

THE BUCKLANDS  
GUTTERIDGE HALL LANE  
WEELEY  
ESSEX  
CO16 9AS

## COMPLIANCE WITH POLICY H OF THE NATIONAL PLANNING POLICY FRAMEWORK

1. **Policy H:** determining planning applications for traveller sites shown in Planning Policy for Traveller Sites, 2015 identifies criteria that should be taken into account when a Local Planning Authority determines planning applications for traveller sites. Planning policy for traveller sites 2015 is shown at **TAB 2**.

2. **Paragraph 22 of Policy H** provides:

*Planning law requires that applications for planning permission must be determined in accordance with the development plan <sup>7</sup>, unless material considerations indicate otherwise <sup>8</sup>.*

There is compliance of the application with the development plan. The development plan is out-of-date in relation to Gypsy / Traveller accommodation needs and is not based on a robust Gypsy / Traveller Accommodation Assessment prepared for the Tendring District Council in 2017 by an organisation known as Opinion Research

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1 Section 38(1) of the Planning and Compulsory Purchase Act 2004: this includes adopted or approved development plan documents i.e. the Local Plan and neighbourhood plans which have been made in relation to the area (and the London Plan).

2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990

Services. A copy of this report is shown at **TAB 3**.

3. **Paragraph 23 of Policy H** provides:

*Applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the National Planning Policy Framework and this planning policy for traveller sites.*

There is compliance of the application with the development plan and the National Planning Policy Framework.

The development proposed would provide both social, economic and environmental benefits.<sup>3</sup>

4. **Paragraph 24 of Policy H** provides:

*Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:*

a) ***the existing level of local provision and need for sites.***

A large number of Gypsy / Travellers live in the Tendering District. The GTAA undertaken in 2017 is not robust.

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<sup>3</sup> This is contained in the Gypsy / Traveller Issues Report

- b) ***the availability (or lack) of alternative accommodation for the applicants.***

The applicants are the Buckley's who live at the Bucklands, Gutteridge Hall Lane, Weeley. The applicants are seeking additional accommodation for their extended family. There is no alternative accommodation available.

- c) ***other personal circumstances of the applicant.***

These issues are covered in the confidential personal circumstances report.

- 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.***

There is conformity with the criteria in Policy LP 9 of the Tendring District Council Local Plan Section 2, 2022.<sup>4</sup>

- e) ***that they should determine applications for sites from any travellers and not just those with local connections.***

The applicants are local to the area.

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<sup>4</sup> This is identified in the compliance with Policy LP 09 of the Tendring District Council Report.

5. **Paragraph 25 of Policy H** provides:

*Local planning authorities 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. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.*

There is conformity with paragraph 25 of Policy H.

6. **Paragraph 26 of Policy H** provides:

*When considering applications, local planning authorities should attach weight to the following matters:*

**a) *effective use of previously developed (brownfield), untidy or derelict land***

The land is mainly previously developed.

**b) *sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness.***

The site is planned and soft landscaped to minimise effects on the environment and its openness.

- c) *promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children***

The site will provide a significant improvement to the living conditions of the children that shall live on the site.

- 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***

There is conformity with paragraph 26(d) of Policy H.

7. **Paragraph 27 of Policy H** provides:

*If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission<sup>5</sup>. The exception is where the proposal is on land designated as Green Belt; sites protected under the Birds and Habitats Directives and / or sites designated as Sites of Special Scientific Interest; Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park (or the Broads).*

The Tendring District Council due to the antiquity and lack of

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<sup>5</sup> There is no presumption that a temporary grant of planning permission should be granted permanently. For further guidance please see: <http://planningguidance.planningportal.gov.uk/blog/guidance/use-of-planning-conditions/whatapproach-should-be-taken-to-imposing-conditions/> (paragraph 14)

robustness of its GTAA is unable to demonstrate a 5 year supply of sites for Gypsy / Travellers.

The land is not a Green Belt site; protected under the birds and habitats directive, a local green space, an Area of Outstanding Natural Beauty or within a National Park or the Broads.

8. **Paragraph 28 of Policy H** provides:

*Local planning authorities should consider how they could overcome planning objections to particular proposals using planning conditions or planning obligations including:*

***a) limiting which parts of a site may be used for any business operations, in order to minimise the visual impact and limit the effect of noise***

No business use of any of the plots is to be made.

***b) specifying the number of days the site can be occupied by more than the allowed number of caravans (which permits visitors and allows attendance at family or community events)***

Provision has been made for one visitor caravan (touring caravan) to the site.

***c) limiting the maximum number of days for which caravans might be permitted to stay on a transit sit***

The site is not proposed to be a transit site.

## **CONCLUSION**

9. The proposed site is in conformity with Policy H of PPTS 2015, meets an identified need due to an un-robust Gypsy / Traveller Accommodation Assessment having been procured by the Tendring District Council in 2017.

**Stuart H CARRUTHERS**

**APRIL 2023**