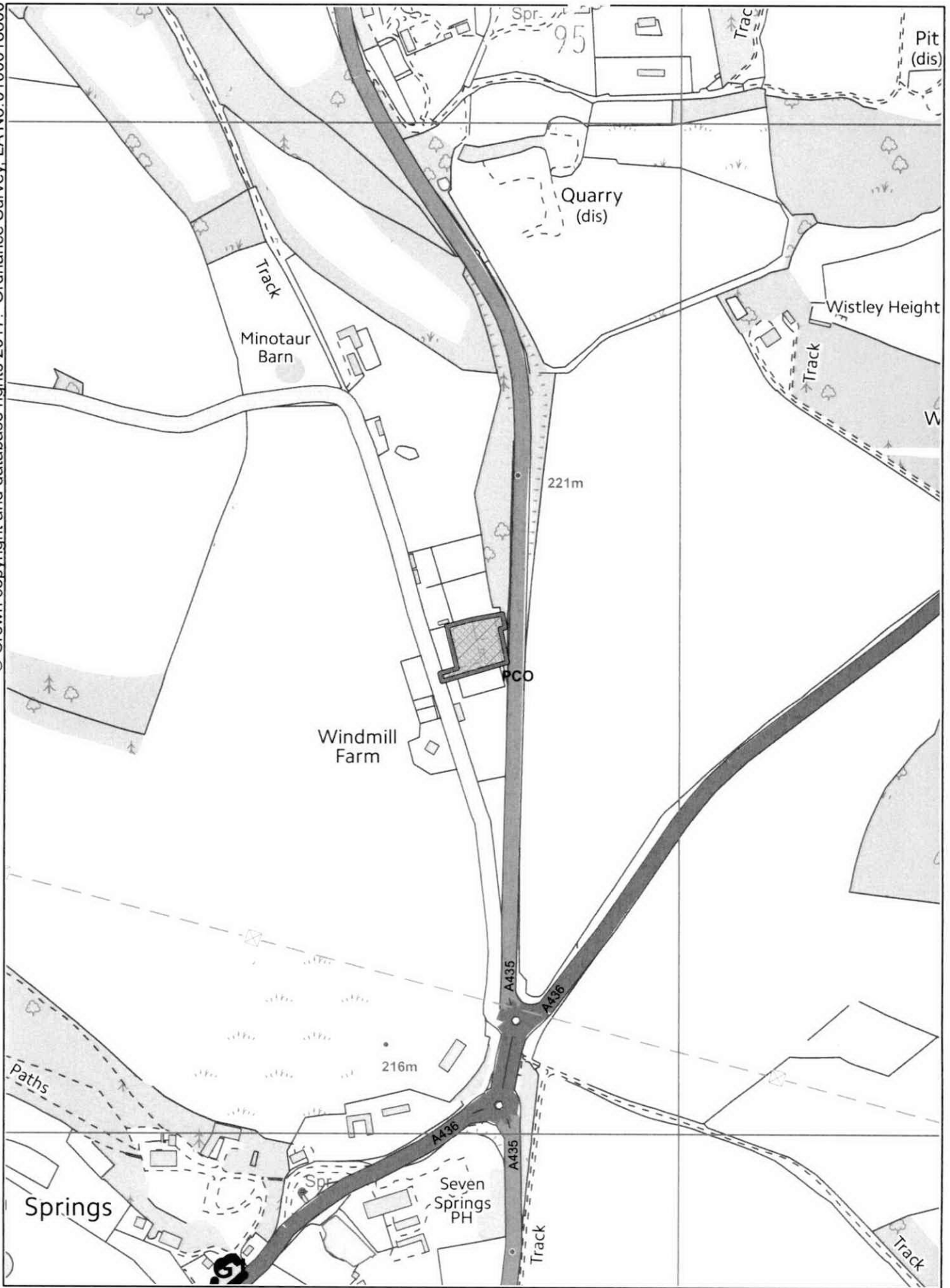
The recommendation is therefore for planning permission to be refused.

10. Reasons for Refusal:

The proposed additional Gypsy / Traveller pitch would be sited outside of any Development Boundary as identified by both the adopted and emerging Cotswold District Local Plan, and in an area where there is no need for additional Gypsy / Traveller provision having regard to the Gypsy and Traveller Accommodation Assessment (GTAA) published in March 2017, which only identifies a need for 3 additional pitches, elsewhere in the District.

No details have been provided as to the identity of the future occupant(s) of the proposed pitch, and it is therefore not proven that the pitch would be occupied by person(s) meeting the definition of a Gypsy / Traveller as set out in the Planning policy for traveller sites (PPTS) (DCLG August 2015). The application site is therefore considered to be unsuitable for an additional Gypsy / Traveller pitch, contrary to Cotswold District Local Plan Policy 23, and the content of the GTAA and PPTS.

The site forms part of attractive and predominantly undeveloped countryside located within the Cotswolds Area of Outstanding Natural Beauty (AONB) and outside of any settlement or recognised development boundary. The use of part of the land as a caravan site along with associated structures, equipment and domestic paraphernalia would result in an urbanising effect which is out of keeping with, and detrimental to, the rural landscape character and beauty of this part of the Cotswolds AONB. As such the proposal is contrary to Policies 19 and 23 of the Cotswold District Local Plan, paragraph 115 of the National Planning Policy Framework and advice contained in "Planning Policy for Traveller Sites" (DCLG, 2015).



HILLSIDE VIEW HARTLEY LANE SEVEN SPRINGS

Scale: 1:5000

Organisation: Cotswold District Council

Department:

Date: 26/10/2017



COTSWOLD
DISTRICT COUNCIL





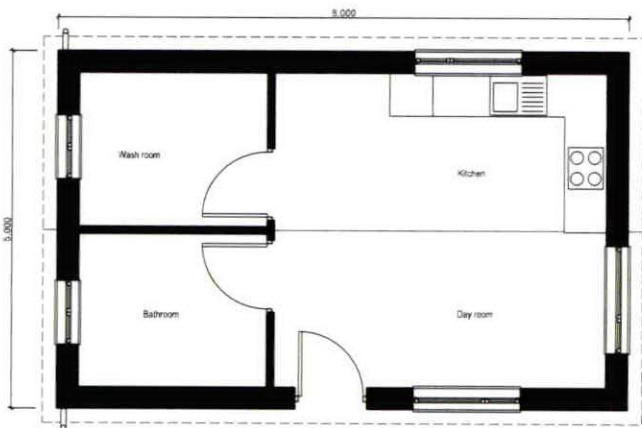
Scale

16762A_003/001/014

LEGEND

- Proposed public rooms
- Proposed utility room
- Proposed dining corridor
- Proposed house based on possible landscaping
- Residential gardens
- Grassed area
- Additional native hedge & tree planting
- Existing landscaping
- Existing hedge/grove
- Subsoil
- Proposed tree planting
- Existing trees
- Proposed foot drainage
- Existing buildings/structures
- Existing corridor
- Footprint path
- Proposed zone 1 & 2 and other zones

Rev.	Date	Description	Author
Client:			
Lee Williams			
Project title:			
Hillside View			
Drawing title:			
Proposed Site			
Scale @ A3:	Date of this issue:	Drawn:	
1:500	16/08/17	US	
Project No.:	Issue Status:		
16_762A_WILL2	Planning		
Drawing No.:	Revision:		
16_762A_003			
<small>16762A_003/001/014 16762A_003/001/014 16762A_003/001/014 16762A_003/001/014</small>			RIBA # <small>Chartered Practice</small>



1:50 Utility/Day Room - Indicative internal layout



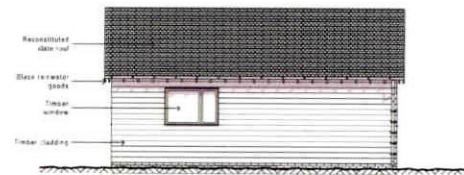
1:100 South Elevation



1:100 East Elevation



1:100 West Elevation



1:100 North Elevation

Notes	Client #Client Company		Scale 1:50, 1:100 @ A3	 GreenPlanningStudio Lynda Magin Business Partner GreenPlanningStudio Ltd 2017	
	Project Title Hillside View		Project 18_782A_WLL2		 RIBA Chartered Practice
	Drawing Title Utility/Day Room - Indicative Layout		Dwg. No. 18_782A_004		
	Rev	Date	Amendments		Author

Stanfords VectorMap



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Notes  Application Boundary  Ownership Boundary	Client: Lee Williams	Scale: 1:1250 @ A3	 GreenPlanningStudio Limited, Lumsdale Upton Magna Business Park Strimbsbury 974 477 t: 01743 709364 f: 01743 709385 w: www.greenplanning.co.uk e: applications@gpsltd.co.uk RIBA  Chartered Practice
	Project title: Hillside View	Project: 16_762A_WILL2	
	Drawing title: Location Plan	Drg. No: 16_762A_001	
Rev. Date Amendments	Author	<small>Green Planning Studio Ltd Directors: Matthew Green BA, Ruth Reed BA, Deborah BA, PSCare of Hillside PPRBA, Michael Rust BSc(Hons), BSc LL.M, Philip Lew FGS Reg No: 00877883</small>	



Appeal Decisions

Hearing held on 11 June 2013

Site visit made on 11 June 2013

by Simon Hand MA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 August 2013

Appeal A: APP/F1610/C/12/2190154

**Land adjacent to Cirencester Road, Seven Springs, Coberley,
Gloucestershire, GL53 9NF**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Lee Williams against an enforcement notice issued by Cotswold District Council.
 - The Council's reference is 12/00290/ENF.
 - The notice was issued on 15 November 2012.
 - The breach of planning control as alleged in the notice is without planning permission change of use of the Land from use for equestrian purposes to mixed use for equestrian purposes and a residential caravan site.
 - The requirements of the notice are (i) Stop using the Land for residential purposes; (ii) Permanently remove from the Land all caravans; (iii) Permanently remove from the Land all items of domestic paraphernalia; (iv) Permanently remove from the Land all other items not reasonably necessary for equestrian purposes; (v) Restore the Land to pasture
 - The period for compliance with the requirements is 3 months for each requirement.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the Town and Country Planning Act 1990 as amended.
-

Appeal B: APP/F1610/C/12/2190155

**Land adjacent to Cirencester Road, Seven Springs, Coberley,
Gloucestershire, GL53 9NF**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Lee Williams against an enforcement notice issued by Cotswold District Council.
 - The Council's reference is 12/00290/ENF.
 - The notice was issued on 15 November 2012.
 - The breach of planning control as alleged in the notice is without planning permission operational development comprising hard standing, a raised veranda and a building for purposes ancillary to an unauthorised residential use ("the Unauthorised Development").
 - The requirements of the notice are (i) permanently remove the unauthorised development from the land; (ii) restore the land to pasture.
 - The period for compliance with the requirements is 3 months for each requirement.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the Town and Country Planning Act 1990 as amended.
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Appeal C: APP/F1610/C/13/2191310

Land adjacent to Seven Springs, Harley Lane, Leckhampton Hill, Coberley, Gloucestershire, GL53 9NF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Lee Williams against an enforcement notice issued by Cotswold District Council.
 - The Council's reference is 12/00290/ENF.
 - The notice was issued on 27 December 2012.
 - The breach of planning control as alleged in the notice is without planning permission, change of use of the land from use for equestrian purposes to mixed use for equestrian purposes and use for the storage of a caravan and parking of private vehicles in association with the use of, and access to, adjacent land as a residential caravan site, and parking of vehicles for business purposes.
 - The requirements of the notice are (i) Cease the use of the land in association with any residential or business use; (ii) Remove the caravan from the land; (iii) Cease the use of the land for the parking of vehicles other than in connection with equestrian or agricultural purposes on the land; (iv) Cease the use of the land for the storage of any items not reasonably necessary for equestrian or agricultural purposes on the land.
 - The period for compliance with the requirements is 2 months for each requirement.
 - The appeal is proceeding on the grounds set out in section 174(2) (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.
-

Appeal D: APP/F1610/A/13/2192673

Land adjacent to Cirencester Road, Seven Springs, Coberley, Gloucestershire, GL53 9NF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Lee Williams against the decision of Cotswold District Council.
 - The application Ref 12/04857/FUL, dated 27 October 2012, was refused by notice dated 18 December 2012.
 - The development proposed is a material change of use to a mixed use for the keeping of horses (existing) and as a residential caravan site for one Gypsy family with two caravans, including one static caravan/mobile home.
-

Decisions

Appeals A: APP/F1610/C/12/2190154; B: APP/F1610/C/12/2190155 and C: APP/F1610/C/13/2191310

1. The appeals are dismissed and the enforcement notices upheld. Planning permission is refused on the applications deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal D: APP/F1610/A/13/2192673

2. The appeal is allowed and planning permission is granted for a mixed use for the keeping of horses (existing) and as a residential caravan site for one Gypsy family with two caravans, including one static caravan/mobile home at land adjacent to Cirencester Road, Seven Springs, Coberley, Gloucestershire, GL53 9NF in accordance with the terms of the application, Ref 12/04857/FUL, dated 27 October 2012, and the plans submitted with it, subject to the following conditions:

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: DRWG No 1; DWG No 2 Site Layout.
- 2) The use hereby permitted shall be carried on only by the following: Mr Lee Williams and Mrs Cassandra Williams and their resident dependants, and shall be for a limited period being the period of 3 years from the date of this decision, or the period during which the site is occupied by them, whichever is the shorter.
- 3) When the site ceases to be occupied by those named in condition 2 above, or at the end of 3 years, whichever shall first occur, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought on to the land, or works undertaken to it in connection with the use shall be removed and the land restored to its condition before the development took place.
- 4) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of *Planning Policy for Traveller Sites* (Department for Communities and Local Government, March 2012) or any replacement guidance.
- 5) The site shall comprise no more than 1 pitch and no more than 2 caravan(s), as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (of which no more than 1 shall be a static caravan) shall be stationed on the site at any time.
- 6) The site shall be laid out in accordance with the details on DWG No 2. All vehicles or any uses or structures ancillary to the residential use shall be restricted to the area labelled "existing hardstanding" and to the access track.
- 7) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 3 months of the date of failure to meet any one the requirements set out in (i) to (iv) below:
 - i) within 3 months of the date of this decision schemes for: (a) landscaping of the site, including details of species, plant sizes and proposed numbers and densities and (b) external lighting of the site shall have been submitted for the written approval of the local planning authority and the said schemes shall include timetables for their implementation.
 - ii) within 11 months of the date of this decision the schemes shall have been approved by the local planning authority or, if the local planning authority refuse to approve the scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted site development scheme shall have been approved by the Secretary of State.
 - iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable.
- 8) No commercial activities shall take place on the land, including the storage of materials.

Background to the appeals

3. The appellant purchased the site and gained planning permission for a stables, access track and hardstanding in 2011. This was constructed and then, later, the appellant occupied the site with a mobile home and touring caravan. The site lies in a triangle of land between Hartley Lane and the A435, the point of the triangle lies a few hundred metres to the south at the Seven Springs junction where the A435 and A436 cross at a double roundabout.
4. The southern boundary of the site is marked by a mixed solid wood and post-and-rail fence. Immediately to the north is the access lane, following the boundary and the stables set at right angles to it, about two-thirds of the way along. This creates a square area at the eastern end that is gravelled. Here is located the touring caravan and various parked vehicles, including the appellant's van used for his landscape business. The gravelled area extends to the north beyond the end of the stables, and on this patch of land the appellant has positioned a mobile home with decking around it and fashioned a garden. There is a considerable amount of play equipment, a temporary structure used as an ancillary building and a generator. The whole eastern boundary is fenced with a close boarded fence and there are post-and-rail fences to the paddock areas extending to the west and north.
5. The Council have effectively split this site into two strips. Notice C covers the southern rectangle which contains paddock, the access, stables and gravelled hardstanding next to it with the tourer and vehicles. This is also the original stables application site. Notices A and B cover the parallel rectangle to the north with more paddock, mobile home, garden, ancillary building etc. The S78 appeal (D) is contained wholly within the southern site and proposes repositioning the mobile home against the back (eastern) fence facing the stables and moving the tourer to form the northern edge of this site, returning the northern site, where the mobile home is currently located to paddock. There are thus three options open to me, to dismiss the appeals, to allow the appeals so that the site remains as it is, or to allow the reduced site proposed in appeal D.

The Appeals on Ground (a) and the S78 Appeal

6. The whole area is part of the Cotswolds Area of Outstanding Natural Beauty (AONB), for the protection of which the Council rely on the National Planning Policy Framework (the Framework). Paragraph 115 states that "great weight should be given to conserving the landscape and scenic beauty inAONBs". There was no dispute that the appellant was a Gypsy and that the policies in Planning Policy for Traveller Sites (PPFTS) were relevant, as was policy 23 of the Cotswold District Local Plan (2006) which deals with Gypsy sites.

Main issues

7. The main issues therefore are the impact of the two possible sites on the character and appearance of the AONB, whether there is a shortfall of gypsy sites in the District and whether there are any personal circumstances to weigh in the balance.

Character and appearance

8. The Cotswolds AONB is a strikingly beautiful part of the country, but not all parts of the AONB are equally beautiful. The Seven Springs junction is a large

road junction with a pair of roundabouts that are lit by tall lighting columns. As the A436 moves up the hill and away from the site there is a large lay-by, on its western side overlooking the site. This can accommodate quite a few articulated lorries, and when I visited it, was virtually full of lorries, vans and cars, including a snack van and several other mobile businesses. At this time of year, because of the thick tree screen and hedges the site cannot be seen from the lay-by, but the parked lorries are clearly visible from the site and surrounding countryside.

9. Hartley Lane runs northwards uphill beyond the site and then bends west along a ridge of higher ground. The Cotswolds Way long distance path runs along Hartley Lane past the site. From various points along the lane, including sections shared with the Cotswold Way there are sweeping views across the valley which include the site. The vehicles in the lay-by are always a prominent feature, as occasionally is the road junction. In many views the mobile home also stands out, as does the ancillary structure and the play equipment. The stables are often visible, but are much less prominent.
10. Views are partial because of the lie of the land and the natural screening of trees and hedgerows. The appellant has carried out quite a lot of planting along the boundaries but this has not yet reached the point where it has much effect. In the winter, there would be less screening from vegetation and the mobile home and play equipment would be even more visible. Although, as I suggest above, this is not a pristine, high quality part of the AONB, it is still attractive countryside that is only partially marred by the man made intrusions. In wider views other houses and farm buildings are visible, but these seem to be a natural part of the landscape. By way of contrast the settlement on the site does not. It stands out as alien and intrusive. This may partly be because it is new, but the mobile home and its domestic appurtenances in particular appear brashly out of place as they intrude into the paddock area, away from the stable building. They have a somewhat temporary and ramshackle feel. It would be wrong to add further harmful structures to this part of the AONB that is already suffering from a poorly designed road system.
11. In my view, therefore, the harm caused by the site as it stands, is considerable. It is highly visible, even with screening, and stands out in views across the valley. However, if I consider just the site proposed in appeal D, the harm would be reduced. The majority of views are from the west, and the mobile home would be partially masked by the stables. As long as any garden area does not extend northwards into the paddock, the whole would be contained within the hardstanding area between the stables and the tree screen next to the A435. This much more compact and discrete grouping would still, in some views stand out, but generally would be less visible and have less harmful impact. I am required by the Framework to give great weight to conserving the AONB, and bearing this in mind I find the site does cause significant harm, but the proposed site of appeal D less so.

Provision of Gypsy sites

12. There was no dispute that there is a shortfall of gypsy sites in the District, but exactly how many was more problematical. It was agreed the original shortfall was 17 pitches. The Council subtracted 2 from that, which were recent 'tolerated' pitches and added ½ for the 3% growth figure, giving 15½. The appellant argued that 'tolerated' pitches did not have planning permission and so should not be counted and the 3% growth figure should project forward for

5 years, as the PPfTS requires a 5 year supply to be identified. This leaves a shortfall of 25 pitches. Whatever the number, there is clearly a considerable shortfall. The Council have not created any new 'official' pitches since 2007.

13. The Council are producing a new Local Plan. Public consultation is due in the middle of 2014, with an examination in March 2015. As the consultation will include figures from the latest Gypsy and Traveller Accommodation Assessment (GTAA) which is due to report very soon, it is possible the Council will begin to address the shortfall in the next few years, but as ever with the local planning process these dates are somewhat speculative and the GTAA itself is already overdue. In my view there is no prospect of any significant change to the current situation before 2015 at the earliest. Paragraph 25 of PPfTS says that a failure to provide for a 5 year supply of deliverable sites is a "significant material consideration". The situation in Cotswold District Council is considerably worse than this as there is a shortfall of at least 15 pitches before any future needs are taken into account and significant weight should be attached to this.

Personal circumstances

14. There was also no dispute that there are no other sites in the area available for the appellant to move to. The appellant has a local connection as his wife's family are from the area, and her father is on the Gypsy site at Minsterworth. Their children were both born locally. Their most recent previous address had been at Milton Keynes, another temporary site where the appellant's father lived. They had also been travelling in Kent before moving onto the appeal site. Refusing these appeals is likely, therefore, to force the appellant back onto the road.
15. The appellant's wife is receiving treatment for severe migraines and high blood pressure and their son, aged 3, suffers from temperature convulsions, which he should grow out of in the next few years. Access to medical facilities is thus important. Both children, aged 7 and 3, attend school in Minsterworth. The elder is at primary school and the younger at pre-school. Minsterworth is 17 miles away, on the far side of Gloucester, but was chosen partly because their cousins go there and also because both children can attend their different schools on the same site, requiring only one journey each way per day. In particular the appellant himself cannot read and write and wants to ensure his children can. These are planning issues that carry some weight
16. It was argued that the appellant would be better off living at Minsterworth, which may well be true, but there are no sites available at Minsterworth. The Council have not been able to show any availability anywhere else closer to Minsterworth than the appeal site.

Other matters

17. It has been suggested the stable use was only ever established in order to facilitate an eventual residential use. There is no evidence one way or another for this, although it is not clear how the appellant intended to use the stables when he was not resident in the locality. In planning terms, the stables are lawful and their existence is an important consideration in the appeal. While it could, therefore, be argued that at least part of the site is previously developed land (PDL), the very recent development of the stables and hardstanding has little impact on the character and appearance of the AONB compared to the

establishment of the residential use, and the site's partial status as PDL carries little weight.

18. The arguments about the coverage of the AONB were a red herring. The AONB covers 70% of the district, but I have no evidence how much land that leaves that could be suitable for Gypsy sites or not. The main point is however, that the Council have done no work on where sites should go, or where more suitable areas might be and none appears to be forthcoming. The AONB is not like the Green Belt, where Gypsy sites are, by definition, inappropriate development (paragraph 14 of PPFTS) so it is possible to conceive of sites being allocated in the AONB. This case therefore needs to be determined on its own merits.
19. The Cotswold AONB Management Plan (2001-13) is a material consideration and this has influenced my consideration of the impact on the AONB. It does not, however, have the status of a development plan document.
20. Policy 23 of the Local Plan requires Gypsy sites to have an adequate access, be in reasonable distance of community facilities (about 10 minutes drive time), provide adequate on-site facilities and not to harm neighbouring business or agricultural uses or nearby settlements. The appeal site meets all these criteria.

Conclusions

21. I have found the establishment of a residential mobile home and its ancillary structures causes considerable harm to the AONB and this attracts great weight. On the other hand I give significant weight to the shortfall in the provision of Gypsy sites. The educational needs of the appellant's family are clear but not serious. While it would obviously be better for them to have a permanent home, going back on the road should not necessarily deny access to schooling. It may make access to a doctor more difficult, but the family's health needs do not seem to be significant. These issues carry some but not particularly substantial weight.
22. Consequently, I find the harm to the AONB is of paramount importance and outweighs the other issues in favour of the appellant. However, the harm caused by the reduced site proposed in appeal D is considerably less than that of the whole site. In this case I find the issues much more finely balanced. In such a case a temporary permission might be the way forward. The appellant argued that since some Gypsy sites were bound to be in the AONB, and this site met all the criteria in policy 23, it was very likely, once the Council get around to considering the provision of gypsy sites, this site would be included. I agree it is possible that the reduced appeal D site might be suitable for permanent status, although this would depend very much on the results of the GTAA and whether sites elsewhere outside the AONB become available. This is a decision that should be made by the Council and it is likely they will be in a position to do so by around 2016. Consequently, if a temporary permission were granted for 3 years this would remove the immediate threat of forcing the appellant back on to the road; would hopefully enable the medical situation for both his wife and son to improve and allow for a period of stable education for both children. In the meantime, it might be possible to find a suitable site closer to Minsterworth and for the Council to progress its plans for gypsy site allocations to a point where informed decisions can be made on the location of sites.

23. The appellant relied on various court cases that the rights of the children in particular must be given "primary consideration". This phrase comes from a judgement in *ZH (Tanzania) v Secretary of State for the Home Department [2011] UKSC 4* an immigration case and has been brought into the planning arena by the *AZ v Secretary of State for Communities and Local Government and South Gloucestershire District Council [2012] EWHC 3660* case.
24. There is no doubt that the rights of the children to an education are important matters, as are the health issues for his family. However, if I were to grant a temporary planning permission, there is no sense in which the appellant's children are being denied the right to education (as described in Article 2 of the First Protocol), so I do not think that article 2 is engaged. Nor do I consider the medical requirements are so serious or unusual that they raise an issue under the human rights legislation. Consequently I do not consider there will be sufficient interference with the rights of the appellant or his family under Article 8 or Article 2 of the first protocol to engage those rights, and I do not need to carry out a proportionality assessment.
25. On this basis I shall allow a temporary permission for the reduced appeal D site. In order to effect this I shall dismiss appeals A and B so that the notices on the northern site come back into effect and prevent the use of that land for the stationing of the mobile home for residential purposes and require the removal of the extension of the hardstanding, the decking, ancillary structure and play equipment. I shall allow appeal D and grant planning permission for the use as applied for subject to conditions including the temporary condition.
26. Notice C is more complex. If I were to quash it then planning permission would be granted for all the matters it alleges, which is more than would be allowed by appeal D. To alter the allegation to reflect appeal D would be to so change it as to make it into a different notice. I shall thus dismiss the appeal on notice C also. That notice will come back into force, but where the notice conflicts with the permission granted by appeal D, thanks to s180 of the Act, the notice is overridden by the planning permission.

Conditions

27. In addition to the temporary condition, ones to limit the site to Gypsies only, to limit the number of caravans and prevent commercial activities taking place are also required. Because many of the reasons for the temporary permission are personal to the appellant a personal permission is also necessary. Local residents were concerned about light pollution and a condition for the Council to approve any external lighting is required. The layout of the site needs to be restricted to that shown on the plan submitted with appeal D and landscaping needs to be agreed for the new reduced site. All these conditions were agreed by the parties.

Simon Hand

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr Philip Brown BA(Hons)	Agent
MRTPI	
Mr Lee Williams	Appellant
Mrs Cassandra Williams	

FOR THE LOCAL PLANNING AUTHORITY:

Ms Yvonne Poole	Cotswold District Council
Ms Emma Pickernell	

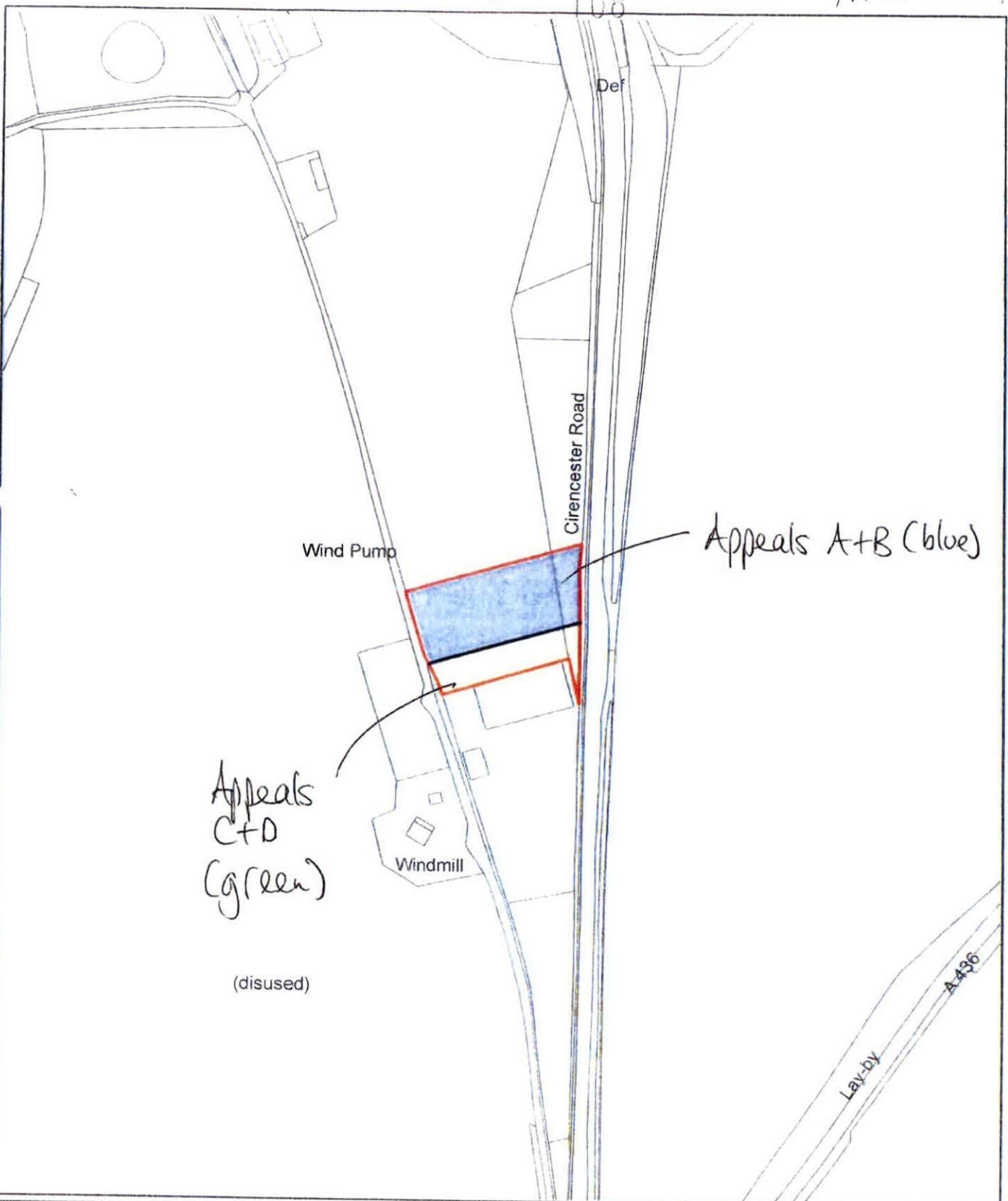
INTERESTED PERSONS:

Mr Malcolm Watt CMLI, MRTPI, F.Arbor.A	Cotswold Conservation Board
Cllr Paul Hodgkinson	On behalf of Churn Valley ward and Coberly PC
Mr Nick Dummett	CPRE - Gloucestershire

DOCUMENTS

- 1 Council's letter of notification
- 2 Application decision for stables to north of appeal site

108



Appeals
C+D
(green)

Appeals A+B (blue)

(disused)

COTSWOLD DISTRICT COUNCIL

Enforcement Plan

Land at Hartley Lane, Leckhampton Hill, Coberley, Glos

Scale: 1:2500

Reference:

Date: 21 December 2012

Enforcement Plan No: E1005



Coberley Parish Council

17/03441/FUL: Application for the use of land for the stationing of caravans for residential purposes for 1 no. gypsy pitch together with the formation of additional hard standing and utility/dayrooms ancillary to that use. Formation of a dayroom for an existing gypsy pitch at Hillside View, Hartley Lane, Seven Springs, Gloucestershire

Coberley Parish Council opposes this application on the grounds that it would cause considerable and permanent harm to the AONB, the Cotswold Way National Trail and allow unacceptable increased urbanisation of the countryside.

No need has been justified or even stated for the extra pitch, nor for the additional development of a dayroom on the existing pitch.

Harm to the AONB

Paragraph 115 of the National Planning Policy Framework states: "Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty."

Furthermore, the Planning Policy for Traveller Sites, August 2015, is clear that as part of the Government's aim to ensure fair and equal treatment for Travellers local authorities have due regard to the protection of local amenity and local environment. Additionally, it is clear that if a local planning authority cannot demonstrate an up-to-date 5-year supply of deliverable sites, then this should be a significant material consideration when considering temporary planning permission. The exception to this is where the proposal is on designated land including Areas of Outstanding Natural Beauty.

On 7 August 2013, Appeal Decisions were made regarding this site. When he gave temporary permission to the existing site defined under Appeal D (APP/F1610/A/13/2192673), an Appeal Inspector made clear that further expansion into adjacent land, to the north, is unacceptable in terms of the impact on the AONB. In three out of four of the Decisions, the Appeals were dismissed (Appeal A: APP/F1610/C/12/2190154; Appeal B: APP/F1610/C/12/2190155, and Appeal C: APP/F1610/C/13/2191310)

The Inspector said:

Para 11: In my view, therefore, the harm caused by the site as it stands, is considerable. It is highly visible, even with screening, and stands out in views across the valley. However, if I consider just the site proposed in appeal D, the harm would be reduced.

I am required by the Framework to give great weight to conserving the AONB, and bearing this in mind I find the site does cause significant harm, but the proposed site of appeal D less so.

Para 21: I have found the establishment of a residential mobile home and its ancillary structures causes considerable harm to the AONB and this attracts great weight.

Coberley Parish Council

Para 22: Consequently, I find the harm to the AONB is of paramount importance and outweighs the other issues in favour of the appellant. However, the harm caused by the reduced site proposed in Appeal D is considerably less than that of the whole site.

Most importantly:

Para 25: I shall dismiss appeals A and B so that the notices on the northern site come back into effect and prevent the use of that land for the stationing of the mobile home for residential purposes and require the removal of the extension of the hard-standing, the decking, ancillary structure and play equipment.

All the developments now proposed in the current application lie to the north of the existing approved structures.

Number of pitches and caravans/structures

Furthermore, in allowing Appeal D, the Inspector imposed conditions. These included:

Condition 5) The site shall comprise no more than 1 pitch and no more than 2 caravan(s), as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (of which no more than 1 shall be a static caravan) shall be stationed on the site at any time.

CDC has already clearly stated its recognition of the harm which these developments will cause to the area:

In its Decision Notice dated 11 December 2014 giving temporary permission against Application 14/02614/FUL for the site to the north of this application site, CDC recognised the harm which that development would cause. In the reason given against Condition 3, it stated: Permanent development of this type may cause a nuisance or would detract from the amenity of the area having regard to the open countryside location of the site within the Cotswolds Area of Outstanding Natural Beauty, in accordance with Cotswold District Local Plan Policy 19 and Paragraph 115 of the NPPF.

Earlier, when CDC twice refused permission for erection of stables and construction of hard standing on land to the north of this site, (Applications 12/03218/FUL on 9 October 2012 and 14/00303/FUL on 18 March 2014), they gave the reason as: "The cumulative impact of the proposed development together with the existing stables that are in close proximity to the application site would result in an unacceptable suburbanisation of this attractive rural area that would have a significant adverse impact on the character and appearance of the Cotswolds Area of Outstanding Natural Beauty. The proposal is therefore contrary to Paragraph 115 of the National Planning Policy Framework."

When CDC refused the Application 12/04857/FUL on this application site, on 18 December 2012, it gave as reason: "The site forms part of attractive and predominantly undeveloped countryside located within the Cotswolds Area of Outstanding Natural Beauty (AONB) and outside of any settlement or recognised development boundary. The use of part of the land as a caravan site along with associated structures, equipment and domestic paraphernalia would

Coberley Parish Council

result in an urbanising effect which is out of keeping with, and detrimental to, the rural landscape character and beauty of this part of the Cotswolds AONB."

The photograph at **Fig 1** indicates the visibility of the Traveller sites and the extent to which the land has been urbanised.

The latest Planning Policy for Traveller Sites, August 2015 states:

Para 14: When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.

Para 25: Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

Para 27: If a local planning authority cannot demonstrate an up-to-date 5-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. The exception is where the proposal is on land designated as Green Belt; sites protected under the Birds and Habitats Directives and / or sites designated as Sites of Special Scientific Interest; Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park (or the Broads).

Footnote 9 is clear that "There is no presumption that a temporary grant of planning permission should be granted permanently."

Domination of nearest settled community

To the best of the Parish Council's knowledge, there is currently a smaller population in the nearby settled community on Hartley Lane than in the 2 Traveller sites.

With this being the case, there is clear potential for the site, if it is permitted an additional pitch, and in conjunction with the pitches on the adjoining site to the north, to dominate the nearest settled community.

It is clear from CDC's reasons for refusing the application in 2016 for change of use to provide pitches at the Green Waste Site, Welsh Way, Poulton, ref 16/00906/FUL, that it considers potential domination of the nearest settled community as grounds for refusal.

"The site would also dominate the nearest settled community at Sunhill."

Other observations from plans

Not only is the applicant seeking to add a pitch, comprising a mobile home, a dayroom and a touring caravan, as well as to add a dayroom to the existing (easterly) pitch, but we note that, on

Coberley Parish Council

the existing pitch, an unspecified unit (depicted in 'existing caravan' colour-code) is shown on the 'Proposed Site Plan' but does not appear on the 'Existing Site Plan'. This leads us to assume that it is another additional unit.

We also note that the annotation for the dayroom shown on the existing pitch on the 'Proposed Site Plan' refers to "Proposed Dayroom for the existing pitch ref. APP/F1610/C/12/2190154". This reference applies to Appeal A of the Appeals Decisions of 7 August 2013, which was dismissed.

No need or justification has been provided by the applicant for the extra pitch, nor for the additional development of a dayroom on the existing pitch.

Much reference is made to "need" in the various policies relevant to Traveller sites. However, in this application, the applicant has made no reference to, or justification of, the need for the additional pitch, or for the dayroom on the existing pitch on the east side of the site. In the case of the latter, the mobile home on this pitch is already a substantially sized structure. See Fig 2.

In June, last year CDC rejected the change of use to provide pitches at the Green Waste Site, Welsh Way, Poulton, ref 16/00906/FUL. A reason given was:

The Council can demonstrate a 5-year supply of Gypsy and Traveller sites, and there is therefore no current need for the scale of development proposed. The proposal is therefore contrary to Policy 23 of the Cotswold District Local Plan and the 'Planning policy for traveller sites' (August 2015).

It is therefore, noted that the Council can demonstrate a deliverable 5-year supply of pitches and thus, there is no clear need for any further additional permanent pitches. This is also supported by the adjacent site's "reserved" status in the emerging local plan.

It is therefore, consistently clear from all these policies and statements that, to permit the creation of an additional pitch and additional units on the existing pitch of the Application Site, would cause increased and permanent significant harm to the AONB and rural Cotswold countryside, and to the immediately adjacent, internationally popular Cotswold Way.

Coberley Parish Council urges Cotswold District Council to refuse this Application.

Coberley Parish Council, 24 September 2017

Coberley Parish Council

Fig 1



A view of the Traveller sites showing the visibility from the west

Fig 2



Coberley Parish Council

17/03441/FUL: Application for the use of land for the stationing of caravans for residential purposes for 1 no. gypsy pitch together with the formation of additional hard standing and utility/dayrooms ancillary to that use. Formation of a dayroom for an existing gypsy pitch at Hillside View, Hartley Lane, Seven Springs, Gloucestershire

SUPPLEMENTARY COMMENT

Coberley Parish Council has already submitted its objection to this application on the grounds that it would cause considerable and permanent harm to the AONB, the Cotswold Way National Trail and allow unacceptable increased urbanisation of the countryside.

The Parish Council notes that under the Countryside & Rights of Way Act 2000 (Part IV, Paras 84 & 85)

Cotswold District Council is not only empowered to conserve and enhance the AONB:

Paragraph 84 sub-section 4: A local planning authority whose area consists of or includes the whole or any part of an area of outstanding natural beauty has power, subject to subsections (5) and (6), to take all such action as appears to them expedient for the accomplishment of the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty or so much of it as is included in their area.

But, more importantly, it also has a duty to do so:

Paragraph 85 (General duty of public bodies etc) sub-section 1: In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

The Parish Council therefore, considers that to grant permission to this application would be contrary to this legislation and reinforces its request that it be refused.

Coberley Parish Council

9 October 2017



29/08/2017

115
115

116



29/08/2017



29/08/2017

2017



Gloucestershire
**(Cheltenham, Cotswold, Forest of Dean,
Gloucester, Stroud and Tewkesbury)**
Gypsy and Traveller
Accommodation Assessment

Final Report

March 2017

Cotswold

6.31 In summary there is a need for **3 additional pitches** in Cotswold for Gypsy and Traveller households that meet the planning definition; a need for up to 11 additional pitches for Gypsy and Traveller households that may meet the planning definition – although if the ORS national average of 10% were to be applied this could be as few as 1 additional pitch; and a need for 13 additional pitches for Gypsy and Traveller households who do not meet the planning definition.

6.32 There is **no need for any additional plots** for Travelling Showpeople as there are no yards in Cotswold.

6.33 Information that was sought from households where an interview was completed allowed each household to be assessed against the planning definition of a Traveller. This included information on whether households have ever travelled; why they have stopped travelling; the reasons that they travel; and whether they plan to travel again in the future. The tables below sets out the planning status of households in Cotswold.

Figure 29 – Planning status of households in Cotswold

Site Status	Meets Planning Definition	Does Not Meet Planning Definition	Unknown
Gypsies and Travellers			
Public Sites	0	2	2
Private Sites	1	12	12
Temporary Sites	0	2	5
Tolerated Sites	1	0	5
Unauthorised Sites	-	-	-
Sub-Total	2	16	24
Travelling Showpeople			
Public Yards	-	-	-
Private Yards	-	-	-
Temporary Yards	-	-	-
Tolerated Yards	-	-	-
Unauthorised Yards	-	-	-
Sub-Total	0	0	0
TOTAL	2	16	22

6.34 Figure 29 shows that for Gypsies and Travellers 2 households meet the planning definition of a Traveller in that they stated during the interview that they travel for work purposes and stay away from their usual place of residence, or have ceased to travel temporarily. A total of 16 Gypsy and Traveller households did not meet the planning definition as they were not able to provide information that they travel away from their usual place of residence for the purpose of work, or that they have ceased to travel temporarily due to children in education, ill health or old age. Some did travel for cultural reasons to visit fairs, relatives or friends, and others had ceased to travel permanently – these households did not meet the planning definition.

6.35 The number of households on each site where an interview was not possible are recorded as unknown. The reasons for this included households that refused to be interviewed and households that were not present during the fieldwork period – despite up to 3 visits.

Bricks and Mortar Interviews

6.36 No interviews were completed with households living in bricks and mortar in Cotswold.

New Household Formation Rate

6.37 The demographics from the households that met the planning definition suggest that evidence from the household interviews should be used instead of applying a new household formation rate in Cotswold.

Pitch Needs – Gypsies and Travellers that meet the Planning Definition

6.38 The 2 households who meet the planning definition of Travelling were found on 1 private site and 1 tolerated site. Analysis of the household interviews indicated that there is a current need for 3 additional pitches as a result of concealed or doubled up households or adults. The site demographics suggest no new household formation during the 15 year GTAA period.

6.39 Therefore the overall level of additional need for those households who meet the planning definition of a Gypsy or Traveller is for **3 additional pitches** over the 15 year GTAA period.

Figure 30 – Additional need for Gypsy and Traveller households in Cotswold that meet the Planning Definition (2016-31)

Gypsies and Travellers - Meeting Planning Definition	Pitches
Supply of Pitches	
Additional supply from vacant public and private pitches	0
Additional supply from pitches on new sites	0
Pitches vacated by households moving to bricks and mortar	0
Pitches vacated by households moving away from the study area	0
Total Supply	0
Current Need	
Households on unauthorised developments	0
Households on unauthorised encampments	0
Concealed households/Doubling-up/Over-crowding	3
Movement from bricks and mortar	0
Households on waiting lists for public sites	0
Total Current Need	3
Future Need	
Households on sites with temporary planning permission	0
5 year need from older teenage children	0
In-migration	0
New household formation	0
<i>(Derived from site demographics)</i>	
Total Future Needs	3
Net Pitch Need = (Current and Future Need – Total Supply)	3

Figure 31 – Additional need for Gypsy and Traveller households in Cotswold that meet the Planning Definition by 5 year periods

Years	0-5	6-10	11-15	Total
	2016-21	2021-26	2026-31	
	3	0	0	3

Pitch Needs – Unknown Gypsies and Travellers

- 6.40 Whilst it was not possible to determine the travelling status of a total of 24 households as they either refused to be interviewed, or were not on site at the time of the fieldwork, the needs of these households still need to be recognised by the GTAA as they are believed to be ethnic Gypsies and Travellers and may meet the planning definition.
- 6.41 ORS are of the opinion that it would not be appropriate when producing a robust assessment of need to make any firm assumptions about whether or not households where an interview was not completed meet the planning definition based on the outcomes of households in that local authority where an interview was completed.
- 6.42 However data that has been collected from over 1,800 household interviews that have been completed by ORS since the changes to PPTS in 2015 suggests that nationally approximately 10% of households that have been interviewed meet the planning definition – and in some local authorities, particularly London Boroughs, 100% of households do not meet the planning definition.
- 6.43 This would suggest that it is likely that only a small proportion of the potential need identified from these households will need new Gypsy and Traveller pitches, and that the needs of the majority will need to be addressed through other means.
- 6.44 Should further information be made available to the Council that will allow for the planning definition to be applied to the unknown households, the overall level of need could rise by up to 5 pitches with temporary planning permission and 6 pitches from new household formation (this uses a base of the 24 households and a net growth rate of 1.50%⁸). Therefore additional need *could* increase by up to a further 11 pitches, plus any concealed adult households or 5 year need arising from older teenagers living in these households (if all 11 unknown pitches are deemed to meet the planning definition). However, as an illustration, if the ORS national average of 10% were to be applied this could be as few as 1 additional pitch. Tables setting out the components of need for unknown households can be found in **Appendix B**.

Waiting Lists

- 6.45 There is a small public site in Cotswold. At the time of the GTAA there were no households on the waiting list for this site. All households on the waiting lists had expressed a preference for one of the sites in Tewkesbury.

⁸ The ORS *Technical Note on Population and Household Growth (2015)* has identified a national growth rate of 1.50% for Gypsies and Travellers which has been applied in the absence of further demographic information about these households.

Public/Private Split

^{6.46} There is one small public site and no need was identified for travelling households or non-travelling households. It is possible that need from the 2 unknown households may need be met through additional public pitches. It is likely that all of the potential need from unknown households would need to be met through private pitches.


Travelling Showpeople Needs

^{6.47} There were no Travelling Showpeople identified in Cotswold.

Housing Land Supply November 2017

Appendix 3

Gypsy, Traveller and Travelling Showpeople Site Information Sheets and Location Plans

Site ref	GT_5		
Site address	Land adjacent to Cirencester Road Seven Springs (1st site) Coberley		
Area	0.05ha		
Current land use	Part existing Traveller site with potential to expand		
Time-frame (from publication of report)	1-5		
	6-10		
	11-15		

Site and Surroundings

The site is located to the north-east of the village Coberley in the Cotswolds AONB. It is sandwiched between two roads, Hartley Lane to the west and the A435 Cirencester Road to the east. The busy Seven Springs junction is located to the south of the site. A belt of mature woodland separates the site from the A435. To the south-west is Windmill Farm, a large detached two storey dwelling with an outbuilding sited at the front/side boundary. Cheltenham is located approximately 2.5km to the north.

The site itself comprises an authorised single permanent traveller pitch containing a stable and two caravans. The remaining area appears to be used as a horse paddock.

The site is accessed from Hartley Lane, a narrow country road. There are a number of Public Rights of Way that cross the wider countryside and the Cotswolds Way which passes in the immediate vicinity of the site and follows Hartley Lane

Note: red line shown on plan includes part of site that is currently pending decision (17/03441/FUL)

Designations

- Source Protection Zone
- Area of Outstanding Natural Beauty
- Ancient Woodlands Buffer Zone

Relevant Planning History

17/03441/FUL - The use of land for the stationing of caravans for residential purposes for 1 no. gypsy pitch together with the formation of additional hard standing and utility/ dayrooms ancillary to that use. Formation of a dayroom for an existing gypsy pitch - Pending Decision

16/02140/FUL - Removal of Conditions 2 (temporary use and occupancy) and 3 (restoration of site) of planning permission 12/04857/FUL to allow permanent retention of the site - Planning permission granted

12/04857/FUL - Formation of residential caravan site for one gypsy family with two caravans, including one static caravan/mobile home on existing equestrian site to create mixed use site - Planning permission granted on Appeal (Appeal A: APP/F1610/C/12/2190154, Appeal B: APP/F1610/C/12/2190155, Appeal C: APP/F1610/C/13/2191310, and Appeal D: APP/F1610/A/13/2192673 – all dated 7 August 2013).

Suitability

Part of this site is an authorised single permanent traveller pitch. This permission was granted on appeal. The appeal site was split in four parts. The applications for traveller pitches on parts A, B and C were dismissed and only part D was allowed. The appeal decision indicates that traveller pitches on all other parts of the site would cause significant harm to the AONB and that only on plot D would the benefits outweigh the harm. The site therefore has no potential to expand.

Availability

The pending planning application indicates that the site is available for development.

Deliverability

In line with the Inspector's comments on the appeal referenced above, traveller pitches on parts A, B and C would cause significant harm to the AONB. These plots are therefore unsuitable.

Coberley

Land adjacent to Cirencester Road
Seven Springs (1st site)
GT_5



KEY
Traveller Site

0 25 50 100 150 200 Meters
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