

Planning application for stationing of gypsy caravans (six, including the two on F/YR09/0699) with ancillary day-room, hard-standing, gates and fencing, on land at Crazy Acres, Chase Road, Benwick, March, Cambridgeshire PE15 0XS.

Supporting statement (includes design and access)

1. My name is Dr. Robert Home MA DipTP PhD MRTPI, and I act for the applicant, Andrew Smith. I am a chartered town planner with some forty years' experience of town planning and development planning in public and private sectors. I have acted on over five hundred planning appeals for gypsy/traveller accommodation, given evidence to various government policy reviews of the topic since 1985, and undertaken five Gypsy and Traveller Accommodation Assessments (GTAAAs) on behalf of various consortia of local authorities.

Site location and planning history

2. The site has planning permission for 'change of use of land to travellers site involving formation of access track and siting of 2no touring caravans' (ref. F/YR09/0699/F), granted in 2009 to the same Andrew Smith. That permission had three conditions (two touring caravans, personal to him and dependents, and foul drainage requirements). The 2009 permission included an access track, hardstandings and utility block, and did not require removal of caravans and associated development when the personal permission might end.
3. In 2018 agents for Andrew Smith sought planning permission to increase the caravan numbers to a total of 8 static caravans and associated works (F/YR18/1038F), but that was refused in 2019 and dismissed on appeal in February 2020 (APP/D0515/W/19/3228109).
4. In preparing this application the inspector's report on that appeal has been carefully considered (while not agreeing with some of it, especially on flood risk). The new application differs from that in 2018, reducing the area and number of caravans, seeking to minimise effect upon character of the area, etc. Not included in this present application are storage buildings on land north of the application site and within the applicant's ownership.

Personal circumstances (para. 24 of 2015 PPTS relates).

5. Based upon my experience of over forty years dealing with gypsies/traveller cases, I am fully satisfied that the proposed occupiers are all travellers within the current planning definition in the *Planning Policy on Traveller Sites (PPTS) 2015*, and understand that this is not in dispute. Andrew Smith acquired the site in hopes of providing a settled base for himself and his dependents, especially for his grand-children's educational needs. Family members have stopped on the land at different times over the years, and when travelling elsewhere are rarely allowed to stay in the same place for more than three nights. Since the adults' own schooling was disrupted, they need a more settled and stable environment, so that their children can attend school regularly, and they can attend adult literacy classes themselves.
6. The site is intended to provide caravan accommodation for Mr. Andrew Smith and adult dependents. Additional to Mr. Smith and his wife, there are at present another three families needing accommodation, with six children of school age (or soon to be), as follows:
 - 1) Savannah Smith (dob 29 July 1996). Married to Martin Maughan (also a Gypsy/Traveller) with two children (dobs 16 May 2016 and 26 September 2018)
 - 2) Whitney Smith (dob 26 July 1998) aka Kathleen. Married to Michael Maughan with two children (dobs 15 June 2015 and 21 May 2018 (the two sisters married two brothers, who are self-employed and often work together).
 - 3) Andrew's sister, Laura Scanlon, who cares for her two grand-children (Lacey Loretta, dob 26 November 2016, and Ella Lucy, dob 3 January 2018). They attend day-care in Benwick and registered with the health centre in Doddington.Mr. Smith also have three younger daughters who can be expected to need accommodation soon: Sherrie Smith (dob 31 May 2001) aka Susanna, who has a partner; Shania Smith (dob 16 July 2003) aka Joanna; and Montana Smith (dob 12 September 2009) aka Massie.

Relevant national planning policy

7. The revised NPPF (2019) includes:
 - Para.38: Local planning authorities to approach decisions on proposed development in a positive and creative way, working proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area;
 - Para. 59: address the needs of groups with specific housing requirements;
 - Para. 117: promote effective use of land in meeting the need for homes.
8. The national Planning Policy for Traveller Sites (2015) includes:
 - Para. 4: Government's aims (e) to promote more private traveller site provision; (h) to increase the number of traveller sites in appropriate locations

with planning permission, to address under provision and maintain an appropriate level of supply; (j) to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure.

Para.13: Local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally. (a) promote peaceful and integrated co-existence between the site and the local community; (c) ensure that children can attend school on a regular basis; (d) provide a settled base.

Para. 26: (b) sites to be soft landscaped in such a way as to maintain openness, and (c) promoting opportunities for healthy lifestyles, with adequate landscaping and play areas for children.

Local planning policy

9. The application complies with the criteria in the approved Fenland Local Plan (2014), policy LP5 Part D, which states:

Irrespective of whether an up-to-date need is identified or not, the Council will still determine applications on a case by case basis. The criteria which will be used to assess suitable new Gypsy and Traveller and Travelling Showpeople caravan sites and associated facilities are:

(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.

(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.

(c) the location, size, extent, 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.

(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;

(e) no unacceptable adverse impact on the amenities of occupiers of nearby properties, the health and well-being of any occupiers of the site, or the appearance or character of the area in which it would be situated;

(f) appropriate water, waste water and refuse facilities whilst not resulting in undue pressure on local infrastructure and services.

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 intended occupants meet the definition of Gypsy and Travellers or Travelling Showpeople as set out in Government guidance, and provided that the above criteria (a) to (f) are met. In the countryside, any planning permission granted will restrict the construction of permanent built structures to small amenity blocks associated with each pitch, and the Council

will ensure, by means of a condition or planning obligation, that the site shall be retained for use as a Traveller site in perpetuity.

10. The Council accepts that there 'could be a need for another 5 pitches during the current five year tranche' (2016-2021), as identified in its up-dated GTANA (March 2018). The application seeks to add four to the existing two caravans.

Flood risk

11. The planning inspector in 2020 took in my view a narrow and unnecessarily negative approach to flood risk, relying upon his interpretation of national policy rather than the facts of this case and the balance of all considerations.
12. Three separate flood risk assessments have now been prepared for this site since 2008, all of which supported the development. The conclusions of those in 2009 and 2018 are attached documents. The Environment Agency does not object, nor does the Internal Drainage Board (IDB).
13. The latest FRA, prepared for this application (conclusions attached), is based upon the expert's extensive local knowledge. It finds that the flood risk is extremely low, with no evidence of the site being flooded within the last 100 years. The site is not in a functional floodplain, but a passive floodplain of the River Nene, 8 km from the nearest river. Any flooding (a very remote possibility) would be low-velocity and of gradual onset, so can be managed with flood alerts and precautions, and minimal risk to life.
11. The representative of the Middle Level Commissioners has recently visited the site, which has a 9-meter safeguarding zone for access to the watercourse. He agreed that a fence of one-metre on the eastern boundary would be acceptable for maintenance of the banks, and that has now been erected.

Design and access arrangements

12. Caravan site licensing standards and associated permitted development rights regulate matters such as distance between caravans (six metres), distance of caravans from boundaries (three metres), requirements for hardstandings, parking, roads and access, sleeping arrangements for number, ages and sexes of children, and on-site recreational areas for children.
13. A day room/amenity buildings is proposed (plans attached), sited in front of the caravans and similar in size to those that are allowed on council and other private sites.
14. The site has access rights to the public highway (Chase Road), shown included in the red line area, rights of way over land owned by the farm estate (Certificate B served). The eastern side of the site gives access to the banks of the watercourse for maintenance purposes. There is adequate space for vehicle movements, parking, turning and servicing, and for children's recreation. The

inspector in the 2020 appeal decision concluded that the proposed development (two caravans more than the present application) 'would not have an adverse effect on highway safety' (paras. 24-26). Traffic is low on Chase Road and Whittlesey Road, and predominantly local, so drivers can be expected to be familiar with road conditions.

15. The design and layout takes account of the previous inspector's comments about rural and open character of the area, and makes the development less prominent than the previous application for more pitches. The application site is well screened from the west by existing hedgerow and trees (outside the applicant's ownership), and from the east appears to long-distance views against the background of that hedgerow.
16. Regarding sustainability, particularly distances needed to travel, Whittingham Road has a bus route between March and Whittlesey, and the family can organize shared car journeys for local services, which include a community hospital in Doddington, shops, and the primary school in Benwick, which three children from the site attend now (and three more will join them in 2022). That school has a small number of pupils, and fewer staff than other schools in the area, welcomes new pupils.

Conclusions

17. The site provides a settled home for the appellant family's needs, especially educational. As well as planning policies, regard should be had to human rights considerations, specifically Article 8 rights to privacy and family life, housing, education and welfare.
18. On possible conditions, the three on the 2009 permission could be replaced or varied as follows:
 - (1) Increase caravan numbers from two to six.
 - (2) Personal. A permanent permission for general gypsy/traveller occupancy (according to the amended definition in PPTS 2015) would protect the site for the future. There was no condition in 2009 requiring removal of the caravans and associated works when the personal condition ceases to apply, which strengthens the argument for a general Gypsy/Traveller occupancy in perpetuity, in accordance with the Council's own plan policy LP5, Part D.
 - (3) Foul drainage condition was discharged by council in 2010.

Robert Home, December 2021