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CHILTERN DISTRICT COUNCIL

PLANNING COMMITTEE - 10th June 2019

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**Chalfont St Peter**

**CH/2016/0310/FA &  
PL/18/3194/FA**

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Proposal: Change of use of land to form extension of existing residential (gypsy) caravan site to provide an additional 5 gypsy caravan pitches including associated hardstanding

Recommendation: Conditional Permission

**Three Oaks Farm, Roberts Lane, Chalfont St Peter**

# REPORT OF THE HEAD OF PLANNING & ECONOMIC DEVELOPMENT

## Main List of Applications 10th June 2019

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### CH/2016/0310/FA

Case Officer: Mrs Tracey Francis  
Date Received: 22.02.2016  
Parish: Chalfont St Peter  
App Type: Full Application  
Proposal: Change of use of land to form extension of existing residential (gypsy) caravan site to provide an additional 5 gypsy caravan pitches including associated hardstanding  
Location: Three Oaks Farm  
Roberts Lane  
Chalfont St Peter  
Applicant: Mr Patrick Delaney  
Decide by Date: 30.03.2018  
Ward: Chalfont Common

### PL/18/3194/FA

Case Officer: Mrs Tracey Francis  
Date Received: 23.08.2018  
Parish: Chalfont St Peter  
App Type: Full Application  
Proposal: Change of use of land to form extension of existing residential (gypsy) caravan site to provide an additional 5 gypsy caravan pitches including associated hardstanding  
Location: Three Oaks Farm  
Roberts Lane  
Chalfont St Peter  
Applicant: Mr Patrick Delaney  
Decide by Date: 18.10.2018  
Ward: Chalfont Common

### SITE CONSTRAINTS

Article 4 Direction  
Adjacent to Unclassified Road  
Area of Special Advertisement Control  
Within Green Belt other than GB4 GB5  
High Speed Rail HS2  
Mineral Consultation Area  
Northolt Safeguard zone

On/within 250m rubbish tip  
Colne Valley Park R15

## **INTRODUCTION**

Planning application PL/18/3194/FA is a duplicate of CH/2016/0310/FA for the change of use of land to form extension of existing residential (gypsy) caravan site to provide an additional 5 gypsy caravan pitches including associated hardstanding and as a consequence a combined report has been prepared.

**These planning applications are brought to Planning Committee in the light of an appeal which has been lodged against the Council's non-determination of application PL/18/3194/FA, and further to Councillors' call in request in respect of application CH/2016/0310/FA as detailed below.**

In the light of the appeal against non-determination of application PL/18/3194/FA the Council is no longer able to make a decision on this application. In order to inform the Council's case to be presented to the Planning Inspectorate and to indicate the Council's preferred method of how the appeal should proceed, having regard to the Inspectorate's timetable for the submission of information, the Committee are requested to now consider the application and advise what their decision would have been in order to allow Officers to prepare a case for the appeal. There is no public speaking on this application as it is now the subject of appeal.

Application **CH/2016/0310/FA** has not been appealed and the Council is still able to take a decision. The Council's decision in respect of this application will equally be material to the consideration of the appeal against non-determination of application PL/18/3194/FA.

There is only public speaking in respect of application **CH/2016/0310/FA**.

## **CALL IN**

### **Application CH/2016/0310/FA**

Councillors Isobel Darby, Christopher Ford, Murray Harrold, Linda Smith and John Wertheim wish to call the applications to Planning Committee regardless of the Officers' recommendation. Councillor Jonathan Rush if the application is for approval.

### **Application PL/18/3194/FA**

No call in requests received.

## **SITE LOCATION**

The application site is located within the Green Belt and Colne Valley Park on the east side of Roberts Lane. The existing site containing 6 pitches has a road frontage of approximately 22m widening to 50m at the rear. There is a driveway that leads from Roberts Lane onto the site widening into a large area of hardstanding, the existing mobile homes, both static and touring are grouped around this area. There are 12 identical timber stables along the site's southern boundary which have been converted to day rooms. There is also a large open fronted barn used for storage and lorry parking.

The proposed extension to the site would take access off the existing drive and run directly in front of the barn. The expansion of the site would be accommodated on land immediately to the south of the day rooms.

## **THE APPLICATIONS**

Applications CH/2016/0310/FA and PL/18/3194/FA are identical.

Planning permission is sought for the change of use of land from agricultural to residential for the purpose of five gypsy pitches.

When application CH/2016/0310/FA was originally submitted planning permission was sought for accommodation for an additional 10 gypsy families. The application was amended in February 2018 to reduce the number of proposed pitches to 5 and the application was re-advertised.

In August 2018 an identical application PL/18/3194/FA was submitted.

As indicated above the proposed expansion of the site is to the south of the existing day rooms. The proposed layout (identical for both applications) is not so typical of gypsy sites in that it shows a pitch only sufficient for one caravan and two parking spaces. Normally it is expected that there would be one static and one touring van or space for two touring vans. A band of screening is proposed along the southern boundary of the extended site.

The applicant's agent has submitted the same Design & Access statement in respect of application **PL/18/3194/FA** repeating much of the information submitted with **CH/2016/0310/FA** that contains the following supporting information (summary):

#### Use, Scale and Location

- Three Oaks Farm is now home to four generations of the Delaney family. As a result, the 6 approved pitches can now accommodate up to 10 additional households, particularly during the winter months when the extended Delaney family returns to Three Oaks Farm. The proposed site extension is intended to relieve the overcrowding on the existing caravan site and would accommodate 10 additional caravans, either static caravans or tourers, depending on the families' needs.

#### Access

- Access would be from the existing site entrance from Roberts Lane. Local widenings were provided along Roberts Lane when the original caravan site was approved, in order to ensure that vehicles can pass along the lane without encountering undue delay or inconvenience. A single track lane with passing places is generally accepted as being able to safely accommodate 300 vehicles per hour, which is far in excess of traffic flows along Roberts Lane.

#### Appearance and Landscaping

- Planning Policy for Traveller Sites (PPTS) continues to suggest that suitable sites may be located within rural and semi-rural areas. Traveller sites have a number of characteristic features which can be atypical in the countryside. As a result, some degree of visual harm must be accepted and, if an adequate supply of gypsy sites is to be provided, some degree of visual harm must be acceptable.
- The test for countryside harm must be whether the development causes unacceptable harm which cannot be made acceptable with additional landscaping. In this regard, paragraph 26 of Policy H makes clear that soft landscaping can positively enhance the environment, whereas sites should not be enclosed with so much hard landscaping that the impression is given that the site and its occupants are deliberately isolated from the rest of the community. In this case, there is an established hedgerow running east-west across the applicant's land, which would be thickened and extended westwards towards Roberts Lane. This would be supplemented by a belt of tree planting along the southern boundary. A new hedgerow would also be established along the eastern boundary. As a result, the caravan site extension would, in time, become assimilated into its rural surroundings, and not cause unacceptable harm to the character or appearance of this locality.

#### Policy Considerations

- Policy CS14 states that land will be allocated for gypsy/traveller sites in the Delivery DPD, however this was withdrawn in 2015. The new Chiltern and South Bucks Local Plan will include land allocations, but this is only at an early stage of preparation. The Council has no up-to-date policies for bringing forward an adequate supply of gypsy sites in the District, and will not be able to identify a five-year supply of deliverable land for gypsy sites for almost 2 more years.
- The Buckinghamshire Gypsy and Travellers Accommodation Needs Assessment (GTANA) was updated in October 2014, and estimates that there is an unmet need for the provision of 12 permanent pitches in Chiltern

during the period 2013–2028, of which 9 are required to be provided before 2023. This assessment has been updated by the Aylesbury Vale, Chiltern, South Bucks and Wycombe District Councils' Gypsy Traveller and Travelling Showpeople Accommodation Assessment (Feb 2017). This assessment covers a longer time period, extending to 2036 and refers to a total of 15 pitches being needed for gypsies and travellers in Chiltern District (2016–2036), with 8 of these being needed in the first five years (2016–2021) and 70 being needed overall in South Bucks (2016–2036) (for all types of need). Reference is made to the needs assessment figures for both Councils here since the new Local Plan is a joint Local Plan and will need to have a strategy to meet the overall figure of 85 pitches arising from both areas (all types of need). On the evidence of household growth at Three Oaks Farm, as set out previously in this report the GTAA could represent an under-estimate in relation to this site (GTAA surveys were not able to be completed for the site). In addition, there is clearly an immediate unmet need for additional gypsy and traveller pitches in Chiltern

- The proposed development constitutes inappropriate development in the Green Belt. Bearing in mind the past approval for development of Three Oaks Farm as a traveller site, it is clear that any new gypsy sites in Chiltern are likely to be in the Green Belt. This being the case, the extension of an existing traveller site would minimise the loss of openness, and the impact of encroachment. The site extension would not be prominently located or obtrusive and, given the land available for landscape planting, the proposed development would not cause unacceptable harm to the character or appearance of the countryside. It would have a safe access, and is reasonably sustainably located within a short distance (1.2 kilometres) of community services and facilities in Chalfont St Peter.
- The site is not within an area at high risk of flooding, and the development would not cause any other harm.
- On the other side of the Green Belt balance, the unmet needs for traveller sites, and absence of alternative sites for the new households emerging from the extended Delaney family, and the failure of the development plan to date to cater for the unmet needs are all matters that should carry significant weight in favour of the proposed development.
- There are 10 additional households in need of accommodation – the names of the families and children are listed – they are all the grown-up family of the original Delaney family and have need of accommodation as they are currently doubling up on the existing site.
- The proposed site extension would accommodate 5 of the families in need of accommodation.
- These households have a personal need for accommodation on Three Oaks Farm where they can live together as part of a traditional extended family group which should carry considerable weight in favour of this application. Furthermore, there are 6 children living on Three Oaks Farm whose parents are in need of lawful accommodation. These are of an age where they will benefit from continuity of healthcare and regular schooling. Recent case law (AZ v. Secretary of State and South Gloucestershire District Council) has established that the needs of the children are a primary consideration to be taken into account in planning cases such as this.
- Taken together, the factors which weigh in favour of the proposal clearly outweigh the harm to the Green Belt and any other harm, and constitute the very special circumstances necessary to justify the granting of planning permission.

### **RELEVANT PLANNING HISTORY**

92/1206/CH: Erection of a barn was refused on 26 November 1992 on Green Belt policy grounds.

93/395/CH: Retention of calf-rearing unit and erection of barn was refused planning permission on 3 June 1993 and dismissed at appeal on 25 February 1994.

93/396/CH: Retention of mobile home and use of land for residential purposes by an agricultural worker for a temporary period of 3 years was refused planning permission on 3 June 1993 and dismissed at appeal on 25 February 1994.

Enforcement Notice 92/619/EN: alleging "without planning permission, change of use of agricultural land to use for the stationing of a mobile home for residential purposes was issued on 9 September 1994. Subsequent appeal

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dismissed and enforcement notice upheld on 25 February 1994 subject to the period for compliance being changed to 8 months.

Council successfully prosecuted for non-compliance and subsequently the Notice was complied with and the mobile home removed from the Land.

94/1262/CH: Retention of mobile home and use of land for residential purposes by an agricultural worker was refused planning permission on 29 November 1994.

00/1019/CH: Retention of replacement building comprising calving units and stables was granted planning permission on 24 July 2000.

Enforcement Notice 2004/0960/EN was issued and served on 16 April 2004 alleging:

"Without planning permission, the change of use of land and building from agriculture to a mixed use for agriculture and use for the stationing of caravans for residential purposes".

A period of two months was given for compliance.

The Notice included reasons for its issue relating to inappropriate development in the Green Belt, to the detriment of the open and rural character of the area, mindful of the location in the Colne Valley Park, contrary to policies GB2, GB3 and GB9, GB28, R15, GC1 and GC3 of the Adopted Chiltern District Local Plan, 1997, Policy GB1, GB3, H10 and UF2 of the Adopted Buckinghamshire County Council Structure Plan, 1991 - 2011 and Policy 8, 13 and 32 of the Replacement Buckinghamshire County Structure Plan, 2001 - 2016, Deposit Draft.

The notice required the use of the Land for the stationing of caravans for residential purposes to cease and the remove from the Land all caravans and associated buildings including concrete bases, fencing, vehicles, equipment and other associated paraphernalia not reasonably required in connection with the agricultural use of the Land.

A Stop Notice was also served on 16 April 2004 to come into effect on 19 April 2004.

Enforcement Notice 2004/0961/EN was also issued and served on 16 April 2004 alleging:

Without planning permission, the creation of a hardstanding in excess of that reasonably required in connection with the lawful agricultural use of the site.

The Notice included reasons for its issue relating to the extent of the area of hard surfacing exceeding that reasonably required to give access to and turning space within the Land for agricultural use and failing to maintain the openness of this part of the Green Belt constituting inappropriate development lacking any special justification contrary to Central Government Advice in PPG2 and Policy GB2 and GB30 of the Adopted Chiltern District Local Plan - 1997. Furthermore mindful of the expanse of hardstanding, it clearly does not meet the aims and objectives of the Colne Valley Park Strategy. The development was considered to be contrary to Policy GB2, GB30 and R15 of the Adopted Chiltern District Local Plan - 1997.

The notice required the removal of all hardcore and surface material brought onto the land.

A Stop Notice was also served.

2004/1668/CH - Change Of Use Of Land From Agriculture To Use As A Private Gypsy Caravan Site Limited To 12 Caravans. Refused, the reasons for refusal reflecting the reasons for the 2004 Enforcement Notice namely, inappropriate development in the Green Belt and use as a gypsy caravan site unacceptable as a matter of both principle and on visual grounds and no very special circumstances considered to exist sufficient to justify making an exception. Also use also detracts from Colne Valley Park. Development is contrary to Policy GB2, GB3 and GB9, GB28, R15, GC1 and GC3 of the Adopted Chiltern District Local Plan, 1997, Policy GB1, GB3, H10 and UF2 of the Adopted Buckinghamshire County Council Structure Plan, 1991 - 2011 and Policy 8, 13 and 32 of the Replacement Buckinghamshire County Structure Plan, 2001 - 2016, Deposit Draft.

Objections were also raised on highway grounds.

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Appeals were lodged against the issue of the 2004 enforcement notices and in respect of application 2004/1668/CH. The appeals were dismissed and the enforcement notices upheld with the period for compliance being extended to one year.

CH/2006/1016/FA Change of use of land from agriculture to gypsy caravan site for six families, retention of six additional stables and conversion of all stables to provide dayrooms and bathrooms, retention of fencing and hardstanding and provision of additional hardstanding. This application related to a reduced site area compared to that the subject of the 2004 enforcement notices and application. - Refuse permission - the reasons for refusal again reflecting the reasons for refusal of the 2004 application and Inspector's conclusions as well as highway objections.

A subsequent Appeal (Inspectorate ref APP/X0415/A/06/2029107) was allowed in September 2007 granting a personal and temporary 5 year permission, the condition stating:

The use hereby permitted shall be carried on only by the following, and their resident dependants: Patrick Delaney Senior, John Brian, Bill Delaney, Barbara Delaney, Jim Delaney, Jacqueline Delaney, Martin Delaney, Ann Delaney, Michael Delaney, Margaret Delaney, Patrick Delaney and Kathleen Delaney, and shall be for a limited period being a period of 5 years from the date of this decision. At the end of this period the use hereby permitted shall cease, all materials and equipment brought on to the land in connection with the use shall be removed, and the land restored to its former condition within 3 months.

The Secretary of State concluded that the appeal is not in accordance with the development plan. The proposed gypsy site would be inappropriate development in the Green Belt, there would be additional harm to the openness of the Green Belt and there would be some effect on the landscape of the Colne Valley Park, although this would be of limited visual significance. The unmet need for gypsy sites, including those of the appellant's extended family, and their personal circumstances should carry substantial weight. However, there is reasonable prospect of alternative sites being allocated and becoming available in five years. A temporary permission for the Delaney Family would not undermine the development plan process, but would allow time for alternative sites to be identified through the development plan process. There are therefore very special circumstances which outweigh the harm to the Green Belt and other harm for a temporary period, but which do not justify a permanent permission.

CH/2008/1116/FA Retention of site entrance gates and walls. Refused.

Enforcement Notice 2008/00012/ENF issued 9 October 2008 alleging without planning permission the erection of entrance gates and walls.

Appeals lodged against refusal of planning permission CH/2008/1116/FA and Enforcement Notice. Appeal subsequently withdrawn July 2009. Enforcement Notice complied with.

CH/2010/0192/FA Continued use of land for the stationing of caravans for residential purposes for six gypsy pitches together with the conversion of an existing stable block to provide dayrooms, retention of fencing and hardstanding and provision of additional hardstanding and fencing (including bin store), small sewerage plant, site entrance gates and walls, and landscaping. Conditional permission, including a personal condition. A copy of the Decision Notice is attached as Appendix MR.01.

This permission has overridden previous Enforcement Notices.

OFFICER NOTE: An Article 4 Direction relates to this site removing Permitted Development Rights in respect of Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, namely: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

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## **PARISH COUNCIL**

The comments of Chalfont St Peter Parish Council are repeated as follows:

**May 2016** - The Parish Council in response to the initial consultation on planning application **CH/2016/0310/FA** submitted a detailed report (prepared by Planning Consultants on their behalf) detailing the planning history, statutory planning policy and area constraints that are key determining factors in assessing this application the main points are summarised as follows.

### **Planning Application and Site**

- Site is within the Green Belt comprising 0.4 hectares. Application CH/2016/0310/FA proposes to extend the site by 10 additional gypsy pitches – totalling 16 pitches

### **Planning History**

- Notes there is an extensive planning history, the most recent application being CH/2010/0192/FA for the use of land for 6 gypsy pitches and conversion of existing stable block to provide day rooms. The permission was granted having regard to the particular needs of the family in terms of education and health and the lack of sufficient sites for gypsy and travellers

### **National Planning Policy**

- National Planning Policy has been updated since previous applications and appeals relating to the site.
- National Planning Policy Framework (NPPF - 2012) para 79 highlights importance of Green Belt by keeping them permanently open and 87 inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances
- Planning Policy for traveller sites (PPTS) 2015, Para 3 outlines Government's overarching aim to ensure fair and equal treatment for travellers in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.
- Para 10 of NPPF -2012 sets out that the LPA should in producing their Local Plan (a) identify and update annually a supply of specific deliverable site sufficient to provide 5 years' worth of site against their locally set targets (b) identify a supply of specific, developable sites or broad locations for growth for year 6 to 10 and where possible for years 11-15 (d) relate the number of pitches or plots the circumstances of the specific size and location of the site and the surrounding population size and density (e) protect local amenity and environment.
- Para 16 of NPPF – 2012 sets out that inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

### **Local Policy context**

- Policy CS14 of the Core Strategy sets out that sites for gypsies and travellers and travelling showpeople will be allocated in the Delivery DPD (now not proceeded with and will come forward in the emerging new joint Local Plan for Chiltern and South Bucks. There is a presumption against inappropriate development within the Green Belt and new gypsy and travellers site and sites for travelling showpeople constitute inappropriate development if no suitable or deliverable sites can be allocated within the settlement areas excluded from the Green Belt, in very special circumstances consideration may be given to granting permanent planning permission on Green Belt sites which already have an extant temporary permission

### **Chiltern District Gypsy and traveller need and supply**

- Notes at that time there were two County sites, Three Oaks Farm one of 3 private sites albeit the other two on temporary permissions and one unauthorised site.
- Refers to results of Bucks Gypsy and Traveller and Travelling Showpeople Accommodation Needs Assessment and number of pitches required.



### Other key evidence

- Fire and safety of Gypsy and Travellers 2015 – 360 fires per year occur in caravans, in assessing the layout of proposed sites they should provide safe and adequate living environment.

### Conclusion and recommendation

- Planning law requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. The special interest of the family outweighed impacts on the Green Belt in the assessment of the 2006 and 2010 applications. Paragraph 16 of the NPPF – 2012 states that traveller sites (temporary or permanent) within the Green Belt amount to inappropriate development. The NPPF 2012 has narrowed the scope of material considerations that may be applied to 'very special circumstances'. As such, it is concluded that, subject to the best interest of the child, personal circumstances and unmet need are unlikely to outweigh harm to the Green Belt, and any other harm, so as to establish very special circumstances.
- Proposal contrary to CS14
- Layout and design not suitable for safe living
- The emerging new Local Plan will identify suitable sites
- CH/2016/0310/FA should be refused on the basis that the proposal is a significant departure from national planning policy and is contrary to the local development plan. Furthermore, it is not clear in the layout and design of the proposal how it could provide suitable or safe living conditions for 10 additional pitches.

**March 2018** - following re-consultation on application CH/2016/0310/FA revised details:

Most of the objections in the Parish Council's submissions of May 2016 still apply. In particular the application is contrary to Policy CS14 –new gypsy and travellers sites constitute inappropriate development in the Green Belt

**October 2018** - The Parish Council in response to planning application **PL/18/3194/FA** have submitted an updated report (prepared by Planning Consultants on their behalf) again detailing the planning history, statutory planning policy and area constraints that are key determining factors in assessing this application the main points are summarised as follows:

### National Policy Context

- The National Planning Policy Framework (NPPF) was updated and published on 24 July 2018.
- Chapter 5 of the NPPF identifies that in order to support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, and that the needs of groups with specific housing requirements are addressed.
- Chapter 13 of the NPPF sets the policies for protecting Green Belt land. The Government attached great importance to Green Belts, with the essential characteristics of Green Belts being their openness and permanence.
- Paragraph 143 states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Further, paragraph 144 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- Planning policy for traveller sites (PPTS) 2015, paragraph 3 outlines that the Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.
- Paragraph 16 of the PPTS states:
- Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

### **Local Policy Context**

- CDC is currently preparing a new Emerging Joint Local Plan in partnership with South Bucks District Council, although the Authority has yet to publish the Draft Local Plan for consultation. Therefore this emerging Local Plan is not a material consideration carrying notable weight at the present time. Nevertheless, regard should be had to the emerging Local Plan evidence base, including Green Belt Assessment and Options Appraisal documents, and the Aylesbury Vale, Chiltern, South Bucks, and Wycombe District Council's Gypsy, Traveller and Travelling Showpeople Accommodation Assessment - ORS (dated February 2017).
- Core Strategy Policy CS14 still applies.
- Whilst there is no longer any specific design national design guidance for gypsy and traveller sites, Core Strategy policy CS20 seeks a high standard of design and environmental quality across all development proposals.

### **Chiltern District Gypsy and Traveller Need and Supply**

- The supporting letter which accompanies the application, refers to the Buckinghamshire Gypsy and Traveller Accommodation Needs Assessment 2014 in reviewing the level of need for the provision of additional sites across the district. It should be noted, that this county wide assessment predated the government's Planning Policy for Traveller Sites, published in 2015 which amended the definition of "gypsies and travellers" to mean the following:
  - 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 show people or circus people travelling together as such.
- The more recent Gypsy, Traveller and Travelling Show people Accommodation Assessment (GTAA) is not referenced in the supporting letter to the application. This was carried out on behalf of Aylesbury Vale, Chiltern, South Bucks and Wycombe District Councils by ORS in February 2017.
- The 2017 study found that on the basis of the amended PPTS, there were no Gypsy and Traveller households identified in Chiltern that met the revised planning definition. Nine unknown households could be found to meet the planning definition (no contact possible) and seventeen households did not meet the planning definition. The existing site at Three Oaks Farm was one such site where contact was not made.
- For unknown households, whilst there is an identified need for up to 2 additional pitches from new household formation from a maximum of 9 households and 1 temporary pitch, this is offset by supply from 2 vacant pitches and 1 household moving to bricks and mortar from the public sites.
- Reference is made to the current provision in CDC in terms of the former County sites and private sites
- More widely, gypsy and traveller site provision is being presented as part of the Green Belt Development Options Appraisal (2014-2036), including development options for land North East of Chesham, land to the East of Little Chalfont and land to the East of Beaconsfield.

### **Discussion**

#### **Principle**

- It is important to consider the level of need for traveller provision across the District and wider County, the Chiltern And South Bucks Local Plan (2014-2036) has yet to be adopted, the 2017 GTAA forms part of the evidence base for the emerging Local Plan. The assessment of the current development proposal runs parallel to that of an pre-existing application CH/2016/0310/FA, which is still pending consideration.

#### **Personal Circumstances**

- The application appears to advance a single very special circumstance relating to unmet housing need. As learnt through a written ministerial statement in July 2013, in considering planning applications, although each case will depend on its facts: the single issue of unmet demand, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the Green Belt and other harm to constitute the 'very special circumstances' justifying inappropriate development in the Green Belt. Therefore, in the absence of any other very special circumstances, it is argued that harm to the Green Belt has not been outweighed and therefore development is inappropriate and should be refused.

- Given the inconclusive findings of the GTAA in 2017, relating to the status of individuals currently residing at the site, the LPA should satisfy itself that future occupants identified for occupation of the additional pitches comply with the definition of gypsies and travellers as defined by PPTS.

### **Design, Landscape and Visual Impact**

- Site is within Green Belt and Colne Valley Regional Park location. There are additional pressures associated with the M25 corridor and background ambient noise. It is therefore critical that development proposals within this area are appropriately evidenced and justified against local and national planning policy to comply with policies CS14 and CS20.
- Having regard to Policy C of PPTS (Sites in rural areas and the countryside), paragraph 14 states that: 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. Consideration must be given to the relationship of the existing and proposed site with the wider local community, including any impacts associated with a mixed commercial use of the site. The resultant site, when considered in combination with the existing site provision, would consolidate a substantial development of 11 pitches, including a mix of static, tourer caravans and additional hardstanding would be conspicuous development on a rural lane. It would be entirely disproportionate to the settled community and contrary to Green Belt protections. The provision of additional hardstanding in addition to existing areas would erode the intrinsic rural character of the area further, contrary to policy CS20.
- Policy E of PPTS (Traveller sites in Green Belt) advises under paragraph 16 that Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development and therefore harmful by definition. Whilst acknowledging the need to protect the best interests of children, other personal circumstances and evidence of an unmet need, these are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.
- In the Green Belt Preferred Options consultation (2016), this site was not put forward as a preferred location for release from the Green Belt.
- The bridleway (CSP/44/2), locally known as Old Shire Lane, running parallel to the eastern field boundary is a key route forming part of the Colne Valley Regional Park walking route. The application, including the supporting letter, fail to provide sufficient evidence or consideration of the landscape and visual impacts likely to arise as a result of the proposed expansion, upon users of this bridleway. There is insufficient detail provided more generally to determine the overall landscape and visual effects and the LPA is therefore unable to determine the landscape and visual impact on the special characteristics of the Green Belt.

### **Parking and Access**

- Section 10 of the application form states that five spaces are proposed. The previous decision for the application CH/2010/0192/FA states that no more than ten vehicles can be parked, stored or stationed on the site, with the reason given that this would ensure that the development does not detract from the visual amenity and rural character of the area, having regard to the location of the site within the Green Belt and Colne Valley Park. The site layout plan for Thee Oaks Farm shows ten car parking spaces for the extension alone. Whilst this extension is drawn as separate to the existing development on the site plan, the issue of not detracting from the visual amenity and rural character of the area will still stand and this should be a key consideration in determining the outcome of the current application.
- Whilst the application is correct in stating the proposed development would be in reasonably short distance from local community facilities, this would be along a road without a footpath, and therefore highly likely to encourage the use of a motor vehicle and not promote sustainable development.

### **Other Issues**

- Section 11 advises that the proposed site would be served by a package treatment plant, however it is unclear as to whether there is sufficient capacity within an existing foul water system for additional pitches, Engineering operations of this nature should not be permitted within the Green Belt unless all existing provision has been examined with special circumstances to justify the general site expansion.

- The application does not appear to be supported by any ecological evidence to determine the impacts of the proposal on local wildlife and protected species. This appears to be an outstanding issue with the parallel application CH/2016/0310/FA and therefore prevents the Council from fulfilling their responsibilities under the Habitat Regulations .

### **Conclusion and Recommendation**

- The submission fails to demonstrate that the proposed expansion of the site would justify the key test of 'very special circumstances' within the Green Belt, given that there are still questions concerning the need for additional accommodation within the local area and a lack of publicly available information to determine the status of future occupants. Expansion of the site has a potentially significant adverse landscape and visual impact which has not been adequately explored or addressed.
- Additionally, there remains a lack of information to determine whether the existing site is serving its most effective use and whether the overall impacts could be offset by the removal of any redundant or disused structures. Therefore, the LPA is unable to determine that further proliferation of caravans, infrastructure and hardstanding would be an appropriate form of development within the Green Belt, or the Colne Valley Regional Park, contrary to the development plan, and notably policies CS14 and CS20 of the Core Plan Strategy and paragraph 143 of the NPPF.
- In final conclusion, the approval of the application is not only unjustified, but it also presents a risk of setting a precedent which would be likely to lead to the significant expansion and provision of very large gypsy and traveller sites within the Green Belt. Further development would be perceived to increase the proliferation of caravans, hard standing and other unsympathetic features, leading all the way down to West Hyde Lane. On the basis of the above review, it is recommended that the application should be refused.

### **REPRESENTATIONS**

3 letters of objection have been received in respect of application CH/2016/0310/FA – in response to application PL/18/3194/FA one of the objectors has questioned why no decision has been reached. The objections are on the following grounds (summary):

- No evidence of very special circumstances
- Believe that the grant of planning permission would be a precedent for the continued expansion of this site to support future generations
- Do not agree that the access is suitable
- Additional survey of volume and traffic type on Roberts Lane should be undertaken
- Lane unsuitable for heavy commercial vehicles related to the occupation of residents on site
- Application pre-empts outcome of Local Development Plan
- Object to change of use of land in green belt, may end up at housing development in future
- Not against some increase in number of caravans, but 10 is excessive
- There are already sufficient gypsy pitches in the area which could cater for the additional families
- Additional traffic could harm currently quiet road network and alter the current quiet road
- Change in traffic would have significant impact on surroundings

### **CONSULTATIONS**

#### **Bucks County Council Highways:**

"The site is located along Roberts Lane which is an unclassified road subject to the national speed limit of 60mph. Due to the location being rural in nature there is no access to pedestrian footways, public transport link and street lighting is not present.

It is noted that the existing site currently has six residential caravan plots, the application sets out the extension by a further five residential caravan plots. The existing access is to be utilised for this application. The access currently benefits from access gates which appear to be set back from the highway at an adequate distance to allow a vehicle to pull clear of the highway before opening or closing the gates. The access in front of the gates is wide enough to accommodate two vehicles passing simultaneously.

Whilst the creation of five new residential caravan plots is likely to result in an intensification of use of the site, the impact of this could not be considered material in terms of capacity and safety.

Therefore taking the above into consideration the Highway Authority has no objections to the proposals, subject to the following condition being included on any planning consent that you may grant:

Condition: No other part of the development shall begin until visibility splays have been provided on both sides of the access between a point 2.4 metres along the centre line of the access measured from the edge of the carriageway and a point 151 metres along the edge of the carriageway measured from the intersection of the centre line of the access. The area contained within the splays shall be kept free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway.

Reason: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access."

**County Council's Strategic Flood Risk Assessment team:**

In respect of application CH/2016/0310/FA (original scheme prior to amendment) initially indicated that an objection would be raised regarding the lack of information regarding surface water management to allow for a meaningful SuDS appraisal to be carried out.

In response to the consultation on the now identical application PL/18/3194/FA advise, the site area nor number of proposed dwellings meet or exceed the major criteria. Therefore the SuDS team will not be issuing a formal response to this application.

**County Council Ecologist:**

Comments: I have reviewed the Preliminary Ecological Appraisal report produced by Ecology By Design (February 2017) and recent site photographs, and am satisfied that the impact of the proposed development on protected species has been given due regard.

The survey has confirmed that overall the site is of relatively low ecological value. If minded to approve, please include conditions to ensure safeguards are followed in respect of wildlife and details of ecological enhancements are provided to ensure a net gain in biodiversity is achieved.

**Enhancements:**

In accordance with Core Strategy Policy 24: Biodiversity of the Chiltern District Core Strategy, the biodiversity resources within Chiltern District will be conserved and enhanced by ensuring *"development proposals should protect biodiversity and provide for the long-term management, enhancement, restoration and, if possible, expansion of biodiversity, by aiming to restore or create suitable semi-natural habitats and ecological networks to sustain wildlife. This will be in accordance with the Buckinghamshire Biodiversity Action Plan as well as the aims of the Biodiversity Opportunity Areas and the Chiltern AONB Management Plan. Where development proposals are permitted, provision will be made to safeguard and where possible enhance any ecological interest."*

In addition to local policy, the NPPF (2018) sets out that *"Development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity"*.

Condition: *Prior to the commencement of development, a scheme of ecological enhancements shall be submitted to and approved by the Local Planning Authority to ensure an overall net gain in biodiversity will be achieved. The scheme will include details of landscape planting of known benefit to wildlife and provision of artificial roost features, including bird and bat boxes.*

Classification: OFFICIAL

*Reason: In the interests of improving biodiversity in accordance with NPPF and Core Strategy Policy 24: Biodiversity of the Chiltern District Core Strategy and to ensure the survival of protected and notable species protected by legislation that may otherwise be affected by the development.*

**Vegetation clearance outside the bird nesting season:**

All wild birds, their nests and young are protected during the nesting period under *The Wildlife and Countryside Act 1981* (as amended) and I therefore recommend the following informative is included if minded to approve.

*Removal of vegetation and buildings shall be undertaken outside of the bird nesting season (March to August inclusive). If this is not possible, then a suitability qualified ecologist shall check the areas concerned immediately prior to the commencement of clearance works to ensure no nesting or nest-building birds are present. If any nesting activity is confirmed, no clearance will be permitted within the area until the birds have fledged and the nest is considered inactive.*

**District Councils' Environmental Health Officer:** No objection.

**District Councils' Environmental Health Officer (land contamination):**

"The proposed development involves a change of use of land to extend the existing residential caravan site to provide 5 additional traveller pitches and hardstanding. The Council's historical maps indicate that the site is most likely to have had an agricultural use. The site has remained undeveloped from the 1874 – 1891 to the present. The information given in the application form suggests that the land is currently used for grazing. The site is adjacent to an area of landfill. The Colony Quarry, West Hyde Lane, Chalfont St Peter received inert, industrial, commercial and household wastes. The site first received waste on 31st December 1974 and last received waste on 31st December 1982.

The proposed development does not include any soft landscaping.

In the event of ground gases migrating from the former landfill, accumulation of gases will be unlikely as there will not be any underground voids and there will be ventilation beneath the caravans.

The application requires the following condition(s):

1. Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

INFORMATIVE: Information for Developers and guidance documents can be found online at [http://www.southbucks.gov.uk/information\\_for\\_developers](http://www.southbucks.gov.uk/information_for_developers)  
<http://www.chiltern.gov.uk/article/2054/Information-for-Developers>"

**Colne Valley Park Community Interest Company:**

Objects to this application because of development in the Green Belt and the loss of the abilities for this organisation to achieve its objectives in maintaining and enhancing Colne Valley Park.

If approved, would ask for appropriate mitigation and compensation in line with CIC's objectives

Classification: OFFICIAL

## **POLICIES**

National Planning Policy Framework (Revised 2019) (NPPF)

Planning Policy for Traveller Sites (August 2015) (PPTS)

National Planning Practice Guidance (NPPG)

Core Strategy for Chiltern District - Adopted November 2011: Policies CS4, CS14, CS22

The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies GC1, GC3, GB1, GB2, LSQ1, LB2, TR2, TR16,

Gypsy and Traveller Accommodation Topic Paper Joint Chiltern and South Bucks Local Plan 2036

## **EVALUATION**

### **Principle of development**

1 The site is situated within designated Green Belt. Under the terms of the National Planning Policy Framework Revised in July 2018 (NPPF) and updated in 2019, new development should be considered as "inappropriate" in the Green Belt unless it falls within a limited number of exceptions. Those exceptions are listed at paragraphs 145 and 146 of the revised version of the NPPF.

2. Paragraph 143 identifies that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 states that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

3. The exceptions at paragraphs 145 and 146 are the same as those set out in paragraphs 89 and 90 of the former version of the NPPF which was in effect at the time the 2016 application was submitted. Paragraph 146(e) of the revised version of the NPPF now allows for material changes of use of land provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it – those purposes being set out at paragraph 134. There was no exception relating to material changes of use in the former version of the NPPF but such an exception was included within Planning Policy Guidance Note 2 – Green Belts (PPG2) the guidance which existed prior to the NPPF. Policy GB2 of the Chiltern District Local Plan (1997) reflected the guidance in PPG2 and allows for material changes of use of land, which maintain the openness of the Green Belt and do not conflict with the purposes of including land within it. Whereas that criteria was out of step with the original version of the NPPF, the policy is, once again, consistent with national policy.

4. The approach to material changes of use in the NPPF is relevant as the development involves the material change of use of land.

5. The issues to be addressed in the consideration of these applications are therefore fundamentally:

- Whether the development the subject of these applications is inappropriate in the Green Belt and if so what is the effect of the development on the openness of the Green Belt;
- The effect of the development on the character and appearance of the area including the Colne Valley Park

- If the development is inappropriate, whether there are any very special circumstances which would outweigh the harm by way of inappropriateness and any other harm which this development would cause.
6. Other considerations include:
- Whether the site is a sustainable location
  - Implications for highway safety
  - Implications for amenity of nearby residential properties
  - Other issues in terms of ecology and SUDS.

**Whether the development is appropriate within the Green Belt.**

7. The application is for the use of the land as a private residential gypsy site, providing 5 additional pitches as an extension of the existing gypsy site which has planning permission for 6 pitches on the site.
8. Within the applicants agent's supporting statement, the applicant accepts that the development is inappropriate development. It is further accepted that the proposed development results in harm to the openness of the Green Belt.
9. There can be no doubt that the extension of the existing site to provide five more caravans pitches with the associated material change of use will have an impact on the openness of the Green Belt on account of their physical size and visual impact. The residential use of the land and associated potential fencing and landscaping will undoubtedly reduce openness and have a considerable urbanising effect and represents further encroachment into the countryside, contrary to one of the core purposes of the Green Belt, as listed at paragraph 134(c) of the Framework.
10. Furthermore, Paragraph 16 of Planning Policy for Traveller Sites advises that sites for travellers are harmful to the Green Belt and should not be approved, except in very special circumstances and that traveller sites are inappropriate development in the Green Belt. Also it goes on to state that subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.
11. There is no dispute that the development is inappropriate development and as such very special circumstances will need to be demonstrated.

**Gypsy status**

12. The onus is on the applicant to demonstrate that they are gypsy and travellers in accordance with the definition in Annex 1 of PPTS, which states:
- "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."
13. As this is an application for a proposed use, then any new occupant would be expected to comply with this requirement. In this case it is known from information provided by the applicant's agent that the proposed extension to the existing site is to provide accommodation to meet the existing family's growing need. The site is now home to 4 generations of the Delaney Family.
14. It is notable that the phrase "cease to travel...permanently" has been removed from the above definition, and consideration of future intent to travel will therefore also be a material consideration. The PPTS definition at Annex 1 paragraph 2, also qualifies further the tests the appellant must meet, to satisfy the



planning definition. This includes outlining history of a nomadic life, the reasons for ceasing a nomadic way of life subject of these applications, and the intention to live a nomadic way of life again in the future, and how soon and in what circumstances.

15. In respect of the applications relating to the existing site, the occupants' status as gypsy's has been accepted and it is known that the families travel and that this lifestyle has been continued through the generations.

16. The applicants Gypsy or Traveller status is not disputed and it is not disputed that the proposed use would be for this purpose.

**The Effect on the Openness of the Green Belt and the purposes of including land within it.**

17. Due to the way in which paragraph 146 of the Framework is framed any assessment of whether a material change of use or engineering operation amounts to inappropriate development must include an appraisal of whether the development would fail to preserve the openness of the Green Belt or conflict with the purposes of including land within it. As noted above, the applicant accepts that this development is inappropriate development within the Green Belt and thereby acknowledges a degree of harm in those respects.

18. The applicant's agent notes that the proposed site will adjoin the southern side of the existing caravan site and be on land bounded to the north by existing buildings. The site extension would be set back from Roberts Lane and behind a substantial boundary hedgerow and in line with the existing day room building in order to leave space of tree planting to mitigate the impact.

19. Development can have an effect on the openness of the Green Belt in both a physical and visual sense. In other words, a building that is erected on land that was previously free from development and open will have some impact on the openness of the Green Belt on account of its physical size. The proposal to station 5 caravans be they static or mobile will undoubtedly have an urbanising impact and extend the built form out into the countryside. It is accepted that the existing building to the north will mitigate some of the impact of the proposal, none the less this is a sizeable extension and the screening offered by the proposed hedgerow planting does not fully disguise the visual impact of the development completely and the caravans and or static units will be visible from both Roberts Lane and West Hyde Lane and the bridleway (CSP/44/2), locally known as Old Shire Lane, running parallel to the eastern field boundary which is a key route forming part of the Colne Valley Regional Park walking route.

20. In terms of the assessment of the impact on openness, it is relevant to draw on the planning history of the site. In particular it is pertinent to note that one of the fundamental differences between the scheme the subject of the 2005 appeal and the subsequent 2007 appeal was the reduction in the size of the site area, primarily reducing the site area by a half including removing two pitches directly adjacent to Roberts Lane and utilising the existing buildings on the site to screen the area containing the caravans.

21. The site for which the permanent planning permission was granted in 2010 was larger than that the subject of the 2007 appeal but none the less was considerably smaller than the site originally occupied in 2005. This proposal will of course extend the site, but it still remains smaller overall than that occupied in 2005.

22. The findings of the Secretary of State and Inspector in determining the appeal in 2007 remain pertinent to this application. The Secretary of State concluded that there would be some loss of the Green Belt openness and some effect on the landscape of the Colne Valley Park, but the harm would be of *limited visual significance (para 18 of the Secretary of State's decision letter 2007)*. The Secretary of State concluded that the

much reduced size of the site and visual impact of the development was an important difference between the development before him and the 2005 appeal.

23. Whilst the site the subject of these applications will extend the existing site, it does not appear larger than reasonably necessary to accommodate an additional 5 pitches. The layout shows that provision for one static or tourer is proposed per pitch, which is somewhat unusual, however there are facilities within the large barn area on the existing site to accommodate storage of small touring caravans as required albeit there is a restriction on the number of statics and tourers currently allowed to be on that part of the site. Nonetheless given that this is for the extended family this would remain a potential option if additional touring caravans were required by the family.

24. It is clear that the development will represent an expansion of built form representing additional harm to the Green Belt, over and above the fact that the development is inappropriate and this must be weighed against any very special circumstances submitted by the applicant. In terms of the impact on openness, taking into account the previous appeal decisions and that this extended site is set against the existing site, it is considered this should be afforded moderate weight.

**The effect of the development on the character and appearance of the area including the Colne Valley Park**

25. In terms of the proposed expansion of the site, clearly it does not comply with the objectives of maintaining and enhancing Colne Valley Park. Nonetheless in context, the site is an expansion of the existing site and to a degree set against existing built form and it is acknowledged that there are opportunities to mitigate the harm.

**Whether very special circumstances exist.**

26. For the reasons given above, it is considered that there would be overall harm to the Green Belt and additional harm by reason of the adverse impact on the open and rural character of the area and introducing an urbanising form of development in the Green Belt. It is therefore necessary to consider whether there are any very special circumstances that clearly outweigh the harm to the Green Belt by reason of inappropriateness, and the further harm identified in terms of openness.

**Whether there is a need for additional gypsy and traveller sites in the area and, if so, whether the Council can identify a supply of sites to meet those needs.**

27. Paragraph 9 of the PPTS identifies that local planning authorities (LPAs) should set pitch targets for gypsies and travellers, as defined in Annex 1, which address the likely need for permanent and transit accommodation in their area. In addition, in producing their Local Plans, paragraph 10 requires LPAs to identify and update annually a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against locally set targets.

28. In that context, policy CS14 of the Core Strategy is not up to date because the evidence base upon which it relies was the 2006 Gypsy and Traveller Accommodation Assessment (GTAA) for the Thames Valley region. The preamble to the policy notes that the evidence base did not include any assessment for gypsy and traveller pitches beyond 2016 and that further studies would be carried out as part of an emerging Development Plan Document (DPD) to assess the pitch requirement up to 2026. The wording of the policy itself notes that sites for gypsies and travellers will be allocated in a DPD but this has not been pursued. The Council is now intending to identify and allocate sites to meet the need for new pitches through the emerging Chiltern and South Bucks Local Plan.

29. The Chiltern and South Bucks District Council's Local Plan Regulation 18 consultation (incorporating issues and options) included options for meeting the needs of Travellers (paragraph 6.2 (a) to (g) as part of the consultation. The document was out for consultation from 19th January – 14th March 2016. Following on

from the above, the Green Belt Preferred Options consultation for the Chiltern and South Bucks Local Plan in October 2016, referred to potential opportunities for addressing the need for gypsy and traveller accommodation as part of four of its Preferred Green Belt Options sites. These were at Chesham, Beaconsfield, Iver and Little Chalfont (option site numbers 1, 9, 13 and 6 respectively). The above shows that there has been progress towards meeting needs for travellers as part of the new Local Plan, however it is correct to state that it will be 2 - 3 years before the Local Plan will be able to identify a five year supply of deliverable land for gypsy and traveller sites.

30. In April of this year (April 2019) the Council published its Gypsy and Traveller Accommodation Topic Paper to accompany the Chiltern and South Bucks Local Plan 2036. It sets out the results of the needs assessment for gypsies and travellers in the Local Plan area and the strategy for meeting needs. The needs assessment is entitled "The Aylesbury Vale, Chiltern, South Bucks and Wycombe District Councils' Gypsy Traveller and Travelling Showpeople Accommodation Assessment (Feb 2017)" the GTAA. The GTAA results for Chiltern and South Bucks show the composition of needs at the time of the relevant survey. The needs for the Local Plan area as a whole were shown to be of a high level of non-travelling households and households whose travelling habits were unknown. This can be subject to change as travelling habits will vary according to the personal circumstances of individual households. As a result it is appropriate for the Councils to have a strategy for gypsy and traveller accommodation which seeks to meet wider cultural need.

31 The findings of this Topic paper show that there is a potential supply of pitches equivalent to the total number of pitches needed for all types of need, namely 85 pitches. Within Chiltern area there is a need for 15 pitches in total. Importantly and specifically relevant to this application is that the Topic paper recognises that a very significant contribution towards meeting short term needs could result from (outstanding) planning applications of which this is one. The new Local Plan has a criteria-based policy (DM LP 9) which would apply to any planning applications for new pitches / sites for gypsies and travellers, however at the present time this would carry no weight.

32. At the meetings of the full Councils for Chiltern and South Bucks Districts on 14th and 15th May 2019 it was agreed that the Local Plan will be subject to pre-submission consultation starting on 7th June 2019. The papers for these meetings include the text of the Local Plan to be subject to consultation. Within it there are four site allocations which include provision for new pitches for gypsies and travellers. They are allocations at Chesham, Beaconsfield, Iver and Little Chalfont (site allocation numbers SP BP2, SP BP 9, SP BP11 and SP BP 6 respectively). Also there is a criteria-based policy for gypsy and traveller pitches – Policy DM LP9.

33. The above shows that there has been progress towards a strategy for meeting needs for travellers as part of the new Local Plan, however there is not currently a five year supply of deliverable land for gypsy and traveller sites and the Local Plan strategy for meeting needs still needs to be subject to the examination process.

34. The Local Plan examination in public will no doubt be the appropriate place for a public debate on those future needs and the strategy for meeting them and there will be the opportunity to present information in that respect, however ahead of that there can be no doubt that Chiltern and South Bucks both need to make provision of such sites and in this respect the additional number of pitches proposed as part of this application must carry some considerable weight in favour of this application and indeed a number of appeal decisions have given high weight to the lack of sites in balancing against the harm to the Green Belt by reason of inappropriateness and further harm to openness and indeed the recently published Topic Paper similarly supports this approach.

### **Personal circumstances**

35. As set out under the relevant planning history section of this report, the adjacent land is currently occupied as a Gypsy Site comprising 6 pitches for the Delaney Family and has a chequered planning history with enforcement action having been taken when the family first moved onto the site in 2004 and planning permission was originally refused. However in recognition of changes in National Planning Policy Guidance at that time combined with the lack of sites available in Chiltern and the personal circumstances of the applicants in terms of the educational and health needs of the family, planning permission was initially granted in September 2007 for a temporary 5 year permission. As stated in the planning history, the Secretary of State concluded that the appeal was not in accordance with the development plan. The proposed gypsy site would be inappropriate development in the Green Belt, there would be additional harm to the openness of the Green Belt and there would be some effect on the landscape of the Colne Valley Park, although this would be of limited visual significance. The unmet need for gypsy sites, including those of the appellant's extended family, and their personal circumstances should carry substantial weight. However, there is reasonable prospect of alternative sites being allocated and becoming available in five years. A temporary permission for the Delaney Family would not undermine the development plan process, but would allow time for alternative sites to be identified through the development plan process. There are therefore very special circumstances which outweigh the harm to the Green Belt and other harm for a temporary period, but which do not justify a permanent permission.

36. In 2010 after the 5 year permission had lapsed a permanent planning permission was granted under application CH/2010/0192/FA (Appendix MR.01) again recognising the personal circumstances of the applicants and further that no sites had come forward in the development plan process.

37. The family have now been located in the area since 2004 as indicated, this site is for the fourth generation of the family and undoubtedly the family contribute to the need for accommodation to be found in the locality. The family's strong commitment to education of the children at local schools and health issues has previously been held to carry considerable weight in favour of the initial temporary permission and then permanent permission for the site. These circumstances remain unchanged, it is understood, with children of the extended family still continuing at local schools and equally from officers' visits to the site, it is clear that there is a need for further accommodation as the families grow.

### **Other considerations**

#### **Sustainability**

38. The proposed development is a reasonably short distance from local community facilities, albeit that this would be along a road without a footpath, and therefore highly likely to encourage the use of a motor vehicle and not promote sustainable development. However it is an extension of an existing site and meeting the needs of existing family members and in this respect an objection on such grounds is not considered reasonable

#### **Highway safety**

39. The comments of Bucks County Council are noted in terms of the implications on highway safety and no objections are raised, but conditions are recommended.

#### **Amenity of local residents**

40. The extended site is some distance from local residential properties, located on the opposite side of the existing amenity building and as such it is not considered to impact on the amenity of nearby residential properties.

### **Planning Balance**

41. The development amounts to inappropriate development that has resulted in a moderate degree of harm to the openness of the Green Belt. However in accordance with the NPPF, substantial weight must be given to any harm to the Green Belt. Inappropriate development should not be approved except in very special circumstances. Such circumstances will not exist unless the harm to the Green Belt by way of inappropriateness, and any other harm arising from the development, is clearly outweighed by other considerations.

42. At present the Council cannot demonstrate a supply of sites to meet the needs of gypsies and travellers and there has been a long standing policy failure in this respect, however the Council is actively seeking to address this within the new Chiltern and South Bucks Local Plan, nonetheless as indicated above, the recently published Topic Paper places great emphasis on sites coming forward through the planning application process, this application being one such site.

43. It is also relevant to note that any site coming forward would be through the release of land from the Green Belt under the new Local Plan for Chiltern and South Bucks or on existing sites the subject of planning applications – all being within the Green Belt. It is considered that the need for sites in this context should be afforded significant weight.

44. It is clear that the existing occupants of the adjacent site contribute to the need for additional accommodation in the area. The family have strong local ties and in previous appeal decisions the Inspectors have acknowledged this and this has weighed in favour of initially a temporary permission and then permanent permission.

### **Conclusions**

45. A permanent gypsy site would clearly conflict with the aims of the Green Belt policy and will result in the further urbanisation of the site. However, as indicated above in terms of the overall impact of the extension of the site on openness this is only afforded moderate weight. When balancing the shortage of sites and the personal circumstances of the family it is considered that on this occasion there are sufficient reasons to overcome the harm by reason of inappropriate needs and further harm to the openness.

### **Working with the applicant**

46. In accordance with National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant / Agent and has focused on seeking solutions to the issues arising from the development proposal.

47. Chiltern District Council works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service,
- updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions.

In this case, Chiltern District Council has considered the details as submitted which were considered acceptable.

### **Human Rights**

48. The following recommendation is made having regard to the above and also to the content of the Human Rights Act 1998.

**RECOMMENDATION:**

**PL/18/3194/FA**

**The Secretary of State be advised that had the applicant not appealed against non-determination the Council would have recommended approval of the application subject to the conditions as detailed below:**

**And**

**CH/2016/0310/FA**

**Planning permission be granted subject to conditions:**

1. Time limit
2. No more than five caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than six shall be a static caravan or mobile home) shall be stationed on the site at any time. All caravans shall be capable of being towed on the public highway in accordance with the relevant highways act legislation without division into separate parts.  
Reason: Having regard to the applicant's personal circumstances and to minimise the impact of the development on the visual amenity and rural character of the area having regard to the location of the site within the Green Belt and Colne Valley Park.
3. No commercial activities shall take place on the site, including the open storage of materials.  
Reason: Having regard to the applicant's personal circumstances and to ensure that the development does not detract from the visual amenity and rural character of the area having regard to the location of the site within the Green Belt and Colne Valley Park.
4. No commercial vehicles in excess of 3.5 tonnes gross weight shall be stored or parked on site.  
Reason: Having regard to the requirement of the CH/2010/0192/FA permission and to ensure that the use of this land as an extended gypsy and traveller site does not detract from the visual amenity and rural character of the area having regard to the location of the site within the Green Belt and Colne Valley Park.
5. Prior to the commencement of development, a scheme of ecological enhancements shall be submitted to and approved by the Local Planning Authority to ensure an overall net gain in biodiversity will be achieved. The scheme will include details of landscape planting of known benefit to wildlife and provision of artificial roost features, including bird and bat boxes. the approved scheme shall be fully implemented thereafter prior to completion of the development.  
Reason: In the interests of improving biodiversity in accordance with NPPF and Core Strategy Policy 24: Biodiversity of the Chiltern District Core Strategy and to ensure the survival of protected and notable species protected by legislation that may otherwise be affected by the development.
6. No part of the development shall begin until visibility splays have been provided on both sides of the access between a point 2.4 metres along the centre line of the access measured from the edge of the carriageway and a point 151 metres along the edge of the carriageway measured from the intersection of the centre line of the access. The area contained within the splays shall be kept free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway.  
Reason: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access.
7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority.

An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of landscaping for the southern boundary (at a scale of not less than 1:500) which shall include details of tree species to be planted and hedgerows along with indications of all existing trees and hedgerows on the land, with details of those to be retained, and those to be felled being clearly specified. The approved landscaping details shall be implemented in full thereafter prior to completion of the development.

Reason: In order to maintain, as far as possible, the character of the locality.

The End