

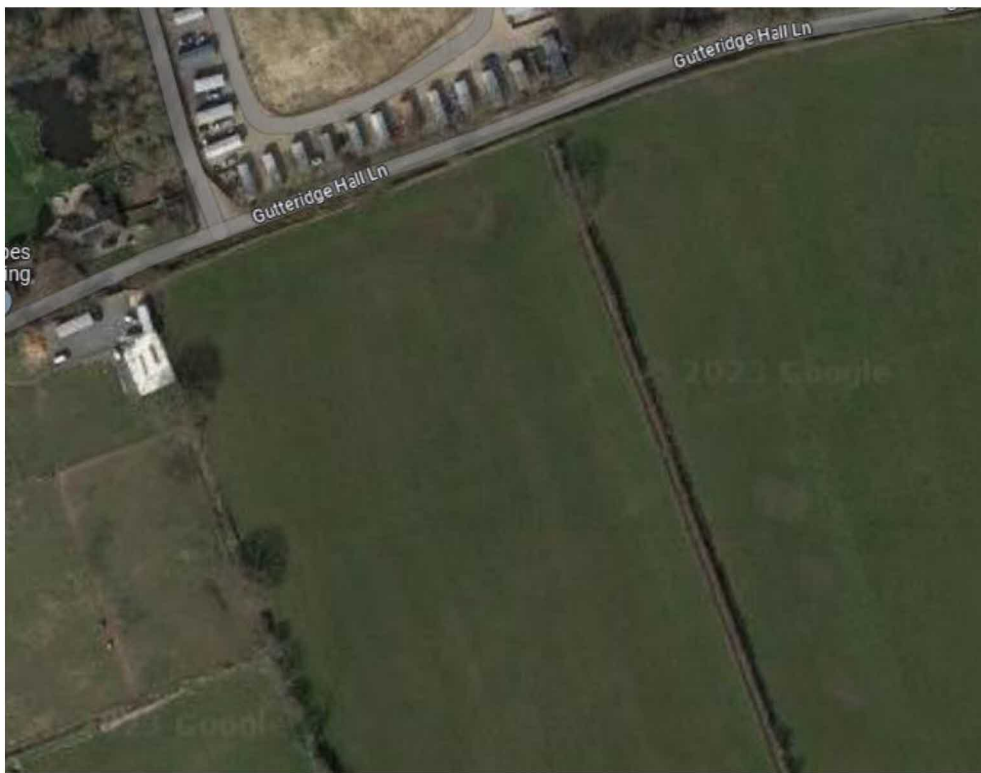
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## Planning Statement



### For the proposed development at

Land at south of Gutteridge Hall Lane

Weeley

Essex

CO16 9DL



## Introduction

This document is a Planning Statement. It is intended to explain how the proposed scheme is a positive development. This statement provides an overview of relevant national and local planning policy and summarises the case for the application. This statement has been prepared in accordance with advice set out in Planning Practice Guidance (PPG).

The statement is submitted to the Local Planning Authority with our planning application and the following supporting documents.

- LS/PP/0018/001 - 003 Application Drawings
- Foul and Surface Water Drainage Strategy
- Critique of the GTAA
- Ecological Appraisal

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## The Application

This is a full planning application that will be made online for the change of use and construction of buildings which is following approval of application 23/01095/FUL. The description of the development on the application form is.

*“Proposed change of use of land to mixed use including non-commercial equestrian and siting of two mobile home gypsy/traveller pitches (forming a singular family site), including erection of stables building alongside formation of hard-standing and other facilities”.*

## Application Area

The application area extends to that shown, edged red on the accompanying location plan which is 7067 m<sup>2</sup>.

## Site Description

The application site is understood to be previously undeveloped agricultural land featuring open grass meadowland. The land within the application has been subject to a previous planning application (23/01095/FUL) and obtained planning permission for the change of use to non-commercial equestrian, stable building, and formation of access. The work to enact this application has begun, including the installation of hedging to the boundary, formation of access and hardstand and construction of the stables. However, the work is not complete, and the site is not yet occupied.

The application site is situated on the southern side of Gutteridge Hall Lane, Weeley, and is currently laid to grass. The site benefits from an existing informal field access onto Gutteridge Hall Lane. The remainder of the site frontage is marked by a mature hedgerow fronting the lane. To the north of the site is Spring House Caravan Site. The application site is located outside of any defined settlement boundary and is therefore within the Countryside. The site is not however located within any designated landscape of value.

## Planning History

### Approved 5th October 2023

23/01095/FUL | Proposed change of use of land to non-commercial equestrian involving the erection of stables building comprising 3 stable boxes, tack room, and feed store, alongside the formation of hard standing to facilitate access.

As the agreement for the change of use to non-commercial equestrian, formation of access/hard standing and construction of stables is already agreed, it is not felt relevant to include policy information in relation to this element of this application. Below, we shall set out the policy information in relation to the proposed gypsy/traveller pitch use.



## National Planning Policy

The revised National Planning Policy Framework (NPPF) was last updated on 5<sup>th</sup> September 2023 and sets out the Government's up to date vision for future growth. The document includes a presumption in favour of sustainable development. The NPPF highlighted how it seeks to achieve sustainable development in Paragraph 8 where it seeks to obtain Economic, Social and Environmental Objectives.

Paragraph 38 highlights that *"local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social, and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible"*.

According to Paragraph 47, planning law necessitates that planning permission applications are assessed in line with the development plan, except when material considerations suggest otherwise. Decisions on these applications should be made promptly and within the statutory timeframes unless the applicant has agreed in writing to a longer period.

Paragraph 73 makes it clear that LPA's need to identify and update annually a supply of specific sites to provide a minimum of 5 years supply.

Paragraph 85 of the NPPF acknowledges that some residential development will be located beyond the settlement boundary and not well served by public transport.

Paragraph 105 states that *"the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making"*. This paragraph acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.

When interpreting the National Planning Policy Framework (NPPF), it is essential to read it alongside the Government's planning policy for traveller sites, known as the Planning Policy for Traveller Sites (PPTS). The PPTS is a critical material consideration that should be taken into account when making planning decisions related to traveller sites.

Paragraph 4 sets out the Government's aims in respect of Traveller sites in that.

- i. that local planning authorities should make their own assessment of need for the purposes of planning.
- ii. to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites.
- iii. to encourage local planning authorities to plan for sites over a reasonable timescale.
- iv. that plan-making and decision-taking should protect Green Belt from inappropriate development.
- v. to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites.



- vi. that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective.
- vii. for local planning authorities to ensure that their Local Plan includes fair, realistic, and inclusive policies.
- viii. to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply.
- ix. to reduce tensions between settled and traveller communities in plan making and planning decisions.
- x. to enable provision of suitable accommodation from which travellers can access education, health, welfare, and employment infrastructure.
- xi. for local planning authorities to have due regard to the protection of local amenity and local environment

According to Paragraph 9 of the Planning Policy for Traveller Sites (PPTS), Local Planning Authorities (LPAs) should establish pitch targets for traveller sites in their respective areas. These targets should be based on robust evidence and should take into account factors such as population growth, the demand for traveller sites, and the availability of suitable land. The pitch targets should be reviewed periodically to ensure that they remain appropriate and up to date. This is set out within Paragraph 10 and states that LPAs should ensure a 5-year supply of sites.

Paragraph 13 of the PPTS states that LPAs should ensure that their policies, “Local planning authorities should ensure that traveller sites are sustainable economically, socially, and environmentally. Local planning authorities should, therefore, ensure that their policies:

- a) promote peaceful and integrated co-existence between the site and the local community
- b) promote, in collaboration with commissioners of health services, access to appropriate health services
- c) ensure that children can attend school on a regular basis
- d) provide a settled base that reduces both the need for long distance travelling and possible environmental damage caused by unauthorised encampment
- e) provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development
- f) avoid placing undue pressure on local infrastructure and services
- g) do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans
- h) reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability.”

Paragraph 14 states that “*When assessing the suitability of sites in rural or semirural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.*”

This section of the document does not rule out the principle of providing Traveller sites in rural or semi-rural locations such as the application site. Furthermore, the use of land within this area for Travellers sites has previously been found acceptable.



Paragraph 24 of the PPTS sets out the material considerations that should be taken into account when determining applications for Gypsies and Travellers. These relevant considerations are set out below,

- a) the existing level of local provision and need for sites
- b) the availability (or lack) of alternative accommodation for the applicants
- c) other personal circumstances of the applicant
- d) that the locally specific criteria used to guide the allocation of sites in plans, or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- e) that they should determine applications for sites from any travellers and not just those with local connections

Whilst Paragraph 24 does state, *“However, as paragraph 16 makes clear, 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.”*

Additionally, In October 2022, the Court of Appeal (Lisa Smith v SSLUHC [2022] EWCA Civ 1391) declared the PPTS to be discriminatory as the criteria excludes large numbers of Gypsies and Travellers living in caravans who need a place to live. The 2015 PPTS stated that Gypsies and Travellers who have permanently stopped travelling for work due to a disability, long-term health condition or age will not get planning permission to stop on their own land and will not have their accommodation needs assessed and met through the PPTS. The Court of Appeal ruled that ‘the nature of the discrimination..was the negative impact on those Gypsies and Travellers who had permanently ceased to travel due to old age or illness, but who lived or wanted to live in a caravan. This discrimination was inextricably linked to their ethnic identity.’ The Court of Appeal concluded that the Government had failed to justify the discrimination involved in the new definition and the Government has not challenged this decision.

## Local Planning Policy Assessment

The Local Authority has stated within its latest Local Plan (Section 2), that there are currently 11 Permanent pitches with permission in place with a further 11 permanent pitches and 1 temporary pitch. The Local Authorities further state that there is no need to specifically allocate additional land for more pitches at current, however there is a longer term need which is proposed as part of the Colchester Tendring Garden Community.

The evidence of need for Gypsy and Traveller pitches in Tendring District is set out in the ORS 2018 Gypsy and Traveller Accommodation Assessment. This was used in the evidence base to underpin the Local Plan and Policy LP9 Gypsy and Traveller Sites.

Policy LP 9 regards Gypsy and Traveller sites, and states that, “The projected future need for five gypsy and traveller pitches in Tendring up to 2033 as identified in the Gypsy and Traveller Accommodation Assessment (GTAA) can be met in full through sites that have already obtained planning permission and therefore this Local Plan does not allocate any specific sites for this purpose. It is proposed that further longer-term provision will be met as part of the Colchester Tendring Borders Garden Community. There is no current or future need for any plots for travelling show people in Tendring and therefore no land is allocated for this purpose.



Any proposals for additional pitches to meet the needs of gypsies and travellers will be considered against criteria a) to e) below alongside other requirements in the Local Plan:

- a. sites must avoid any adverse impacts on any internationally, nationally, or locally designated protected areas and must avoid areas prone to flooding.
- b. sites must have reasonable access to key facilities including schools, doctors' surgeries, convenience shops, and employment sites.
- c. sites must include suitable circulation and amenity space.
- d. sites must comprise well drained ground and achieve safe access for large vehicles from the local road network and access to utilities; and
- e. sites must be of a high-quality design and landscaping, providing a good standard of residential amenity for their occupiers."

## Assessment of Local Planning Authorities Gypsy and Traveller Allocation Assessment

To accurately assess the Local Planning Authorities GTAA, we approached Michael Bullock of Arc4 Limited, a company that specialises in the production of housing requirement assessments including undertaking GTAA's. They have provided us a clear critique of the Tendering Council GTAA which has been provided with this application.

However, their critique summarises with *"the 2017 GTAA cannot be viewed as a robust evidence base to assess residential pitch need. It is outdated, based on a small sub-set of households who were able to be interviewed and fails to provide a comprehensive assessment of need which withstands the rigour of critical evaluation.. It would be advisable that the council accepts that the level of need is markedly higher than what the GTAA suggests and should not be relying on this evidence to refute planning applications on the basis of need."*

Due to the clear issues found with the local authorities GTAA, it is evident that there is a much higher need for the borough than set out in this outdated document. As such, the Local Authority have a requirement to provide additional pitches within the borough and the GTAA should be updated to confirm the new requirement.

## Proposed Application

The proposed application seeks to amalgamate the previously approved development of Equestrian Use (Ref: 23/01095/FUL), along with the siting of two gypsy/traveller mobile home pitches and associated facilities. The previously approved hardstanding would be extended slightly to include access to additional parking area. In addition, this application covers the conditions which were applied to the previous application. To clarify, the site shall be occupied by the applicant and their family and operates as a singular family household despite the request for two mobile homes.

With regards to the relevant planning policy, the site should be assessed against the criteria set out in Policy LP9.

Criteria A requires that sites avoid any adverse impacts on any internationally, nationally, or locally designated protected areas, and must avoid areas prone to flooding. The site is in flood zone 1 and is not at risk of surface water flooding. As such, it is considered suitable. With regards to protected sites, it is the case that financial contributions to the Essex RAMMS will be necessary to balance any conflict. In this regard, and subject to provision of a draft Unilateral Undertaking, the applicant holds no objection to this matter.



With regards to Criteria B, the site is situated within Weeley is located such that there is pedestrian access to services and facilities. The site is located adjacent to similar use sites that have been approved by the local authority. As such, it is clear that this location is considered by the Local Authority to have reasonable access to these facilities as required.

The proposal as designed includes amenity space, and suitable circulation, and such accords with criteria C.

A detailed assessment of the foul and surface water drainage has been provided with the application. This clearly shows that we can meet the requirements of Criteria D.

A suitable landscaping strategy has been provided with the application, such that the proposal accords with criteria E.

Having regard to the above, it is considered that the proposal is highly suitable for the application site.

## **Policy Conflict**

There may be dispute as to whether the proposed application would comply with the planning policy. In circumstances where this is the case, the following matters would be a material consideration.

## **Location of Alternative Sites**

Within Tendering, there is a significant area of the district that lies outside of any defined settlement boundary. In some cases, land within the borough is affected by issues such as flooding and could be significant detached from settlement areas. It is therefore argued, that despite the requirement for development within the settlement boundaries, some land within the countryside will have to be allocated to provide sites for travellers.

With regards to alternative sites which could be suggested, it is the case that in *Doncaster MBC v. FSS & Angela Smith* [2007] the Court set out that alternative accommodation has to be suitable, affordable, available, and acceptable for it to be considered a realistic alternative. *SCDC v. SSCLG and Julie Brown* [2008] EWCA Civ 1010 sets out as well that there is no requirement in planning policy, or indeed within any case law, for an applicant to demonstrate that there are no other sites available, or that particular needs could be met from another site.

## **Need of the Occupiers and Personal Circumstances**

Regardless of their ethnic background, individuals applying for a permanent Traveller pitch (as defined by PPTS) may request permission for such use, which can be conditional upon personal occupancy if necessary for planning purposes. If the Local Authority requires information about the specific personal circumstances that need to be considered, the applicant will be happy to provide that information to help with the planning decision. However, if the proposal is deemed appropriate for a Gypsy/Traveller pitch regardless of individual circumstances, a personal occupancy condition is not necessary.





If requested by the LPA, individuals intending to occupy the land can provide personal statements. However, this should only happen if the harm isn't clearly outweighed by other factors and a personal consent is required. In the case of Highview, the Inspector found that a personal consent wasn't necessary to balance the Green Belt harm and the same approach is recommended for the current application.

Personal circumstances should focus on the applicant's need for accommodation, availability of alternative accommodation, medical and welfare considerations, and the best interests of any relevant children. Providing this information requires cooperation from the LPA, and we will do everything we can to supply it promptly. If an extension of time is needed, the LPA should request it proactively, since personal circumstances may resolve objections to the development.

## Conclusion

To conclude, this application seeks to obtain planning permission for the site of two mobile homes upon the land, including the use of stables which has previously been approved. The proposed siting of these two mobile homes, which will provide accommodation for the applicant and their family, represents a suitable development, of modest scale and would meet the criteria of the local and national planning policies.

The council must acknowledge the issues highlighted within the information provided within their existing Gypsy/Traveller assessment, along with the recent case law, which clearly shows that there is a much higher need for this type of accommodation than it currently identifies. In addition, this statement shows that there are material considerations which should be considered in favour of granting planning permission for the proposed development, such as.

- General compliance with policies of the development
- There are no alternative sites for the applicants.
- The lack of any lasting harm to the landscape which would have been covered by the previous application with additional landscaping provided with this application.
- The lack of suitable locations for this form of development within the district

Having regard to all matters considered with this application, it is requested that the planning officer look favourably upon the application and recommend an approval of planning permission for a permanent siting of the gypsy/traveller mobile homes. The applicant welcomes the standard gypsy/traveller condition to be applied so that it accords with the development policies within the Local Development Plan.

In the event that a Personal Consent, or temporary permission would be considered by the Local Authority, the applicant is happy to work with them and provide any requested information.