

Mr. S. Bambrick
Service Director Planning & Environment
Aylesbury Vale District Council
The Gateway
Gatehouse Road
Aylesbury HP19 8F

20 November 2023

Our Ref: J004682

Dear Mr. Bambrick,

Planning Application seeking the extension and conversion of existing Stables/Utility building to dayroom facilities on land at Plot 9, Sunset Park Homes, Whitfield Road, Brackley, NN13 5TD

I refer to the above. WS Planning & Architecture have been instructed by Mr. T. Stokes to prepare and submit a *Planning Application seeking the extension and conversion of existing Stables/Utility building to dayroom facilities on land at Plot 9, Sunset Park Homes, Whitfield Road, Brackley, NN13 5TD*. In support of the application we attach,

Completed Application Forms,
Completed CIL Forms,
Drawing no. J004682-DD01 – Site Location Plan
Drawing no. J004682-DD02 – As Existing Site Block Plan
Drawing no. J004682-DD03 – As Existing Floor Plans
Drawing no. J004682-DD04 – As Existing Elevations
Drawing no. J004682-DD05 – As Proposed Site Plan
Drawing no. J004682-DD06 – As Proposed Floor Plans
Drawing no. J004682-DD07 – As Proposed Elevations

This covering letter should be read in conjunction with the submitted documents.

Preliminary Matters

The proposed dayroom would be a full conversion of an existing building, which already benefits from permission in part as a dayroom. In the interest of ensuring public representations reflect the true nature of the development, a dayroom is not a residential dwelling, or a structure which is occupied as overnight accommodation.

A dayroom, also referred to as Amenity Buildings, is a built structure which can take a variety of forms on Gypsy/Traveller sites, such as converted stables, moveable Prefab Dayrooms, converted Portacabins, static caravans, and bespoke brick-built units. The

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purpose it serves is ancillary to the use of land as a Gypsy/Traveller caravan site, with the pitches thereon used for overnight residential accommodation.

Dayrooms typically provide hot and cold-water supply, electricity supply, a separate toilet and hand wash basin, a bath/ shower room, a kitchen and dining area. The withdrawn Design Gypsy Sites Guide set out these were essential to such buildings. Dayrooms can also serve to provide a combined kitchen/dining/lounge area, storage space (such as for children's toys or play equipment), home school study space, or medical rehabilitation areas.

Modern Static Caravans are equipped with cooking facilities and living room areas, but a number of Gypsy and Traveller families within the community find that, as their families grow, they require more space. Dayrooms are often an alternative to relocating to a larger site, or seeking to secure further static caravan provision, and enable families to convert the entirety of a static caravan for use as sleeping accommodation, with lost facilities provided by the dayroom itself.

The application proposes the provision of such a building and does not seek to increase the number of pitches previously approved, nor intensify the use of the land beyond what is already permitted. It does, in essence, seek to make the most effective use of an existing modest sized building, such that it is fully equipped and ancillary to the use of the wider site.

Application Site

The application site relates to an existing Gypsy/Traveller pitch within the former "Dun Roamin Gypsy Caravan site", now known as Sunset Park Homes, which comprises a total of 21 permanent plots, with varying numbers of pitches. The Plot at hand is Plot 9, which benefits from permission for 5 static caravans, and an existing Stables Building (used as an amenity building and stabling for no more than one horse).

The wider site is located within the countryside as defined by the Local Plan Policies Map. Due to the site's surroundings, and the existing authorised development, it is not considered to be situated within "Open Countryside". An aerial image of the application site is shown below in **Figure 1**.

Access to the site is provided via a point of access to the existing Dun Roamin site from Whitfield Road, the access has recently been gated. The roadside boundary is defined by hedgerow and trees, while an earth bund and fencing defines the south western boundary.

The site is adjoined to the east by a large agricultural complex. To the south is the Turweston Aerodrome, while to the west and north the surrounding area is predominantly agricultural. The nearest settlement of Whitfield is 1.5km from the site. There is also a recently granted Traveller site adjoining the west of the land.

The application site is not situated within the Green Belt, an Area of Outstanding Natural Beauty, National Park, or other valued landscape for the purposes of the NPPF. As a single unitary authority, Buckinghamshire is constrained by 32% of the

land therein being designated Green Belt (5% of the former Aylesbury Vale District, 88% of the former Chilterns District, 87% of the former South Bucks District and 48% of the former Wycombe District is within the Green Belt), and 27% being designated as being within the Chilterns AONB. The Aylesbury Vale area is approximated as being 75% countryside beyond the Green Belt, with the remaining areas being built up settlement areas.

Planning History of the Site

The relevant planning history of the site is set out below,

03/01931/APP	Approved
Change of use of land to provide residential caravan site for gypsies at plots 1 - 10	
05/01072/APP	Refused & Appeal Allowed
Continued use of land as gypsy caravan site approved under reference 03/01931/APP without compliance with condition 1 relating to occupancy restrictions at plots 1 - 10	
06/00699/APP	Approved
Variation of condition 1 of 05/01072/APP - For provision of 10 plots on existing gypsy site at plots 1 - 10	
08/01965/APP	Refused & appeal allowed
Retention of utility/stable block for plot 9	
21/04437/APP	Refused & Appeal Allowed
Retention of 5no. Static Caravans	
21/A4437/DIS	Condition not Discharged
Application for approval of details subject to condition 5 (Site development scheme) of planning approval re: 21/04437/APP - APP/J0405/W/22/3295756 (Plot 9)	
21/B4437/DIS	Condition Discharged
Application for approval of details subject to condition 5 (Site development scheme) of planning approval re: 21/04437/APP - APP/J0405/W/22/3295756 (Plot 9)	

There are two permissions within those listed above of relevance, namely that granted under 08/01965/APP and that granted under 21/04437/APP.

The permission granted under 08/01965/APP is the permission which relates to the building subject of this application. Under the PINS ref APP/J0405/A/09/2097823, permission was granted for the building, with the conditions:

- 1) *The building shall not be used for any purpose other than ancillary to the permitted residential use of Plot 9 as a gypsy caravan site.*
- 2) *There shall be no more than one horse or pony kept in the building at any one time.*
- 3) *The building hereby approved shall be removed from the land on which it is situated and that land shall then be restored to its original condition before the development took place or to any other condition as may be*

agreed in writing by the local planning authority within a period of three months of the land ceasing to be used as a residential caravan site for gypsies.

Within the proceedings for 21/04437/APP, specifically injunctive action, the LPA alleged that the site was being occupied by non-travellers. It is noted from review of documentation relating to enforcement proceedings on Plot 10, that the LPA suggest this period of occupation by non-travellers triggers the requirement for the building to be demolished. At least that seems to be the suggestion within those proceedings from review of the LPA's statement of case, and not the breach of conditions enforcement notice served. With this in mind, were the same to be alleged in this instance, then the described development would involve the "retention" of this building. *(N.B - This statement should not be relied upon and is made without prejudice to the applicants position should such an allegation be made.)*

The permission granted under 21/04437/APP permits Plot 9 to accommodate 5 static caravan pitches. The applicant proposes the current application in an effort to supply additional amenities to the occupants of those 5 statics, such that the static could be converted to fully overnight accommodation (i.e. the removal of internal living rooms, and creation of new bedrooms therein). This permission is only relevant to refer to the number of pitches for which the dayroom facilities would serve.

Relevant Planning Policy

National Planning Policy Framework (2023)

The revised National Planning Policy Framework (NPPF) was published in September 2023 and sets out the Government's most up-to date vision for future growth. The document introduces a presumption in favour of sustainable development. The Ministerial Foreword highlights that **"sustainable development is about positive growth – making economic, environmental and social progress for this and future generations"**. The opening statement goes on to state that **"development that is sustainable should go ahead, without delay"**.

There are three aspects which comprise sustainable development; these are the *economic role, the social role and the environmental role*. In terms of the economic aspect land has to be made available where there is a demand to support growth. The environmental role involves the protection of the natural, built and historic environment. Finally, the social aspect is concerned with providing a high-quality built environment, and the housing that is required for vibrant healthy communities with access to local services.

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"**.

Paragraph 47 states that,

“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.”

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.

Paragraph 130 states that **“Planning policies and decisions should ensure that developments:**

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;**
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;**
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);**
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;**
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and**
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”**

Paragraph 176 sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding

Natural Beauty, which have the highest status of protection in relation to these issues. In respect of development within the setting of an AONB, this paragraph sets out that the scale and extent of development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

For completeness, the NPPF defines Previously Developed Land as,

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

Planning Policy for Traveller Sites (2015)

The NPPF should be read in conjunction with the Planning Policy for Traveller Sites 2015 (PPTS), and forms a material consideration for development of the type proposed.

Paragraph 3 of the PPTS states that **“the Government’s overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.”**

Paragraph 4 sets out the Government’s aims in respect of Traveller sites in that,

- a) **that local planning authorities should make their own assessment of need for the purposes of planning**
- b) **to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites**
- c) **to encourage local planning authorities to plan for sites over a reasonable timescale**
- d) **that plan-making and decision-taking should protect Green Belt from inappropriate development**
- e) **to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites**
- f) **that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective**
- g) **for local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies**

- 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
- i) to reduce tensions between settled and traveller communities in plan-making and planning decisions
- j) to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure
- k) for local planning authorities to have due regard to the protection of local amenity and local environment

Paragraph 13 of the PPTS states that LPA's 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 semi-rural 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.”

it must be reiterated that there exists Case Law that has established that the best interests of the child are of prime importance, and therefore the educational, health, and welfare needs of the child are required to be taken into account in the planning balance.

Paragraph 26 sets out 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**

Vale of Aylesbury Local Plan 2013-2033 (VALP)

The Vale of Aylesbury District Local Plan (VALP) 2013-2033 was adopted on 15 September 2021. It now forms the most up to date part of the Development Plan. While the Plan was written under the 2012 National Planning Policy Framework, in accordance with the transitional arrangements (paragraph 220 of the 2021 NPPF), the adopted policies carry full weight. The NPPF and other policy guidance remain important material planning considerations.

Policy S6 sets out,

The Gypsy and Traveller and Travelling Showpeople Accommodation Needs Assessment (2017) identifies the potential need for permanent pitches and plots for the period 2016- 2033 as:

- a. **84 (net) additional pitches for travelling or unknown Gypsies and Travellers**
- b. **Two (net) additional plots for travelling or unknown Showpeople**

In order to meet these requirements, and to provide and maintain a fiveyear supply of deliverable sites allocations will be made as set out in Tables 4 and 6 above.

Existing Traveller sites will be safeguarded for Traveller use.

Policy D11 sets out the criteria against which new proposals will be assessed against should they come through as planning applications for windfall sites,

D11 Gypsy, Traveller and Travelling Showpeople sites

Proposals for Gypsy, Traveller and Travelling Showpeople sites or Gypsy and Traveller park home sites will be supported where it can be demonstrated that there is an identified need, taking into account existing local provision and the availability of alternative sites, and the following criteria have been met:

- a. It has reasonable access to existing local services and facilities (including shops, schools, healthcare and public transport). Sites should either be within or close to existing sustainable settlements or with good access to classified roads and/or public transport**
- b. Have safe and convenient vehicular access without giving rise to adverse impacts on highway safety**
- c. Be able to achieve a reasonable level of visual and acoustic privacy for both people living on the site and those living nearby**
- d. Not have a significantly adverse impact on environmental assets such as the countryside, landscapes, the historic environment, biodiversity, watercourses (including an ecological buffer zone), open space and green infrastructure**
- e. The size and scale of the site and the number of caravans stationed is appropriate to the size and density of the local settled community, and does not dominate the nearest settled community**
- f. The site should not be located where there is a risk of flooding or be affected by environmental hazards that may affect residents' health or welfare**
- g. The site must be capable of being adequately serviced by drinking water, utilities and sewerage disposal facilities**
- h. Sites should remain small in scale – no more normally than 15 pitches on any one site**
- i. Sites should be suitably designed and the layout include enough space to accommodate the proposed number of caravans, landscaping, vehicles and ancillary work areas as appropriate.**

In the case of Travelling Showpeople, proposals will be also be assessed, taking into account the needs for mixed use yards and the nature and scale of the Showpeople's business in terms of land required for storage and/or the exercising of animals.

Sites in the Green Belt will not be permitted unless other locations have been considered and only then where very special circumstances can be demonstrated.

Application Proposal

The application proposes both the retention of the stables style building, and its modest enlargement through the infilling of the overhang area to provide further interior space. The building is already permitted to be used as a dayroom, but is defined as a mixed use with capacity also provided for stabling of a horse. No horses are kept on the land any longer, and so this condition no longer serves any purpose. This is in essence where the “conversion” comes in.

The dayroom which would result from the works would serve all five pitches permitted on Plot 9, and would provide additional amenity to the occupants, although a satisfactory level was found to be present. What the permission would secure is longevity to occupants. The dayroom would provide ancillary amenity, thus enabling further overnight accommodation to be achieved for larger households with more children, whilst also providing home school space for those children who are homeschooled. The longevity which would be secured would facilitate the families currently occupying staying on the site, rather than seeking alternative accommodation should their families grow in size.

Policy D11 sets out criteria for assessing new sites, it does not explicitly require dayrooms, and limited inference can be taken in relation to dayrooms. The key consideration would be whether or not the provision of a dayroom makes a previously acceptable development unacceptable. In this instance, that is simply not the case on account of the building being an existing structure. In fact, the proposal would serve to enhance the amenities of the site, so should be considered compliant.

In regards to design considerations, the dayroom comprises an existing building. The works to enlarge it would be modest, and it would retain its appearance from any public receptors. Within the site, it would not cause undue visual harm, as dayrooms are not uncommon sights on Traveller pitches.

In the event policy conflict is found, the applicant submits that, the material considerations are, but not limited to, the following points of consideration,

- The Social Objective of the NPPF, and Residential Amenity,
- Para 26 of the PPTS,
- Personal Circumstances,
- Human Rights Act 1998,
- Public Sector Equality Duty,

The NPPF places an emphasis on fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being. This is the social objective of the NPPF and its sustainability goals. Whilst Traveller site developments may not be regarded as “beautiful” they serve a purpose for those within the nomadic part of our society. Their culture often includes provision of dayrooms, and so provision of dayrooms must be supported, where appropriate. This is not to say that dayrooms should be granted on each and every site, some sites may be unable to provide such facilities, others may seek inappropriate designs, and some may not seek dayrooms at all. The proposal put forward in this instance is considered one which is functional,

and well related to the existing development on the site, to the extent that it serves to enhance the Traveller site development itself. The provision of these appropriate facilities to serve the residential use of the land will provide notable benefits, such as promoting opportunities for healthy lifestyles, providing necessary facilities for home education (often a part of Traveller culture), providing a higher quality of accommodation in terms of overnight and sleeping space without succumbing to provision of larger Mobile Home units. Individually, these amount to negligible factors, which are often overlooked, but cumulatively they amount to delivering a development which is of good quality and design, serving the cultural needs of **this** community. It is therefore a matter which should be afforded weight.

The PPTS is a relevant consideration, and whilst there are no explicit policies relating to dayroom development, a number of paragraphs can be referenced within consideration for this proposal. Paragraph 26 is one such paragraph, and sets out other considerations which should be taken into account when determining applications for Traveller developments, and this includes consideration of Dayroom proposals. Whilst the proposal has a very modest impact on spatial openness by virtue of the enlargement, it does provide appropriate facilities for the existing use of the land. It also provides an appropriate redevelopment of previously developed land and proposes the effective re-use of an existing building, as opposed to the erection of a new building entirely, which is in itself representative of a sustainable development. As such, weight should be afforded to the proposals delivery of Paragraph 26 matters.

The proposed development would provide suitable accommodation to improve current occupants living conditions, as well as providing a communal space where the five households (occupants of each pitch individually referenced as a “household”), and their other family members can congregate without those activities spilling out into the wider site. This is considered to be a matter which weighs in support of the scheme.

In exercising duties under the Human Rights Act 1998, Article 8, a Convention Right, affords a person the right to respect for their private and family life, their home and their correspondence. It is a qualified right that requires a balance between the rights of the individual and the needs of the wider community. The decision maker should also have regard to the positive obligation to facilitate the Gypsy way of life to the extent that the vulnerable position of Gypsies as a minority group means that some special consideration should be given to their needs and different lifestyle in the regulatory planning framework and in reaching decisions on particular cases.

Under the Equality Act 2010, the decision maker will need to have regard to the public sector equality duty (PSED). This sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.

Summary & Conclusions

It is submitted that there is a need for some form of day room on the site as evidenced by the existing partial use of the building itself, and support should be given to such further provision. It is also a benefit that the dayroom utilises the existing development on site, and does not harmfully encroach further into undeveloped areas of the site where impact on character could arise.

It is submitted that the dayroom proposed is suitably proportionate when compared to the site size and meets the existing and future needs of the sites occupants. The facilities provided by the dayroom, namely a study room for home education, a separate bathroom, utility room, and kitchen dining room, coupled with a living space to allow the households, and their other family members to socialise within a suitable space, are considered to be proportionate to the needs of the occupants, and contribute to social sustainability.

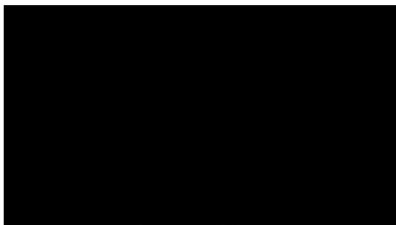
It is also submitted that the dayroom is of a suitable design, which compliments the site as whole, reflecting the design of buildings within and in the surrounds, thus reflecting the character of the area as a caravan site.

Any application for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case, it is considered that there is no harm to character and appearance, and through the imposition of conditions preventing the erection of those two dayrooms previously approved, the lack of harm will be sustained for the duration of the development. This lack of harm attracts neutral weight, but overall the development is considered to be fully compliant with planning policy.

Having regard to the above, it is respectfully requested that planning permission be granted for the proposal.

If you would like to arrange a site visit, please contact me and we make the necessary arrangements.

Yours sincerely,



Brian Woods
Managing Director