
F/YR21/1037/F

Applicant: Mr & Mrs Aldin

**Agent : Mrs Alex Patrick
Alexandra Design**

Land South Of Millcroft, Mill Lane, Gorefield, Cambridgeshire

Change of use of land for 2 traveller pitches and keeping of horses/farm animals associated with occupation of the traveller pitches to include stationing of 2 static caravans and 1 tourer, erection of timber shed, stable/tack room, 1.2 metre post and rail fencing and construction of vehicular access and 1.5 max metre high earth bund

Officer recommendation: Grant

Reason for Committee: Gorefield Parish Council do not support contrary to recommendation and number of objections exceeds 6.

1 EXECUTIVE SUMMARY

1. This is an application for change of use of land to accommodate two static mobile homes and associated development on land south of Millcroft, Mill Lane, Gorefield. The site lies within the countryside.
2. The existing policy framework surrounding the development is such that the Local Planning Authority is unable to demonstrate that it has an adequate supply of sites for the accommodation of the gypsy and traveller community. The application is accompanied by sufficient information to demonstrate that the proposed occupants satisfy the definition of gypsies and travellers within the Planning Policy for Traveller Sites (2015) document and on that basis the principle of the development is considered to be acceptable.
3. Impact on character is considered acceptable due to the proposed small number of mobile homes which will be set well back from Mill Lane and the existing landscaping together with additional planting which, together with any external lighting is subject to conditions.
4. The proposed access, turning and parking is acceptable subject to conditions required by the local highway authority.
5. Although the site is located in Flood Zone 3, the EA has not raised objections and due to a lack of other suitable alternative sites in areas at lower risk of flooding, the sequential test is passed. There are sufficient community benefits to this site being permitted to pass the exceptions test.
6. In all other respects, the proposal is considered to be acceptable and subject to the conditions to be imposed complies with policy LP5 of the local plan (which also reflects other policies of the plan)

2 SITE DESCRIPTION

- 2.1 The site comprises a roughly rectangular parcel of land that was formerly grassland and was contiguous with the land to the north which contains a large stand of trees and the residential property named Millcroft at the junction of Mill Lane and Bird's Drove. The application site has been severed from this land in terms of land ownership and measures approximately 64 metres in length from front to rear (east to west) and on average 35 metres in width (north to south). The site lies in open countryside and is typical of the patchwork of paddock/pastureland/horticulture parcels associated with sporadic residential properties in the area and is interspersed with larger flat arable fields.
- 2.2 The nearest residential properties to the site are Millcroft just to the north, Greenacre opposite and Oakwood opposite to the southeast. There are approximately 22 residential properties located within a 0.5 km radius of the site. The settlement of Gorefield is approximately one mile to the north of the site. Wisbech St Mary is a similar distance away to the south. The site is located outside of a settlement boundary and is therefore located in the countryside.
- 2.3 The site has a vehicular access off Mill Lane. There is a small strand of trees to the south of the access and the site boundaries contain sporadic trees and hedgerows. There is a parcel of land beyond the rear of the application site, to the west that is in the ownership of the applicant and at the time of the case officer's visit, was being used for grazing.
- 2.4 The site lies within flood zone 3 which is the area at greatest risk of flooding

3 PROPOSAL

- 3.1 The proposal is at least in part retrospective. The land has been occupied by the applicants as a traveller site and works have been carried out to create a vehicular access, hardstanding area, bunding, stables and fencing. The submitted plans show that the front part of the site would contain a log style cabin mobile home and a further mobile home erected on a hardstanding area with a hardcore drive leading from the vehicular access off Mill Lane. There is a timber shed to the south and a stable block containing two stables and a tack room to the north. Details of the visual appearance of the proposed mobile homes has not been provided. From the site plan they would measure approximately 15m long x 6m wide and 14m long x 6m wide. There is a 1.5 metre earth bund to part of the northern boundary. The boundaries are shown with 1.2-metre-high post and rail fencing. Within the application site but to the rear of the area where the mobile homes are to be stationed are two paddocks. To the rear of the paddocks is a further area edged blue on the plan (in the same ownership as the applicant) which is labelled as sheep paddock.
- 3.2 The application provides information about the proposed occupiers of the site who are three adults; Mr and Mrs Martin and Cindy Aldin and Mr Aldin's elderly mother Mrs Muriel Aldin.

Full plans and associated documents for this application can be found at:
www.publicaccess.fenland.gov.uk/publicaccess

4 SITE PLANNING HISTORY

4.1 There is no planning history at the site

5 CONSULTATIONS

Gorefield Parish Council

Cannot support due to the site being in open countryside, impact on the environment and disruption to wildlife habitats

FDC Traveller Liaison Officer

Confirms that the proposed occupiers of the site meet the definition of travellers or gypsies as set out in the national Planning Policy for Traveller Sites.

Environment Agency

No objection. Whilst the site is within the undefended area of flood zone 3, the site is shown to be unaffected by a breach or overtopping of the flood defence in the 0.0% (1 in 1000 year plus climate change). The agent has acknowledged this and has stated the finished floor levels of the mobile homes shall be a minimum of 0.3 metres above ground level. It is for the local planning authority to be satisfied the sequential test set out in the NPPF (paragraph 162) is passed.

CCC Highways

The most recent plan has resolved previous comments and as such there are no objections subject to conditions to ensure no surface water run-off onto the road, any gates to be set in 5 metres from the edge of the highway and hung to open inwards and a minimum of 5 metres of the vehicular access from the highway shall be surfaced in a metalled and sealed surface.

Local Residents/Interested Parties

Objections have been received from 11 individuals from 7 households who raise the following issues;

- Agricultural land
- Does not comply with policy
- Out of character/not in keeping with area
- Would set a precedent for further traveller sites and more pitches on this site as there is plenty of space
- There is a covenant on the land restricting use for residential purposes and no commercial vehicles at the site
- Devaluation of property
- The boundary line is still incorrect (with regards to what has been sold and the official title plan)
- The development will have a detrimental effect on the view and outlook from our property (Oakwood) and from Mill Lane in general
- There was a peaceful countryside view but already before a decision is made on the planning application, we can see a number of large vehicles, a large digger, a touring caravan and awning and other items of a site being lived on.
- Access. Mill Lane not suited to an increase in traffic
- Density/over development

- Design/appearance
- Light pollution
- Noise
- Overlooking/loss of privacy
- Trees
- Visual Impact. Will alter the nature of Mill Lane
- Wildlife concerns – due to lighting and loss of trees and general disturbance
- If granted there should be a restriction on the number of residents permitted to live on the site
- In the winter months the upper floor windows of our house will directly overlook the site (Greenacres)
- The site entrance is approximately 40 yards from our farm entrance (Greenacres)
- Mill lane is a quiet country lane with few properties along it and we moved here to the quietness and likely lack of development – this development will have a severe impact on our quality of life.
- Can the Council ensure that the intended occupiers do meet traveller status
- We note the reference in the application to health issues in connection with the applicants. We all have health issues and the effect of this planning application could have on my future health.
- Smell
- I have tried for several years to obtain planning permission for a house on one of my father's fields. I cannot afford to buy in Gorefield where I grew up and keep being turned down for different reasons. I am asking for the same consideration for locals.

Representations

- Right Hon Stephen Barclay forwarded one of the neighbour's concerns and asked to be kept up to date on the application.

6 STATUTORY DUTY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).

The Council has a duty Under the Equality Act 2010, Section 149, to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

7 POLICY FRAMEWORK

7.1 Planning Policy for Traveller Sites August 2015

Policy B – Planning for traveller sites

Policy C – Sites in rural area and the countryside

Policy H – Determine planning application for traveller sites

Policy I – Implementation

7.2 National Planning Policy Framework (NPPF)

Para 2: NPPF is a material consideration in planning decisions.

Para 7: Purpose of the planning system is to contribute to the achievement of sustainable development

Para 11: Presumption in favour of sustainable development

Para 12: Conflict with an up-to-date plan should not usually be granted

Para 80: Avoid the development of isolated homes in the countryside unless specified exceptions apply

Para 119: Promote effective use of land

Para 123: Take a positive approach to alternative land uses

Para 124: Making efficient use of land (density - need & character)

Para 159: Development should be directed away from areas at highest risk of flooding.

Para 161: Need to apply the sequential and exceptions tests.

7.3 Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP5 – Meeting Housing Need

LP12 – Rural Areas Development Policy

LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland

LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland

LP16 – Delivering and Protecting High Quality Environments across the District

7.4 Emerging Local Plan

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 48 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

LP1 Settlement Hierarchy

LP2 Spatial Strategy for Residential Development

LP5 Health and Wellbeing

LP7 Design

LP8 Amenity Provision

LP14 Gypsies and Travellers and Travelling Showpeople

LP18 Development in the Countryside

LP20 Accessibility and Transport

LP22 Parking Provision

LP24 Natural Environment

LP25 Biodiversity Net Gain

LP27 Trees and Planting

LP32 Flood and Water Management

8 KEY ISSUES

- **Principle of Development**
- **Character and Appearance**
- **Impact on Settled Community**
- **Sustainability re transport, highway safety and utilities**
- **Flood Risk**
- **Other Issues**
- **Personal Circumstances**

9 BACKGROUND

9.1 There is no relevant planning background to this site

10 ASSESSMENT

Principle of Development

- 10.1 The site is outside the built-up area of a settlement and therefore, in planning policy terms it is in an area which is considered to be in the countryside whereby local plan policies for 'Elsewhere' locations apply. Except on statutorily designated Green Belt land (not applicable anywhere in Fenland) the Planning Policy for Traveller Sites (PPTS) published in August 2015 is not opposed in principle to Traveller sites in the countryside. It does however state in Policy H (paragraph 25) that Local Planning Authorities (LPAs) 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.
- 10.2 Furthermore, paragraph 25 states that LPAs should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing undue pressure on the local infrastructure. In its recent decisions the Council has accepted that planning permission can be granted on sites in the countryside, acknowledging that the identified need will not be met by land within existing towns and villages.
- 10.3 Policy A within the PPTS sets out at c) that local planning authorities should use a robust evidence base to establish accommodation needs to inform the preparation of local plans and make planning decisions. Policy B states that in producing their Local Plan, local planning authorities should identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets. They should identify a supply of specific, deliverable sites, or broad locations for growth, for years 6 – 10 and, where possible, for years 11 – 15. To be considered deliverable, sites should be available now, offer a suitable location for development, and be achievable with realistic prospect that development will be delivered on the site within 5 years. To be developable, sites should be in a suitable location for traveller site development and there should be reasonable prospect that the site is available and could be viably developed at the point envisaged. The last Gypsy and Traveller Needs Assessment (GTANA) was carried out in 2013 and this identified a need for 18 pitches up to the year 2026. Since then, at least 42 pitches have been granted. However, the GTANA is not up to date and there is presently no evidence of what the need is in Fenland for gypsy and traveller pitches. A new GTANA was commenced in 2019 but this is not yet

completed and there is no available up to date empirical evidence, at the time of writing this report that could assist with this issue.

- 10.4 Policy LP5 Part D of the local plan states that there is no need for new pitches as per the findings of the Fenland GTANA update in 2013. However, an appeal decision received in April 2020 (APP/D0515/C/19/3226096) identified that there was an unmet need within Fenland which was a matter of common ground between the LPA and the appellant.
- 10.5 Policy H of the PPTS re-affirms the provision of Section 38(1) of the Planning and Compulsory Purchase Act 2004 i.e. that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Fenland Local Plan identified no need for pitches (policy LP5) in Fenland based on the evidence contained in the GTANA of 2013 and no pitches were allocated. The GTANA of 2013 and the subsequent policy position in LP5 of there being no need for pitches, is now out of date. Policy LP5 goes on to state that the Council will be prepared to grant permission for sites in the countryside, provided that there is evidence of a need as identified in the local assessment, that the occupiers meet the definition of Gypsy and Travellers or Travelling Showpeople and that the criteria set out in policy LP 5 (a) to (f) are met. The lack of an up to date needs assessment based on up-to-date evidence and the PPTS which was published in 2015 are material considerations to weigh alongside the development plan policy. It is clear that at present, the Council would not be able to sustain an argument that there is no need for pitches within Fenland and nor can it be confirmed with evidence that there is an identified need. Therefore, it is not reasonable, at present, to refuse traveller site applications on the premise that there is no need.
- 10.6 Policy LP5 states that permission for sites in the countryside would depend on evidence of a need for such provision. However, this policy conflicts with the PPTS (post Local Plan adoption) Paragraphs 11 and 24, which endorse criteria-based policies where there is no such need, and Paragraph 25 which expects sites to be located in the countryside, albeit with restrictions, but without any precondition of evidence of need.
- 10.7 Recently, it was confirmed that the waiting list for a pitch on a Council run traveller site exceeded 40 persons.
- 10.8 The Council's Traveller and Diversity Manager, is satisfied that the occupiers of the site (Mr and Mrs Aldin and Mr Aldin's mother) all meet the PPTS definition of a Gypsy or Traveller.
- 10.9 With regard to the keeping of horses on the land, the application sets out that the horses belong to the intended occupiers of the site. The application is not for a livery business and any approval shall be conditioned to ensure that the horses being kept are those owned by the occupiers. The application has been assessed on this basis including potential traffic generation.
- 10.10 Given the lack of up-to-date evidence as to the need for pitches and that the applicant/occupiers meet the definition of Gypsies and Travellers, the principle of the development in this countryside location is acceptable. Regardless of need, policy LP5 requires proposals to also meet the criteria set out within the policy and this is applicable whether up to date need is identified or not and shall be applied on a case-by-case basis. Despite there being a degree of tension/conflict between the application of criteria based policy to determine applications in

paragraphs 11 and 24 of the PPTS (ie apply where there is no need) and policy LP5 (apply whether there is a need or not), the criteria set out in Part D of policy LP5 generally reflect other policies of the local plan and concern issues of acknowledged importance such as visual appearance, flood risk, impact on the environment and amenity. They also generally reflect issues referred to in the PPTS. Compliance with this criteria is considered in the following sections of this report but in terms of the principle of the development, the proposal is acceptable.

Character and Appearance

10.11 Part D of policy LP 5 of the local plan, sets out the following criteria against which applications for Gypsy and Traveller (and Travelling Showpeople) caravan sites and associated facilities will be assessed;

- (a) the site and its proposed use should not conflict with other development plan policies or national planning policy relating to issues such as flood risk, contamination, landscape character, protection of the natural and built environment, heritage assets or agricultural land quality; and
- (b) the site should provide a settled base and be located within reasonable travelling distance of a settlement which offers local services and community facilities, including a primary school; and
- (c) the location, size, extent and access and boundary treatment of the site should allow for peaceful and integrated coexistence with the occupiers of the site and the local settled community; and
- (d) the site should enable safe and convenient pedestrian and vehicle access to and from the public highway, and adequate space for vehicle parking, turning and servicing; and
- (e) the site should enable development which would not have any unacceptable adverse impact on the amenities of occupiers of nearby properties, the health or wellbeing of any occupiers of the site, or the appearance or character of the area in which it would be situated; and
- (f) the site should be served by, or be capable of being served by, appropriate water, waste water and refuse facilities whilst not resulting in undue pressure on local infrastructure and services

10.12 Policy LP 16 requires all new development to;

- (c) retain and incorporate natural and historic features of the site such as trees, hedgerows, field patterns, drains and water bodies
- (d) Make a positive contribution to local distinctiveness and character of the area, enhance its local setting, respond to and improve the character of the local built environment, provides resilience to climate change, reinforce local identity and does not adversely impact , either in design or scale terms, on the street scene, settlement pattern or landscape character of the surrounding area.

10.13 Policy H, Paragraph 24 (d) of the PPTS states that local planning authorities should consider this issue (amongst others) when considering planning applications for traveller sites;

“that the locally specific criteria used to guide the allocation of sites in plans or which forms the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites.” (it is noted that this wording assumes that where there is a need for sites that these will be allocated)

10.14 Paragraph 25 of the PPTS states that local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements.....sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing undue pressure on local infrastructure.

10.15 Paragraph 26 of the PPTS states that when considering applications, local planning authorities should attach weight to the following matters;

- (a) effective use of previously developed (brownfield), untidy or derelict land
- (b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
- (c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
- (d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community

10.16 Fenland District Council has five local landscape character areas. The largest of these is The Fens in which the application site is located. The Fen area is characterised as follows;

- Large scale, flat and open landscape with extensive views and large skies
- Largely unsettled, arable landscape with isolated villages and scattered individual properties
- Individual properties often surrounded by windbreaks including numerous conifers
- Rectilinear field structure divided by pattern of artificial drainage ditches
- Very few hedgerows in landscape
- Productive and functional landscape with few recreational uses
- Long straight roads, elevated above surrounding fields but locally uneven.

The site and its surroundings is fairly typical of this description although in addition to the above there are blocks or groups of trees within the local setting and the stretch of Mill Lane at this location is bound by hedgerows whereas in other locations, especially to the south it is more open to the fields.

10.17 There are sporadic residential properties along Mill Lane and these are well spaced out and separated by areas of fields. There is no uniform or prevailing style of dwelling.

10.18 It appears from images captured on Google streetview (dating from 2009) that the vehicular access to the site was formerly a field entrance of an unsurfaced nature and enclosed with a five-bar gate and hedging. It is not known how much this had been preserved over the years but the works to facilitate the use of the land as a traveller site have involved the entrance being widened and surfaced with hardcore such that the entrance is far more open and visible to Mill Lane. However, this is a relatively small area of the total frontage and is only visible upon near approach to the site. The proposed mobile homes and tourer, (especially pale coloured or white vans) will be visible within the site and likely from some distant views between vegetation, especially during the winter months. However, it is considered that they are no more visible than some of the existing properties along Mill Lane. The objectors have commented that landscaping has been removed from the site and it would appear that this may be the case. However, the case officer when visiting the site, advised that no further additional

planting take place prior to the application being determined in case the planting proved to be unsuitable.

- 10.19 It is considered that the proposed development does not significantly harm the character of the area and that a mix of planting which may include some evergreens and some native hedgerow/tree species could help to screen any long-distance views of white caravans. The proposed log cabin style mobile will likely be of a colour/materials that will be in keeping with the landscape as is the case with the stable block. If the number of pitches were larger than that proposed, the impact on character might be more significant, however, the application is for 2 mobile homes only and a condition can be imposed which limits the number of mobile homes and tourers on site at any one time to two statics and one tourer, in order that the character and appearance of what is a countryside setting is preserved.
- 10.20 There is also a balance to be struck with criteria (c) of policy LP5 of the local plan and with paragraph 26 (d) of the PPTS which advise against having too much hard landscaping or high walls or fences around a site. The applicant does not propose solid walls, fencing or gates and it is considered that this would be inappropriate to the character of the area therefore, permitted development rights will be removed in this regard.
- 10.21 As such, it is considered that the proposal is acceptable in terms of its impact on character and appearance of the area, subject to some additional landscaping which can be conditioned. It would therefore comply with policy LP5 (a) and (e) and with paragraph 26 (b) and (d) (with regard to character), to which local planning authorities are required to attach weight.

Impact on Settled Community

- 10.22 Policy L5, Part D criteria (e) states that the site should enable development which does not have any unacceptable adverse impact on the amenities of occupiers of other nearby properties. Policy C of the PPTS 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. Policy H states that LPAs should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing undue pressure on the local infrastructure.
- 10.23 This matter was recently addressed in a decision on application F/YR21/0487/F regarding provision of 10 plots at Land South of Greenbanks, Garden Lane, Wisbech St Mary. Reference was made to appeal decision APP/L2630/C/20/3250478 in South Norfolk where the Inspector determined that the nearest settled community was a different concept to nearest settlement. In that case the nearest settled community consisted of a scatter of houses and farms that lay within 1km of the site. In that instance, the pattern of development within 1km of the site consisted of a scatter of houses and farms. In the case of the Greenbanks site it was considered that a 0.5km radius was appropriate for gaging impact on the nearest settled community. A 1km radius would have included the outlying parts of Wisbech St Mary which had a very different settlement pattern, density and character to the development in the countryside in which the application site was situated. It is considered that this is also the case with regard to this application. The local planning authority has referenced this Norfolk appeal decision and used a 0.5km radius in recent assessments of traveller applications located away from main settlement boundaries where the

character has been deemed quite different from the sporadic housing in the vicinity of similar proposed sites.

- 10.24 There are approximately 22 scattered existing residential properties within a 0.5 km radius of the site. There are no other traveller sites within this area. It cannot be said therefore, that the proposed site containing two mobile homes will cause domination of the nearest settled community. In this regard it is considered that the application complies with policies C and H of the PPTS. In addition, although there are residential properties nearby, they are of a sufficient distance from the site that there will not be an adverse impact through overlooking, loss of privacy, loss of light etc and that the proposal also complies with policy LP5 Part D (e).

Sustainability re transport, highway safety, utilities etc

- 10.25 The site is proposed to be served by a 4.5 metre wide driveway that widens out slightly at the point of access off Mill Lane. Visibility is good in both directions. An amended visibility splay and vehicle tracking plan was received and the local highway authority has raised no objections to the proposal subject to conditions. Subject to imposition of conditions, the proposal will comply with policy LP5 Part D (d). Adequate on-site parking and turning space is provided. The local highway authority has raised no comments regarding the suitability of Mill Lane for caravans but Mill Lane is a typical narrow Fen road and there are residences, businesses etc that are served off such roads the area and the comings and goings associated with two mobile homes will not be significant.
- 10.26 The appeal Inspector in his decision to allow the The Spinney traveller site (at Horsemoor Road, Wimblington), commented as follows;
- “Nothing in the NPPF or PPTS that says traveller sites have to be accessible by means other than a private car. In fact, both recognise that the lifestyle of travellers must be factored into the planning balance.”
- 10.27 Given that sites for travellers and gypsies in the open countryside can be acceptable in principle, it would be unusual to find such sites served by pavements. Gorefield village is just over a mile away to the north and has a primary school as does Wisbech St Mary, just over a mile to the south. Notwithstanding this the current applicants do not propose that children live at the site. The site is only accessible by private car and potentially cycling but this is considered to be acceptable in this instance. The Council has and is granting planning permission for dwellings in locations that are likely to be only served by a private car.
- 10.28 The application form states that there will be no connection to a foul drainage system and that a soakaway is proposed for surface water and a cesspit is proposed for foul drainage. This is likely to be acceptable given the countryside location. To ensure that drainage is provided in the correct manner it will be conditioned. Given the presence of dwellings in the near vicinity, a water supply will be possible.
- 10.29 It is considered that the site has adequate pedestrian and vehicular access, is within a short drive to the nearest settlements where schools and services are located and is or is capable of being served by mains water and adequate foul and surface water drainage. The application is therefore in compliance with policy LP5, Part D (b), (d) and (f).

Flood Risk

10.30 The Environment Agency has confirmed that the site lies within the undefended flood zone 3 and therefore based on the table 1 – 3 of the National Planning Policy Guidance, highly vulnerable development ie permanently occupied mobile homes, would not be acceptable. However, the submitted FRA shows that the site is unaffected by a breach or overtopping of the flood defence in the 1 in 1000 year plus climate change scenarios. The submitted FRA acknowledges this and proposes that the finished floor levels of the mobile homes be set at a minimum of 0.3 above the surrounding ground levels. Therefore, the EA has no objection to the proposal. This could be subject of a condition to ensure the finished floor levels are set at this minimum height.

10.31 It is still for the local planning authority to apply the sequential test. Paragraph 162 of the NPPF requires development in flood risk areas to not be permitted if there are reasonably available alternative sites, appropriate for the development in areas at a lower risk of flooding. The EA state that avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places least reliance on measures such as flood defences, flood warnings and property level resilience.

10.32 In determining the appeal that granted permission for the Spinney site at Horsemoor Lane, Wimblington, the Inspector stated;

With regard to the sequential test, the Development Plan does not identify any deliverable land for gypsy sites and there are no “reasonably available” appropriate sites with a lower risk of flooding. The site-specific FRA demonstrates that the proposal would be safe from flooding for the lifetime of the development. However, to provide additional assurance and safeguards, the production of a Flood Plan for evacuation of the site can be required by condition.”

In this instance, as requested by the EA, their consultation response may be appended to any approval granted as an informative rather than imposing a condition.

10.33 The Fenland Local Plan does not identify any deliverable land for gypsy sites. This, coupled with the fact that the majority of the land outside of towns and villages will lie within flood zones 2 or 3, lead to a conclusion that there are no reasonably available sites with a lower risk of flooding. It is therefore considered that the sequential test will be passed.

10.34 Wider community sustainability benefits - The District’s sustainability objectives are outlined under 2.4 of the FLP and, relevant to this application includes the aim to thrive in safe environments and decent affordable homes (6.1) and redress inequalities related to age, gender, disability, race, faith, location and income. In respect of the proposal, it would assist in addressing a shortfall of accommodation needs for the Traveller community where an inadequate supply of housing currently exists.

10.35 Taking the above into account, it is considered that with regards to flood risk, the proposal is acceptable and complies with policy LP5, Part D (a) of the local plan. It is recognised that the PPTS, paragraph 13 (g) advises local planning authorities not to locate sites in areas of high risk of flooding, but the local circumstances of Fenland district must be taken into account, given the

amount of land in the district that is at a higher risk of flooding. As already stated, the Inspector for the Spinney site took a pragmatic view on this matter.

Other Issues

10.36 Noise

The proposal is for residential occupation. It cannot be assumed that occupation by travellers will be any more noisy than occupation as any other residential property. There are mechanisms in place for dealing with any statutory noise nuisance.

10.37 Precedent

The site is a large area of land for two mobile homes but the application does not propose additional pitches. Planning permission would be required for additional pitches as the proposed condition will limit the number of mobile homes on site to the two applied for and will also restrict the number of tourers to a maximum of two at any time.

10.38 Devaluation of Property

This is not a planning matter

10.39 There is a covenant on the land

This is not a planning matter. This is a private legal matter between those who sold the land and the owners (the applicants in this case)

10.40 Agricultural Land

The Natural England land classification map shows the site to be grade 2, very good quality agricultural land. The majority of land within the district outside of the built-up areas will be either grade 1 or grade 2 land. Given that there are no available alternative sites available, the proposal is acceptable in this regard.

10.41 Lighting

Details of any external lighting shall be conditioned so as to reduce any impacts on wildlife and the character of the area

Personal Circumstances

10.42 There are some personal circumstances that would need to be weighed in the planning balance if the application were finely balanced or were being considered for refusal. As this is not the case it is not necessary to consider these further.

11 CONCLUSIONS

11.1 In conclusion, the existing policy framework surrounding the development is such that the Local Planning Authority is unable to demonstrate that it has an adequate supply of sites for the accommodation of the gypsy and traveller community. The application is accompanied by sufficient information to demonstrate that the proposed occupants satisfy the definition of gypsies and travellers within the

Planning Policy for Traveller Sites (2015) document and on that basis the principle of the development is considered to be acceptable.

- 11.2 Impact on character is considered acceptable due to the proposed small number of mobile homes which will be set well back from Mill Lane and the existing landscaping together with additional planting which, together with any external lighting is subject to conditions.
- 11.3 The proposed access, turning and parking is acceptable subject to conditions required by the local highway authority.
- 11.4 Although the site is located in Flood Zone 3, the EA has not raised objections and due to a lack of other suitable alternative sites in areas at lower risk of flooding, the sequential test is passed. There are sufficient community benefits to this site being permitted to pass the exceptions test.
- 11.5 In all other respects, the proposal is considered to be acceptable and subject to the conditions to be imposed complies with policy LP5 of the local plan (which also reflects other policies of the plan).

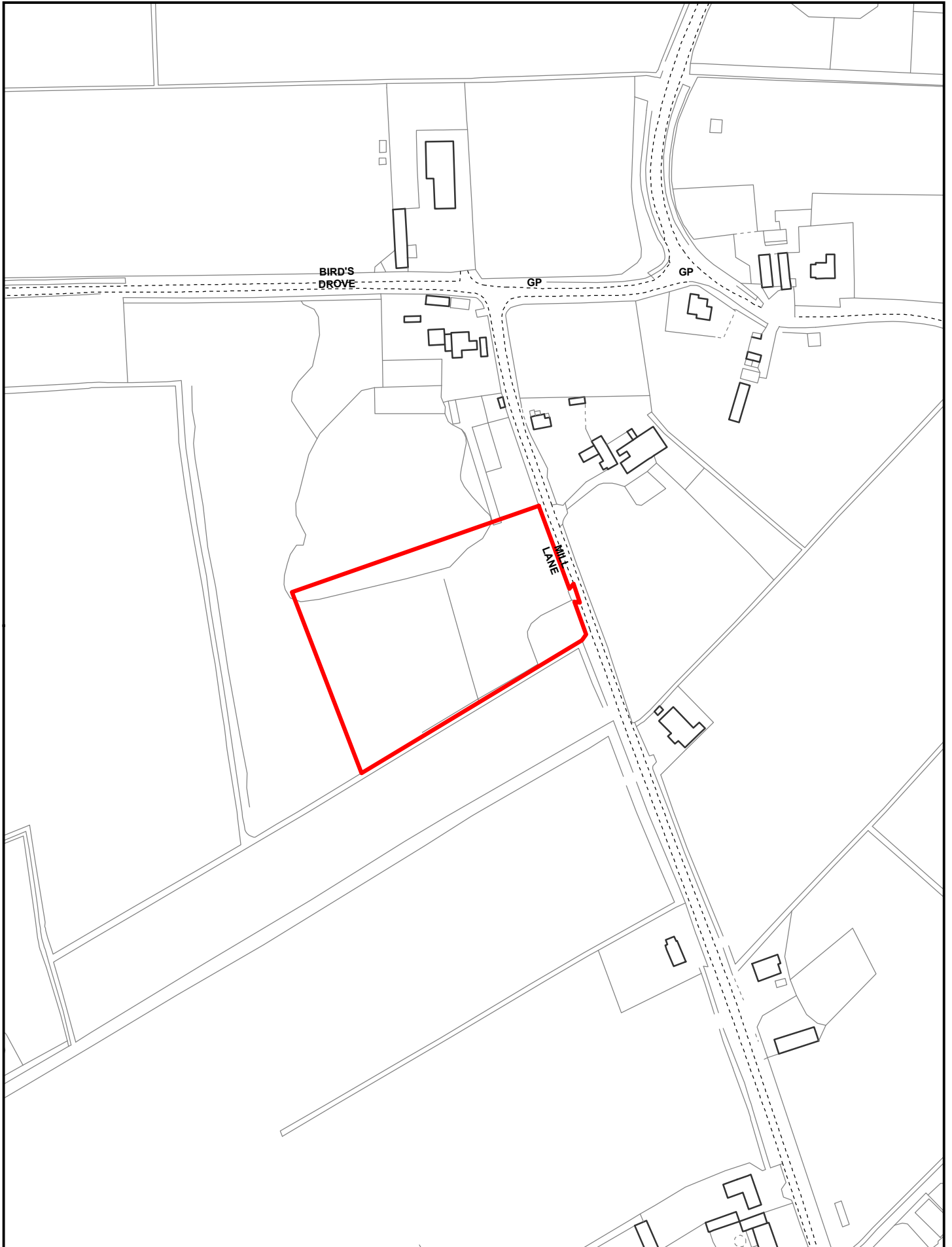
12 RECOMMENDATION

Grant subject to conditions

1	<p>The site shall not be occupied by any persons other than gypsies and travellers as defined in annex 1 of the Planning Policy for Traveller Sites (DCLG August 2015)</p> <p>Reason: The application is only approved due the applicants meeting the definition and to clarify what is hereby approved.</p>
2	<p>No more than 3 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than two shall be static caravans) shall be stationed at the site at any time. They shall only be stationed within the area denoted as parking and turning as shown on the approved site plan 131/PL01B.</p> <p>Reason: To clarify what is hereby approved and to ensure that the stationing of caravans does not have an adverse impact on the character or appearance of the area in accordance with policy LP5 of the Fenland Local Plan</p>
3	<p>No more than one commercial vehicle shall be kept at the site and shall not exceed 3.5 tonnes in weight.</p> <p>Reason: To control commercial activity at the site and the visual appearance of the land in accordance with policy LP5 of the Fenland Local Plan</p>
4	<p>No commercial activities shall take place on the land, including the storage of materials or the stabling of horses other than those belonging to the occupants of the site.</p> <p>Reason: To control commercial activity at the site and in the interests of the visual appearance of the land and area in accordance with policy LP5 of the Fenland Local Plan.</p>
5	<p>Within 3 months of the date of this permission, the vehicular access,</p>

<p>parking and turning shall be completed (in accordance with approved site plan 131/PL01B) and constructed to include provision of a metalled sealed surface for a minimum length of 10 metres from the existing carriageway edge.</p> <p>Reason: In the interests of highway safety.</p>
<p>6 The approved access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and shall be retained in perpetuity</p> <p>Reason: To prevent surface water discharging onto the highway in the interests of highway safety in accordance with policy LP15 of the Fenland Local Plan.</p>
<p>7 Within two months of the date of this permission details (including a drawing) of a landscape scheme shall be submitted to the local planning authority for approval. The details shall include a range of planting, including native species to both assist with screening of caravans and biodiversity. The details shall include species, size, spacing and planting specifications. The approved scheme shall be implemented in full in the first planting season available following approval of the details. Should any of the plants die, become diseased or removed for any reason, they shall be replaced in the next planting season with a replacement of similar size and species.</p> <p>Reason: In the interests of the visual appearance of the site and area and biodiversity in accordance with policies LP5, LP16 and LP19 of the Fenland Local Plan.</p>
<p>8 No external lighting shall be erected on the site or on the land edged blue on the approved site plan 131/PL01B unless details of the lighting have first been submitted to and approved by the local planning authority. Such lighting shall only be erected in full compliance with the approved details.</p> <p>Reason: In the interests of preserving the rural character of the area and in the interests of wildlife in accordance with policies LP5, LP16 and LP19 of the Fenland Local Plan.</p>
<p>9 With the exception of the post and rail fencing shown on the approved site plan 131/PL01B, and notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), no other gates, fences, walls or other means of enclosure shall be erected on the site or on the land edged blue on the approved location plan, unless planning permission has first been obtained from the local planning authority.</p> <p>Reason: In the interests of the visual appearance of the site in accordance with policy LP5 of the Fenland Local Plan.</p>
<p>9 Within two months of the date of this permission full details of the foul drainage and surface water drainage of the caravans and site shall be submitted to the local planning authority for approval. The approved drainage shall be installed in full within three months of the date of the drainage details being approved by the local planning authority and shall be retained as such thereafter. The drainage of the caravans and site shall only be undertaken in complete accordance with the approved details.</p>

Reason: To ensure safe and proper drainage of the site in the interests of health and prevention of pollution in accordance with policies LP5 and LP16 of the Fenland Local Plan



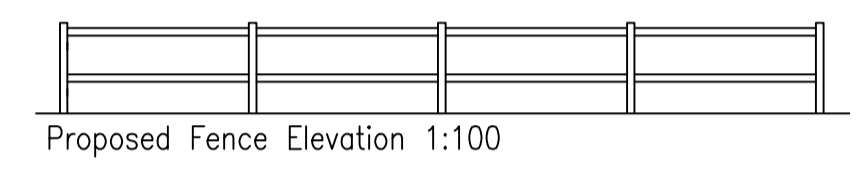
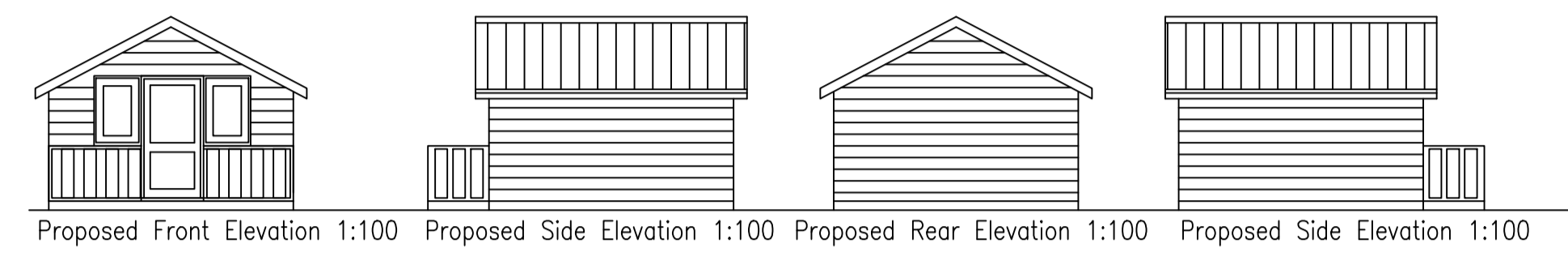
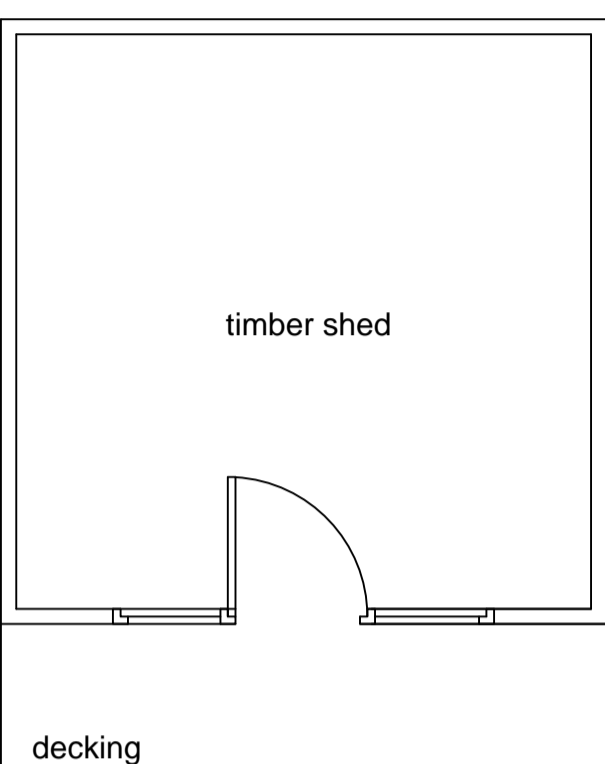
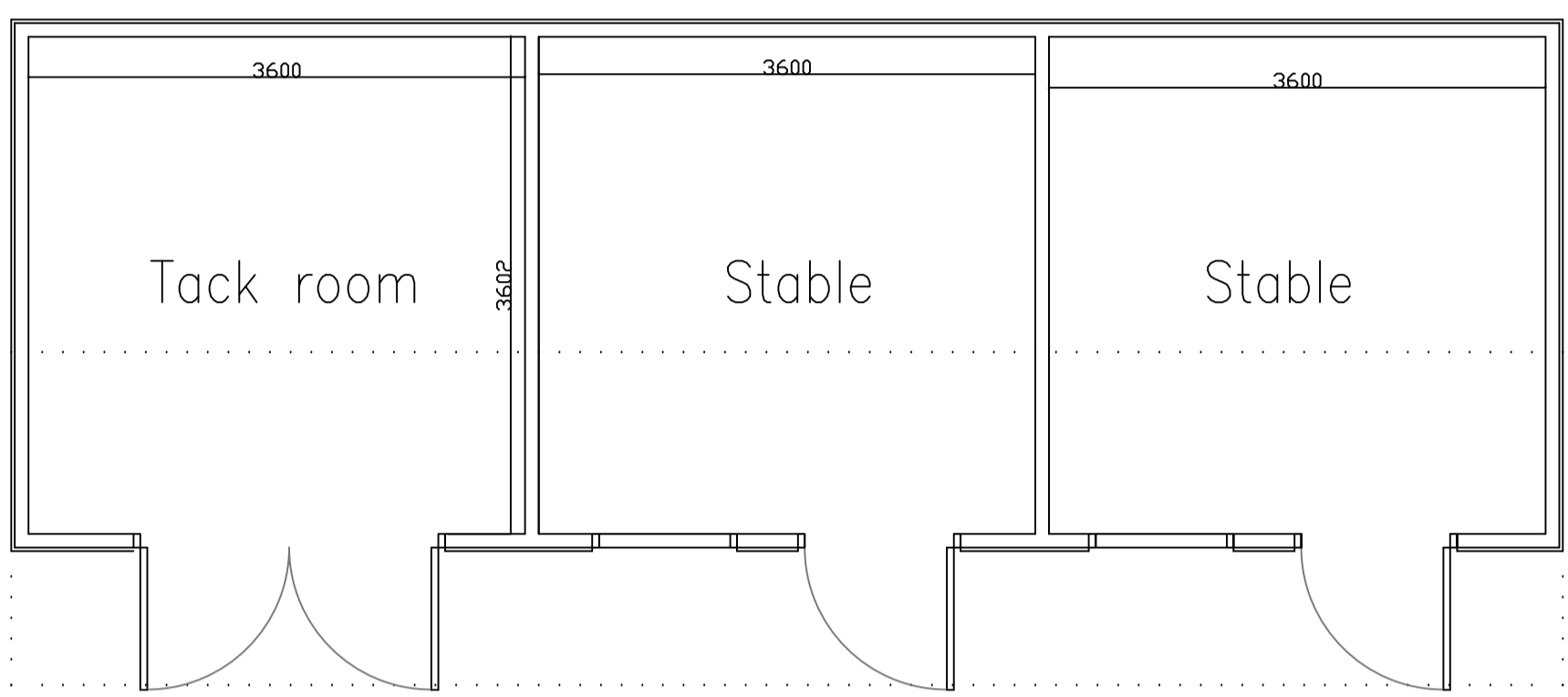
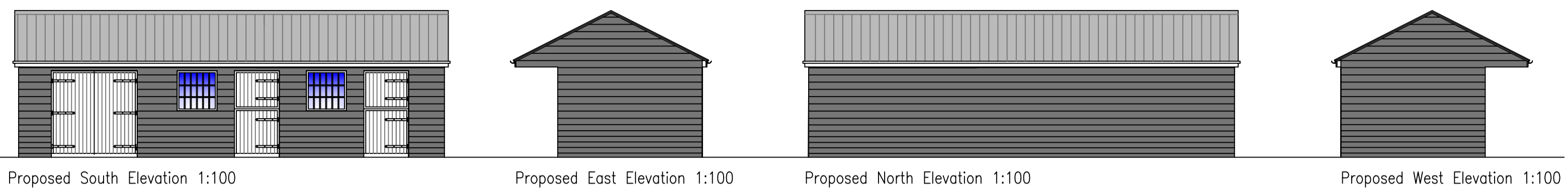
Created on: 22/09/2021

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F/YR21/1037/F

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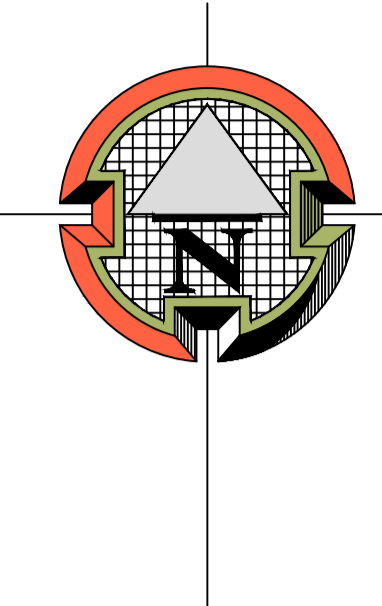




Asphalt Access Area Section Detail 1:20

LAYER	SPECIFICATION	THICKNESS
1. surface course	SMA 6 surf 40/60 to section D3 of PD 6691(4)(5)(11), min PSV50 to give texture depth of 0.6-0.1 SHW clause 921 table 9/3. (measured by sand patch method)	25mm
2. binder course	AC 20 dense bin to BSEN13108-1 and PD6691 with 50 pen binder.	90mm
3. sub-base	Granular sub-base type 1 to clause 803(1) certified as nonfrost susceptible, spread evenly on the foundation and compacted. compact to clause 802(1) to achieve a min CBR value of 30%. formation to be treated with an approved weed killer prior to laying sub-base.	365mm

General Notes:
 -Dimensions on all drawings are shown in "mm".
 -The contractor, sub-contractor and supplies must verify all dimensions before commencement of any works on site.
 -This drawing is to be read in conjunction with any relevant engineers and specialist sub-contractor drawings and specifications.



Landscaping Key (hard and soft)

- Lawn area
- Driveway/Parking/Courtyard permeable loose gravel or similar to aid surface water drainage
- Entrance threshold

Native hedgerow retention
 Hedgerow planted with a balanced mix of:
 • Common Hawthorn

Asphalt Access Area construction detail

- Refer to BS EN 13108-1 for material spec for asphalt concrete.
- Refer to BS EN 13108-4 for material spec for hot rolled asphalt.
- Refer to BS EN 13108-5 for material spec for stone mastic asphalt.
- Refer to BS 594987 for transport, laying and compaction of all asphalts.
- Bond coats to be used in accordance (no.4) to be applied on all kerb and edging faces along with gully and cover frames. Bond coats to be applied on top of base and binder courses. Joints in binder and base course to be over banded.
- Construction thicknesses based on CBR value. CBR testing must be undertaken.
- If CBR value is less than 2.5% special engineer measurements will be required.
- If sub-grade is deemed to be frost susceptible sub-base thickness to be thickened to provide min. construction depth of 450mm.
- Footpath sub-base to be thickened to 150mm under vehicular crossings.
- SMA to be gritted whilst material is hot-1-2kg per m2 applied by roller mounted hopper.

Revisions:

Reference: 131/PL01/B	Pages: 1
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Scale:
as shown

Project:
Proposed Gypsy and Traveller site

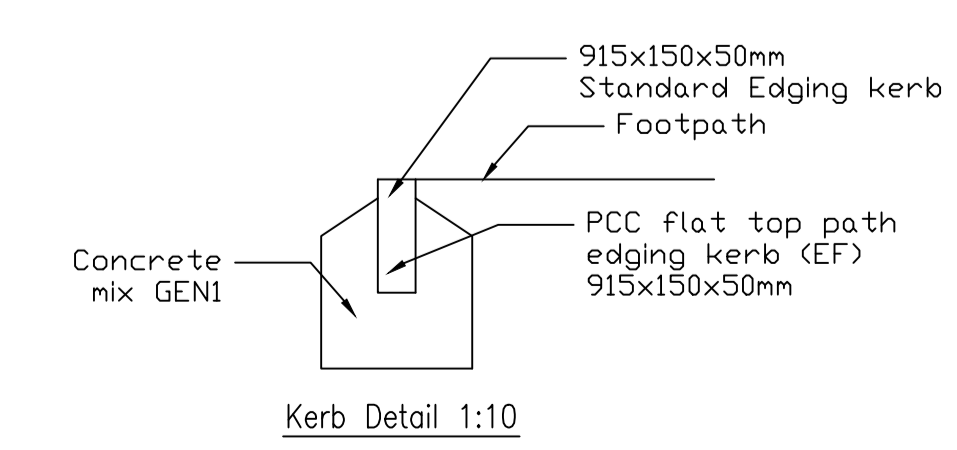
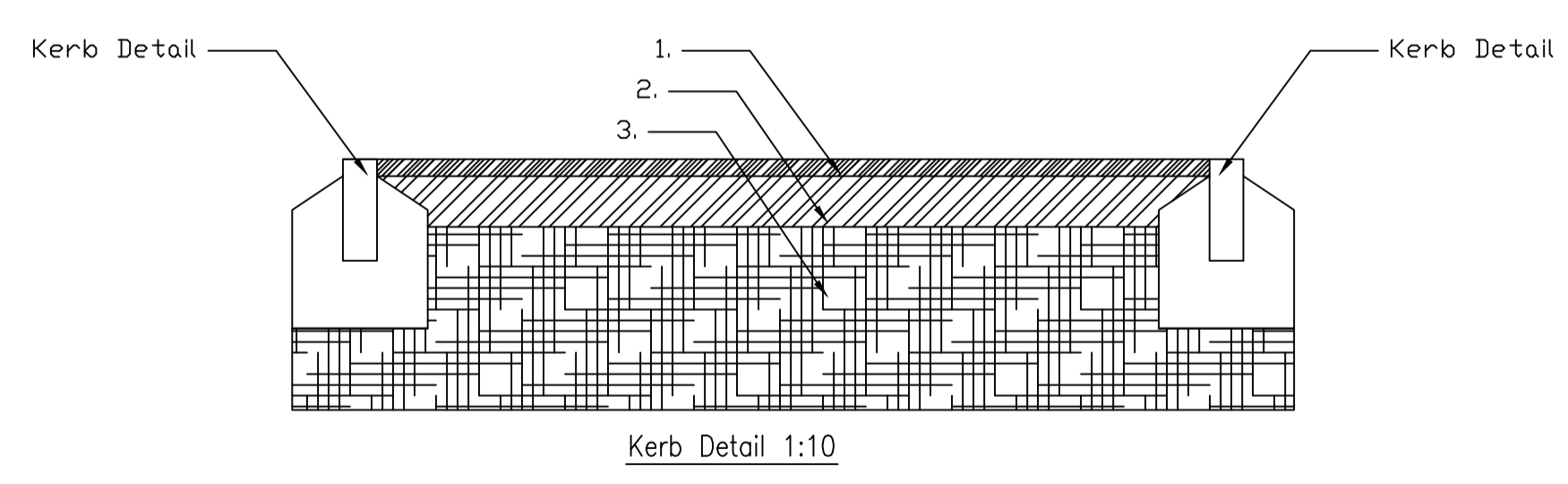
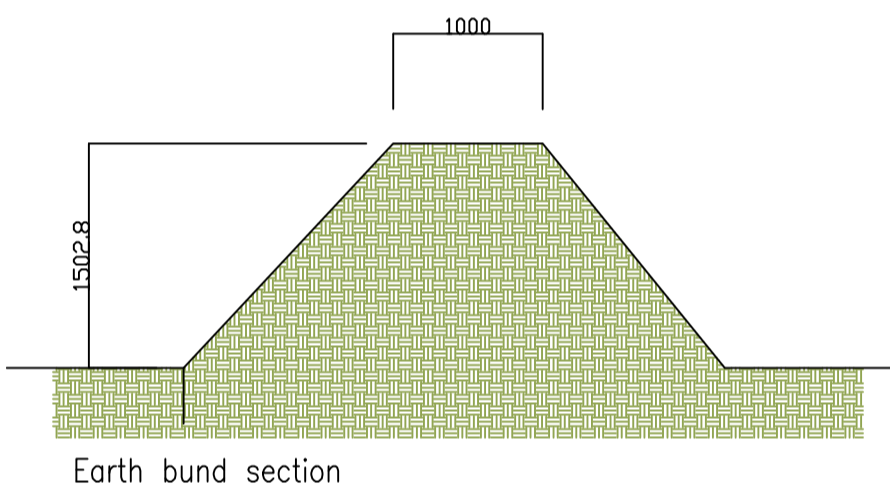
Site Address:
 Land south of Mill Croft
 Mill Lane
 Gorefield

Client:
 Mr and Mrs Aldin
 Land south of Mill Croft
 Mill Lane
 Gorefield



Southfork Farm
 Seadyke Bank
 Murrow
 Cambridgeshire
 PE13 4SD

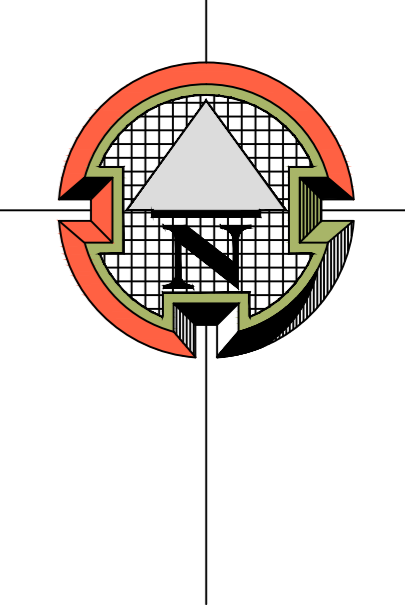
T: 07891175649
 E: info.alexandradesign@gmail.com








Visibility Splay (2.4m x 215) 1:2500

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9. Footpath sub-base to be thickened to 150mm under vehicular crossings.
10. SMA t be gritted whilst material is hot-1-2kg per m2 applied by roller mounted hopper.

Revisions:

Reference: 131/PL02/B	Pages: 2
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Scale:
as shown

Project:
Proposed Gypsy and Traveller site

Site Address:
Land south of Mill Croft
Mill Lane
Gorefield

Client:
Mr and Mrs Manning
Land south of Mill Croft
Mill Lane
Gorefield



Southfork Farm
Seadyke Bank
Murrow
Cambridgeshire
PE13 4SD

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