

SUPPORTING STATEMENT

PLANNING APPLICATION BY MR J P MONGAN

SUBDIVISION OF EXISTING TRAVELLER SITE TWO PROVIDE 2 PITCHES for stationing of up to 4 static caravans on one pitch.

THE PADDOCKS, GRANGE ROAD, NORTH BENFLEET, ESSEX SS13 2LW

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1. INTRODUCTION

1.1 I am instructed to submit this application. Permission is sought to subdivide an existing authorised Traveller site and station four static caravans on one of the pitches. There would be no loss of pitches. The larger site was first granted permanent permission on appeal in 2000 with conditions which were then varied in 2019 to permit use by any Gypsy Traveller with up to 4 caravans (2 mobiles and 2 touring vans). The applicant has no control over the western half of the site, but the proposed siting of up to 4 small statics on the eastern half would not preclude the remainder of the land (ie western half) being used as a Traveller site for a single household.

Please find enclosed copies of
Plan 1-location plan scale 1:1250 A4
Plan 2-proposed site layout scale 1:500 A4

2. Proposal and Design and Access statement

2.1 An authorised Traveller site has been subdivided and split in half. A new planning unit has been created. [REDACTED] now own and occupy the eastern portion which retains the original entrance (with wall and gate), one of two utility blocks and was all laid to hard standing. Permission is sought retrospectively to station 4 caravans on this land for a single household. The intention is [REDACTED] to have their own bedroom space. The caravans would be spaced 6m apart to comply with site licencing. The site would be occupied by one household and as such there would be no increase in households on The Paddocks as consent was previously granted for up to 4 caravans of which two could be mobile homes for two households. There was no limit on the size of the mobile homes previously granted and one was a large twin unit raised up with extensive brick steps to the front. Whilst permission is sought for 4 static caravans on half of the site, the caravans are all very small, compact single units each with single bedrooms. There would be no increase in residential activity given the authorised residential use of the site.

2.2 The site is located on the north side of Grange Road [REDACTED]
[REDACTED]

- 2.3 The application site measures 45m in length and 13.5m wide. The site is already enclosed with panel fencing with a brick wall and gates to the entrance. It is all laid to tarmac/ gravel hard standing and is connected to mains services.
- 2.4 The remainder of the site (ie western half) approved in 2000 is currently being used for storage of vehicles. It does not appear to be in residential use. The large mobile home which occupied the full site has been removed together with the former stable buildings, sheds and grassed area. It has its own access and the land is also all laid to hard standing and enclosed with fencing.

3. Policy

- 3.1 The Council has withdrawn its emerging Local Plan. The only relevant Green Belt policy within the Basildon District Local Plan Saved Policies 2007 (The Local Plan) is GB1 which references the boundaries of the Green Belt only. There are no specific policies regarding Gypsies and Travellers. There is reliance on the National Planning Policy Framework (the Framework) regarding Protecting Green Belt Land and the PPTS for Traveller policy.
- 3.2 Para 80(d) NPPF is supportive of development which would involve the subdivision of an existing residential dwelling in the countryside. Para 150e NPPF accepts that material changes of use of land in the Green Belt is not inappropriate provided openness is preserved and the proposal does not conflict with the purposes of including land within it.

4. Need for sites

- 4.1 The Gypsy and Traveller Accommodation Assessment 2020 (the GTAA) establishes a need for 85 additional pitches for those who meet the definition of Gypsies and Travellers within the PPTS. Figure 14 of the GTAA records that there were a further 93 who did not meet the definition within the PPTS and who, given the 2022 judgement, should now be considered within the need figure creating total of 178.

The Council is unable to identify a five-year supply of deliverable sites. This failure is long standing and the level of need is now greater following the Lisa Smith Court of Appeal judgment which found that the PPTS definition is unlawfully discriminatory against Gypsies and Travellers who have ceased to travel permanently on grounds of age or disability.

The Council does not have an up to date 5 year land supply for pitches. Furthermore, the withdrawal of the emerging local plan means that there are currently no allocated sites.

The bi-annual count figures for August 2022 shows that there were at least 284 unauthorised caravans occupied by Gypsies and Travellers in the Borough.

A small number of pitches have been delivered as a result of recent appeal decisions, but there remains a significant and immediate unmet need for sites within the Borough and the failure to address this need is long standing given the reluctance of the Council to acknowledge and address this need, and failure of policy.

The situation is not assisted by the fact there is concurrently a shortage of housing in the Borough which has led to Green Belt land being developed to meet this shortfall.

5. Gypsy Traveller status

5.1



6. Key Issues

6.1

The use of the land as a Traveller site in the Green Belt is already established and authorised. The site would remain in this use. This is previously developed site. The proposed subdivision of the site amounts to infill/ redevelopment of PDL within a plot land setting. Para 26 of PPTS requires LPAs to attach weight to the use of PDL. In my view the only issue of concern would be the impact on the openness of the Green Belt and impact of the development on the character and appearance of the surroundings from the siting of 4 caravans on half of the original site area and whether this would cause any additional harm to the openness of the Green Belt.

6.2

The Framework 2023 explains in paragraphs 149 and 150 the exceptions when development in the Green Belt may be considered to be not inappropriate. Paragraph 149 concerns the construction of new buildings and the exceptions are not applicable in this case as the proposal is not for a building but is for the subdivision and, therefore, change of use of land for a caravan site. Paragraph 150 lists other forms of development which may be considered not inappropriate. This includes material changes in the use of land under paragraph 150(e). This criterion includes, within the accompanying brackets, examples of the type of use which may be applicable. This is not a closed list and the wording says “such as” and therefore highlights examples. As the subdivision of an existing site it is considered that the proposal can be considered under paragraph 150(e) of the Framework. The listed forms of development in paragraph 150 are subject to the requirements that they preserve openness and do not conflict with the purposes of including land within the Green Belt. It is therefore necessary to look at the impact of the proposal on both openness and the purposes of including land within a Green Belt.

6.3

The concept of openness has both a spatial and a visual dimension. The visual impact of the proposal may be relevant as could its volume. In this case the site is already laid to hard standing, enclosed with boundary fence/ walls and retains a single storey utility block with a pitched roof. These affect openness in both a visual and spatial context. The perceived change to openness would be confined to the site itself and neighbouring properties. There are no long views of the site which is framed by other development which is evident in the skyline surrounding the site. The authorised use of the land is for 2 mobiles and 2 touring caravans which would also have had a spatial and visual impact. The two mobile homes had a footprint approximating 121 sqm. One was a twin unit and the other a single unit.

Dimensions were not given for the touring caravans but these are typically 6m x 2.5m ie an additional 30 sq m. This would have given a footprint of approximately 150 sq m for the 4 authorised caravans. The proposed scheme is for 4 small single bed statics. Three measure just 8m in length and one is 9.5m long. This gives an approximate footprint of 100 sq m. The proposed size is restricted by site licencing requirements. It would be difficult to site any larger caravans on the site and still comply with site licencing requirements for a 6m gap between caravans. The additional footprint for the caravans on half the site is however offset by the removal of the second utility block on the remainder of the site. This had a footprint of approximately 32 sqm. Consequently, in spatial terms the subdivision of the site and siting of 4 small statics in place of the approved layout would add little to the authorised footprint of similar single storey structures on the site and no noticeable difference in loss of openness. The static caravans are sited on the existing hard standing. There has been no need to lay any additional hard standing. Any impact on the spatial and visual effects on openness would be extremely limited with very low levels of harm.

- 6.4 As the site would be occupied by a single household there is likely to be no more external presence in association with the residential use from the previous authorised use on all of the site for 2 households. Parking of vehicles and external paraphernalis would be the same.
- 6.5 In terms of the visual aspects of openness, the proposed static caravans are all within the authorised hardstanding area and fairly close together. This hardstanding area is contained by fencing which limits the spread of residential activity. Visually the subdivision of the site has had no greater visual impact as the dominant feature previously was the large twin unit mobile home which was raised up with brick steps leading to the front door. Various small outbuildings associated with it have also been removed. Visually the openness of the Green Belt in this location would not be worsened compared to the authorised use of the site. It is therefore argued that the proposal would have no greater impact on the openness of this part of the Green Belt in both spatial and visual terms. This requirement of paragraph 150 of the Framework would be met by the scheme.
- 6.6 There is also the requirement that to be not inappropriate development the proposal should not conflict with the purposes of including land within the Green Belt. The plot is already within a plotland development which contains much built development. It does not extend further into the countryside than the existing lawful area. The Council has already permitted the hardstanding area, brick wall and gates and utility block. The land falls within the definition of Previously Developed Land (PDL). In this sense, the appeal site is not open and undeveloped countryside. As such there would be no conflict with any of the Green Belt purposes of the Framework and, in particular, with those purposes to check the unrestricted sprawl of large built-up areas and to assist with safeguarding the countryside from encroachment.
- 6.7 Following from the above analysis, the scheme would involve the creation of a new planning unit and change in use of the land where it would preserve openness and not conflict with the purposes of including land within the Green Belt. Consequently, the requirements of paragraph 150 of the Framework would be met and the scheme would not be inappropriate development. Consequently, there would not be the need to demonstrate very special circumstances to justify the development. The exception regarding the material change of use of land within the Green Belt was first added to the version of the Framework in July

2018 and has been retained in the 2023 version. It post dates the PPTS and, notwithstanding the statement in the PPTS regarding traveller sites and the Green Belt, I consider that there is no detailed reason why the scheme cannot fall to be considered under paragraph 150(e) of the Framework as para 1 of PPTS makes clear that it is to be read in conjunction with the Framework.

6.7 According to the 2013 Landscape Character Assessment for the borough the application site is in the North Benfleet and Nevendon Settled Claylands which are characterised as follows


- Flat landform
- plotland settlements comprising grid of narrow linear plots located off main through roads
- Plotland roads mainly unadopted and unsurfaced
- Horse and pony paddocks, medium-sized and subdivided by post and wire fences or gappy hawthorn hedgerows
- A127 and A13 pass through/adjacent to the area
- Recreational grounds including Rushley Park, woods, open green space/grounds from school located at boundary with Basildon
- Medium to small arable fields at Bradfield's farm and between recreational and Plotlands are separated by rectilinear hedgerow boundaries
- Fragmented woodland cover

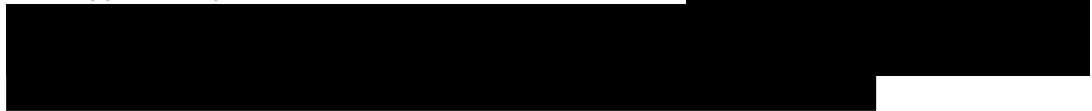
6.8 Strength of character and condition of the landscape is moderate and the management strategy is to improve and conserve. Most of the management guidelines apply to the undeveloped areas. There are no guidelines for the plotland areas.

6.9 This is best described as a semi rural urban fringe location. Grange Road contains a mixture of housing and caravan sites. This is land that could easily be removed from the Green Belt without compromising the integrity of the Green Belt. No residential properties directly overlook the site other than the remaining half of The Paddocks.

7. Other Material Considerations

7.1 If it is considered the proposal conflicts with planning policies, the applicants rely on the following other material considerations

-The Applicants' personal needs and local connections. 



-Absence of current adopted development plan policies and institutional failings of Council policy making which are persistent and long standing. Applications must be determined on an ad hoc basis and there is no guidance for those seeking sites as to what would be suitable or acceptable to the Council.

-Extent of Green Belt and likelihood that new sites will be found in the Green Belt. At least 63% of the borough is Green Belt. The remainder is urban area. Consideration must be given to the likelihood new sites will be found in the Green Belt especially as the Council is looking to take land out of the Green Belt to meet housing need.

-Use is made of PDL within the Green Belt which is supported by para 26 PPTS.

-There are no other issues of concern to planning. The site is not at risk of flooding. There are no ecology issues, No loss of prime farmland. This is a sustainable location. All services are provided. The site can be provided at no cost to the Council.

-Considerations of PPTS adds an extra special dimension to this case. The planning system recognises that Gypsy-Travellers have particular accommodation needs that should be met. Weight must be attached to the guidance in para 25 and 28 of PPTS given that the authority does not have a 5 year supply of sites for Gypsy-Travellers and has failed to identify suitable sites for Gypsy-Traveller families. This failing weighs very strongly in support of the application

-The concerns of the Council could be addressed by condition to restrict the number, type and layout of caravans on the site.

-There is a very significant and immediate unmet need additional pitches in the Borough which is also long standing. The acknowledge inability to meet need where it arises is a material consideration capable of carrying very substantial weight especially where it is unclear what other authorities, if any, are willing to assist in meeting this need. The number of planning appeals for sites in Basildon remains high compared with other authorities which in itself is a key indicator of the failings of planning policy to deliver appropriate sites even on a temporary basis. There would be no loss of a Traveller site. Whilst the applicant has no control over how the remainder of the land is use (ie the western half of The Paddocks), the subdivision does not preclude the continued use of the western half of the site by another household.

-Weight to be attached to matters of Human Rights and Race Equality duties. These can not be ignored. Failure in carrying through policy and the differential effect of the application of Green Belt policy may, in the context of the failure to act proportionally and facilitate the Gypsy-traveller way of life, amount to discrimination and/ or unreasonable behaviour. It is clear from draft policy the Council is looking at Green Belt land to meet housing need. Failure to meet the needs of Travellers in a timely and proper fashion amounts to a breach of the applicant's human rights under Article 8 and Article 14 and Section 2 of the 1976 RRA as amended. Under Article 8 the Council is under a duty to facilitate the Gypsy way of life. Proportionality has to be considered.

It is concluded that there are the very special circumstances which would clearly outweigh any harm. The balancing exercise to be undertaken must weigh the substantial harm to policy against the significant weight to be attached to the huge and immediate unmet need and policy failure. All of these factors weigh positively in favour of the development.

Whilst this is a case of intentional unauthorised development, given the circumstances and the use of an authorised site coupled with policy failure and the lack of alternative pitches, this carries limited weight.

9. Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS)

- 9.1 This policy sets out a strategic approach to manage mitigation measures associated with development which has the potential to have significant effects through increased recreational pressure on a protected site. It is understood the site could lie within the Zone of Influence of the SPA, as defined by the RAMS. An increase in the number of residents on the site and increase in the local population could add to the recreational pressure on the SPA and in the absence of mitigation measures, any such increase could have a significant adverse effect on the integrity of the SPA. The RAMS seeks to avoid and mitigate likely significant effect on the SPA by securing a financial contribution towards a range of measures including education, fencing, screening, enforcement and habitat creation.
- 9.2 Permission is sought for a single household [REDACTED] to occupy the site. Permission was previously granted for two households to occupy The Paddocks. The adjoining site is currently unoccupied. It is argued that there has been no increase in the number of households/ residents occupying the site. As such there would be no greater impact on the SPA.
- 9.3 However, if this is not accepted, mitigation can be provided to offset any significant adverse effect caused to the SPA. In these circumstances the applicants accept the need for a UU to deliver an agreed sum of money prior to any decision being issued.