

Public Document Pack

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Your Ref.
Contact. Hilary Dineen
Direct Dial. (01462) 474353
Email. hilary.dineen@north-herts.gov.uk

To: Members of the Committee: Councillor David Barnard (Chairman), Councillor Fiona Hill (Vice-Chairman), Councillor John Bishop, Councillor John Booth, Councillor Paul Clark, Councillor Bill Davidson, Councillor Jean Green, Councillor Cathryn Henry, Councillor Tony Hunter, Councillor Ian Mantle, Councillor Michael Muir, Councillor Mike Rice, Councillor Adrian Smith, Councillor Harry Spencer-Smith and Councillor Martin Stears-Handscomb.

Substitutes: Councillors Councillor Elizabeth Dennis, Councillor Sarah Dingley, Councillor Faye S Frost, Councillor Gary Grindal, Councillor Simon Harwood, Councillor Ben Lewis, Councillor Valentine Shanley and Councillor Terry Tyler

You are invited to attend a

MEETING OF THE PLANNING CONTROL COMMITTEE

to be held in the

SPIRELLA BALLROOM, ICKNIELD WAY, LETCHWORTH GARDEN CITY

On

THURSDAY, 12TH OCTOBER, 2017 AT 7.30 PM

Yours sincerely,



David Miley
Democratic Services Manager

Agenda **Part I**

Item	Page
1. APOLOGIES FOR ABSENCE	
2. MINUTES - 14 SEPTEMBER 2017 To take as read and approve as a true record the minutes of the meeting of this Committee held on the 14 September 2017.	(Pages 1 - 12)
3. NOTIFICATION OF OTHER BUSINESS Members should notify the Chairman of other business which they wish to be discussed by the Committee at the end of the business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency. The Chairman will decide whether any item(s) raised will be considered.	
4. CHAIRMAN'S ANNOUNCEMENTS Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chairman of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest which requires they leave the room under Paragraph 7.4 of the Code of Conduct, can speak on the item, but must leave the room before the debate and vote.	
5. PUBLIC PARTICIPATION To receive petitions and presentations from members of the public.	
6. 16/02460/1 - LAND AT JUNCTION OF POTTERSHEATH ROAD AND, DANESBURY PARK ROAD, WELWYN REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER Retrospective application for change of use of land to use as a residential caravan site for two gypsy families, each with two caravans including no more than one static mobile home, erection of two utility buildings, additional hardstanding, associated parking spaces, erection of entrance gates, timber fence and ancillary works (as amended by plan no. 3 and site layout plan received 7/12/16).	(Pages 13 - 114)
7. 17/01406/1 - LAND DEVELOPMENT OFF, STATION ROAD, ASHWELL REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER Residential development of 46 no. dwellings, children's play area, two new sports pitches, pavilion building and associated infrastructure.	(Pages 115 - 140)

8. **17/01195/1 - FORMER LANDFILL SITE, BLAKEMORE END ROAD,
LITTLE WYMONDLEY** (Pages
141 -
156)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Use of land for gas fired electricity generating station to deliver electricity during times of peak demand of up to 49.99 MW.

9. **PLANNING APPEALS** (Pages
157 -
164)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

10. **EXCLUSION OF PRESS AND PUBLIC** (Pages
165 -
166)
To consider passing the following resolution:

That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 5 of Part 1 of Schedule 12A of the said Act.

11. **16/02460/1 - LAND AT JUNCTION OF POTTERSHEATH ROAD AND,
DANESBURY PARK ROAD, WELWYN** 167 -
182
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Retrospective application for change of use of land to use as a residential caravan site for two gypsy families, each with two caravans including no more than one static mobile home, erection of two utility buildings, additional hardstanding, associated parking spaces, erection of entrance gates, timber fence and ancillary works (as amended by plan no. 3 and site layout plan received 7/12/16).

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Agenda Item 2

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

MEETING HELD IN THE SPIRELLA BALLROOM, ICKNILED WAY, LETCHWORTH
GARDEN CITY ON THURSDAY, 14TH SEPTEMBER, 2017 AT 7.30 PM

MINUTES

Present: *Councillors Councillor David Barnard (Chairman), Councillor Fiona Hill (Vice-Chairman), John Booth, Bill Davidson, Jean Green, Cathryn Henry, Tony Hunter, Michael Muir, Mike Rice, Adrian Smith, Harry Spencer-Smith and Martin Stears-Handscorb*

In Attendance:

Simon Ellis (Development and Conservation Manager), Tom Rea (Area Planning Officer), Jeanette Thompson (Senior Lawyer) and Ian Gourlay (Committee and Member Services Manager)

Also Present:

At the commencement of the meeting approximately 90 members of the public, including 6 registered speakers..

48 APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors John Bishop, Paul Clark and Ian Mantle.

Councillor Sarah Dingley was substituting for Councillor Bishop.

49 MINUTES - 17 AUGUST 2017

RESOLVED: That the Minutes of the Meeting of the Committee held on 17 August 2017 be approved as a true record of the proceedings and be signed by the Chairman.

50 NOTIFICATION OF OTHER BUSINESS

There was no other business notified.

51 CHAIRMAN'S ANNOUNCEMENTS

- (1) The Chairman welcomed the Committee, officers, general public and speakers to this Planning Control Committee Meeting;
- (2) The Chairman announced that Members of the public and the press may use their devices to film/photograph, or make a sound recording of the meeting, but he asked them to not use flash and to disable any beeps or other sound notifications that emitted from their devices;
- (3) The Chairman reminded Members and speakers that in line with Council policy, this meeting would be audio recorded;
- (4) The Chairman advised that Members would be using hand held microphones and asked they wait until they had been handed a microphone before starting to speak;

- (5) The Chairman requested that all Members, officers and speakers announce their names before speaking;
- (6) The Chairman clarified that each group of speakers would have a maximum of 5 minutes. The bell would sound after 4 1/2 minutes as a warning, and then again at 5 minutes to signal that the presentation must cease; and
- (7) Members were reminded that any declarations of interest in respect of any business set out in the agenda should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and were required to notify the Chairman of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest which required they leave the room under Paragraph 7.4 of the Code of Conduct, could speak on the item, but must leave the room before the debate and vote.

52 PUBLIC PARTICIPATION

The Chairman confirmed that the 6 registered speakers were present.

53 17/01543/1 - LAND OFF HOLWELL ROAD, PIRTON

Outline planning application for the erection of up to 99 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Holwell Road. All matters reserved except for means of access.

The Area Planning Officer presented the report of the Development and Conservation Manager, supported by a visual presentation consisting of plans, drawings and photographs of the site.

The Area Planning Officer advised that, since writing the report, he had received 14 additional letters from members of the public, and the points raised in this correspondence had already been covered in the summary of the objections to the development and covered in the key issues as set out in his report. All of these letters had been placed on the Council's public access website.

In addition, the Area Planning Officer had received the following:

- (1) Pirton Parish Council had submitted a supplementary letter to their formal comments which were attached at Appendix 1 to his report. This additional letter repeated many of the points covered in Appendix 1, however, he summarised them as follows:
 - The proposals were premature in advance of the local and neighbourhood plan preparation;
 - There would be an adverse impact on the landscape and setting of the village;
 - There would be a negative cumulative impact;
 - Adverse impact from traffic and poor connectivity;
 - Loss of agricultural land;
 - Negative impact on the environment and biodiversity;
 - Potential impact on archaeology and heritage assets;
 - Would lead to an urbanising impact on the Hambridge Way and Icknield Way contrary to the emerging Neighbourhood Plan;
 - The development was unsustainable.
- (2) Comments from Holwell Parish Council which had also appeared on the web site under a neighbour representation. However, they had been submitted now as a consultee representation. He summarised them as follows:

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- The Holwell Parish Council objected in the strongest possible terms;
- Concern of the impact of construction traffic on the rural villages of Holwell and Pirton;
- Concern of the impact on pedestrians and other users of local roads and footpaths;
- Query whether the homes would be affordable;
- Lack of local infrastructure to support the additional dwellings;
- The development would detract from the Chilterns Hills Area of Outstanding Natural Beauty;
- Increase in traffic and congestion detrimental to highway safety;
- In summary, the Parish Council considered the proposals an overdevelopment at the highest level.

The Area Planning Officer had received formal comments from the Council's Waste and Recycling Manager, who recommended conditions relating to refuse collection routes and full details of on-site storage facilities for waste and recycling. The comments also included technical advice with regard to matters of waste storage and separation.

In summarising, the Area Planning Officer drew the Committee's attention to the Government's high priority, as set out in the National Planning Policy Framework, to deliver new housing. Clearly this proposal would provide a significant number of dwellings, including affordable dwellings and there would also be economic benefits to the local economy. On the other hand, the proposal would, by reason of its scale, cause significant environmental harm to the character and appearance of the countryside. In addition, the development would not be sustainable, as the new residents would have limited access to facilities, services, jobs and sustainable transport choices.

The Area Planning Officer considered that the benefits of delivering new housing would not outweigh the fundamental issue that the proposal was not the right development for this rural location. Accordingly, he asked the Committee to support his to refuse planning permission for the reasons set out in the report.

The Committee was addressed by Parish Councillor Diane Burleigh (Pirton Parish Council) and Carol Anne McConnellogue (Pirton Action Group) in objection to application 17/01543/1.

Parish Councillor Burleigh advised that she was speaking on behalf of both Pirton and Holwell Parish Councils which supported the Area Planning Officer's conclusions and recommendations for refusal set out in the report.

Parish Councillor Burleigh considered that application 17/01543/1 was premature, and that the harm from its adverse impact significantly and demonstrably outweighed any benefit of housing development. It was premature as both the Local and Neighbourhood Plans were well advanced, and therefore to grant permission would seriously interfere with both Plans' well thought through, highly consulted upon and accepted housing plans for Pirton. She stated that the villagers were not NIMBYs. There was no agreed construction route as yet to this or to the adjacent site. There were no proposals for addressing the significant adverse impacts. She felt that Members simply did not have the information they needed to be able to grant this application.

Parish Councillor Burleigh stated that the adverse impact of a further 99 houses on top of recent permissions would lead to a cumulative growth of Pirton, and of its population, of some 37%, a greater percentage increase than that planned by the Council for Hitchin, Letchworth Garden City or Royston. Pirton's facilities would be overwhelmed. Socially, the village would struggle to assimilate so many people at one time. Historically, growth had been steady and small scale, and so assimilation had been positive and easy.

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Parish Councillor Burleigh commented that access to the site would mean constructing a road across the very green corridor that the Committee had approved to protect wildlife in the adjacent sites, as well as destroying part of the hedge that the Council insisted should remain because of the importance of hedges and verges to wildlife and diversity.

Parish Councillor Burleigh considered that the proposal failed to enhance (an important word in the National Planning Policy Framework) the wider landscape of the Pirton Lowlands and its place next to the Chilterns Area of Outstanding Natural Beauty.. Also, important for the agricultural industry, the site comprised Grade 3A agricultural land, the best and most versatile agricultural land, which the UK needed to cherish.

Parish Councillor Burleigh advised that heritage was important to Pirton. Given the significance of material remains found on the adjacent site, including human remains, further extensive archaeological work would be needed on the site. This would enable Historic England to consider the possibility of scheduling it, or consider whether any remains should be preserved in situ before any planning permission was granted. She believed that was also the view of the archaeologists at Hertfordshire County Council.

Parish Councillor Burleigh explained that the Parish Council was wholly against any measures that would urbanise the countryside and Hambridge Way, an ancient part of the Icknield Way path used extensively by walkers, cyclists and horse riders, precisely because it was both ancient and rural. These visitors were an increasingly important economic group for Pirton, and the villagers did not wish them to be discouraged.

Ms McConnellogue advised that the Pirton Action Group urged the Committee to refuse this application. 78 new houses were already going to be built in Pirton, bringing potentially hundreds of more vehicles into the village. A further 99 homes would be perilous for pedestrians, dog walkers, riders and particularly for children walking to school. The village roads were also very narrow, many of which had no pavements.

Ms McConnellogue queried how this application could even be considered when the construction traffic plan and access had not even been agreed for the 78 houses already approved. In addition, the small village school and pre-school were at full capacity and local secondary schools were all heavily oversubscribed.

Ms McConnellogue stated that those leaving the village by car already experienced lengthy delays due to the sheer volume of traffic into Hitchin, Stevenage and Luton. There was also a significant pollution issue to consider.

Ms McConnellogue commented that the location of this large proposed development was definitely outside the village boundary and would create a large and vey separate estate. It threatened to destroy the wonderful community spirit that made Pirton so special, as well as changing forever the village's unique and historic setting.

Ms McConnellogue concluded by re-iterating that the villagers were not NIMBYS. They supported and encouraged reasonable development, however, the current proposal was unsustainable and disproportionate, but more importantly, would put lives at risk.

The Chairman thanked Parish Councillor Burleigh and Ms McConnellogue for their presentations.

The Committee supported the Planning Officer's recommendation that planning permission be refused on the basis that the benefits of delivering new housing would not outweigh the fundamental issue that the proposal was not the right development for this rural location. The reasons advocated in the report and the comments of the Pirton and Holwell Parish Councils were supported.

The Committee could see no merit in the application; no benefit to the village; it was overdevelopment; and was totally unsustainable. It was in the area beyond the Green Belt and would detract from the village's setting and the adjacent Chilterns Area of Outstanding Natural Beauty.

RESOLVED: That application 17/01543/1 be **REFUSED** outline planning permission, for the reasons as set out in the report of the Development and Conservation Manager.

54 17/00477/1 - 1 AVENUE ONE, LETCHWORTH GARDEN CITY

Erection of single storey retail foodstore (Use Class A1), a three storey hotel (use Class C1), a single storey restaurant/drive-thru (Use Class A3/A5), a single storey coffee shop/drive-thru (Use Class A1/A3), new access arrangements, car parking, service areas, landscaping and other associated works following demolition of existing building (as amended by drawings received 02/06/2017).

The Development and Conservation Manager presented a report, supported by a visual presentation consisting of plans, drawings and photographs of the site.

The Development and Conservation Manager advised that negotiations regarding the proposed Section 106 Agreement had not been completed, and therefore that any grant of permission should be subject to the completion of such an Agreement. He further advised of the recommended amended wording to proposed Condition 4, as follows:

"Prior to the commencement of groundworks, full details of landscaping phasing will be submitted to and approved in writing by the Local Planning Authority. Such details will identify at which stages the different aspects of landscaping, as shown on drawing numbers NCSP 508/1-002E and NCSP 508/1-003E, will be carried out and completed as part of the development site. The approved phasing of landscaping will be provided in accordance with the approved details.

Reason: To safeguard and enhance the appearance of the completed development and visual amenity of the locality."

The Committee was addressed by Mr Julian Sutton (Applicant's Agent) in support of application 17/00477/1.

Mr Sutton advised that the Committee's consideration of this application was the culmination of year's work with the Planning Officers in bringing forward the development of the site for much needed regeneration. He and the applicant were grateful for the proactive and pragmatic way in which those officers had worked with them in order that they application could be presented at the meeting.

Mr Sutton considered that the redevelopment proposals were of significant benefit to Letchworth and its residents. They represented a £16Million investment in the town, and the proposed regeneration scheme would:

- Provide a widened food shopping choice in Letchworth in a highly accessible location;
- Provide high quality new visitor and business accommodation in the local area in an accessible location;
- Provide additional food and drink choice to local residents and surrounding businesses in the industrial area;
- Create approximately 150 full time equivalent jobs, plus spinoff jobs through the construction process;
- Create other economic spinoffs from the proposed Travelodge Hotel, as guests would visit shop and facilities within the town. Travelodge's own statistics suggested that this could be up to £1.25Million per annum; and

- It would redevelop a long term, vacant site which currently detracted from the local environment of Letchworth Garden City and offered the opportunity for environmental enhancement by bringing a derelict site back into beneficial use and, in particular, provided for enhanced landscaping to the benefit of the local environment.

Mr Sutton stated that the submission of the application had followed a public consultation event held on 8 February 2017 and, hence, the application was supported by a Statement of Community Involvement which confirmed that the majority of responses received from the public were positive, illustrating strong local support for the proposals. Not a single objection to the scheme had been received from local residents. The one solitary objection to the application, as set out in the report, was in his opinion without merit and the objector's arguments were entirely self-serving and intended to restrict competition and prevent additional customer choice within Letchworth.

Mr Sutton explained that the Council had appointed independent retail planning specialists to assess the supporting case for the application, and that they had confirmed that there were no sequential preferable sites closer to Letchworth Town Centre appropriate for the development and that, in their independent view, there would not be any unacceptable impact on Letchworth or Baldock Town Centres.

Mr Sutton advised that an Employment Report had been submitted with the application explaining the fundamental problems with the existing building on the site and how it had been marketed for four years by two leading national agents. He stated that the applicant had significant land holdings. After several years of looking for new tenants for the site without success, due in part to the building's fundamental deficiencies for modern businesses, such as the low eaves height and office to storage ratio, the applicant had decided that redevelopment for a modern multi-use development was the best option, a development which would not only provide useful facilities for local residents and businesses, but would also bring new employment opportunities to the area. The applicant was keen to progress the development and, if permission was granted, would hope to be on site as soon as possible with a view to bringing the development into use by the end of 2018. He therefore asked the Committee to support the Planning Officer's recommendation that planning permission be granted.

The Chairman thanked Mr Sutton for his presentation.

The Committee was supportive of the application. Members felt that the scheme would have a limited impact on the Letchworth Town Centre. They accepted that the existing building on the site was not appropriate for modern needs, and considered that the supermarket, hotel, takeaway and coffee house uses proposed, together with the level of parking advocated, would result in a successful regeneration of this derelict site.

As well as supporting the Development and Conservation Manager's recommended revised Condition 4, the Committee agreed to additional conditions (Nos. 20 and 21) regarding details to be provided in respect of external litter bins and the location and distribution of electric vehicle charging installations.

RESOLVED: That, subject to the completion of a satisfactory Section 106 Obligation, application 17/00477/1 be **GRANTED** planning permission, subject to the conditions and reasons as set out in the report of the Development and Conservation Manager, and with the following amended Condition 4 and additional Conditions 20 and 21:

4. Prior to the commencement of groundworks, full details of landscaping phasing will be submitted to and approved in writing by the Local Planning Authority. Such details will identify at which stages the different aspects of landscaping, as shown on drawing numbers NCSP 508/1-002E and NCSP 508/1-003E, will be carried out and completed as part of the development site. The approved phasing of landscaping will be provided in accordance with the approved details.

Reason: To safeguard and enhance the appearance of the completed development and visual amenity of the locality.

20. Prior to the commencement of the development hereby permitted full details of external litter bin installations associated with the proposed restaurant and cafe shall be submitted to and approved in writing by the Local Planning Authority. Such works shall thereafter be completed in accordance with the approved details or particulars prior to the first use of the restaurant and cafe and thereafter retained and maintained for that purpose.

Reason: To ensure suitable litter bin facilities are available in the interests of public amenity.

21. Prior to the commencement of the development hereby permitted full details of the location and distribution of electric vehicle charging installations shall be submitted to and approved in writing by the Local Planning Authority. Such installations shall be provided in accordance with the approved details or particulars prior to the first use of each relevant part of the development and thereafter retained and maintained for that purpose.

Reason: In the interests of highway safety, public convenience and environmental gain.

55 17/00442/1 - 67 HIGH STREET, WHITWELL, HITCHIN

Change of use from Public House (Class A4) to use as a single dwelling house (Class C3); Single storey rear extension following part demolition of existing rear extension; Insertion of dormer window to rear roof slope; Single storey rear extension following demolition of existing single storey lean-to extension. Front canopy following demolition of existing front porch.

The Area Planning Officer presented the report of the Development and Conservation Manager, supported by a visual presentation consisting of plans, drawings and photographs of the site.

The Area Planning Officer advised that Members of the Committee had been copied in on a message by Councillor John Bishop, who considered that the Maiden Head Public House would under progressive management still be viable as a public house. Councillor Bishop was concerned that no viability figures were available to support the officer recommendation. Councillor Bishop requested that the Committee refuse planning permission on the same grounds as the refusal of planning permission for a change of use of the White Horse at Kimpton to a dwelling. The application was refused by the Planning Committee in August 2015, and Councillor Bishop had attached the Decision Notice regarding that decision to his e-mail for the Committee's reference.

The Area Planning Officer reported the formal comments of St. Pauls Walden Parish Council. The Parish Council referred to the listing of the Maidens Head as an Asset of Community Value and the significant level of financial support that may be available within the local community that could be invested. The Parish Council considered that the retention of the property as a public house would help maintain the strong community values within the Parish and they pointed to the Red Lion at Preston as an example of a successful community pub. The Parish Council considered that the retention of the No. 67 High Street, Whitwell as a public house was of considerably more community value to the village than a private residence.

The Area Planning Officer reported a letter received from Mr Widdowson on behalf of the Society for the Protection of Pubs in Whitwell representations not being on the Council's website and the inability of the Society to see the viability reports.

The Committee was addressed by Mr David Widdowson (Society for the Protection of Pubs in Whitwell), supported by Mr Kai Allen (local resident), in objection to application 17/00442/1.

Mr Widdowson began by referring to the key point of viability. He understood that the applicant had submitted a report and the Planning Officer commissioned an independent review of that. He had seen neither of those so he could not possibly challenge some of the assumptions that they may contain. However, the question of viability depended on a number of factors including personal perception:

- this was clear from the fact that the independent report apparently rejected a number of the conclusions drawn by the applicant's report; and
- Also, as to the CAMRA Public House Viability Test referred to in the Planning Officer's report at Paragraph 4.3.5. He was of course unable to comment on how the viability reports had applied this test. He had applied it and had come down overwhelmingly in favour of viability. Time did not permit him to go through this in detail.

Essentially, however, Mr Widdowson considered that viability turned on two points, namely demand and cost. The conclusions of the independent viability report on which the Planning Officer had relied in reaching his recommendation that this application be granted were set out in Paragraph 4.3.6 of his report. Dealing with each bullet point in turn:

- 1.(a) The Society accepted that there was substantial capital investment involved – as the Planning Officer noted and did not challenge. The Society had set this at £200,000. The Society's Business Plan had not been put together on the back of a fag packet. It had been compiled with the assistance of experienced accountants, licensed trade managers, current and former landlords and, in particular, the owners and operators of the Red Lion at Preston. It is a credible plan which will be financed almost wholly from members of the community at the level stated. Our costings have factored in the possible cost of loan finance solely for working capital and we have had positive discussions with commercial lenders based on this business plan;
- 1.(b) Crucially, of course, the Society's Plan did not depend on returning a profit for the owners. The vehicle used would return any profit made to the community, but did not depend on it. The Society had the funds to purchase the property and saw no reason why they should be deprived of this opportunity;
2. As to local support, this was set out in greater detail in the Society's submission. However, the decline in the trading was a succession of disastrous tenants following Mike and Barbara Jones. He challenged one point in the Planning Officer's report – trade was emphatically not declining during Mike's time – indeed he won North Herts Pub of the Year in the year before his retirement. He left because he was old and wished to retire. What was key, however, was providing what the community wanted. The two surveys carried out by the Society had indicated this was good quality food, decent beer and good wine. The Red Lion at Preston and the Horns at Bulls Green were two examples among many others who did that brilliantly. The projected growth in population should also be taken into account. Once the Maidens Head was gone it would not be coming back;
3. The fact that there was another pub in the village was, he suggested, irrelevant both because people wanted choice and because it catered for a particular and small section and did not relate well to the wider community. The population of Whitwell was very similar to Pirton, which maintained two successful pubs;
4. The vague unevidenced assertion that people's drinking and eating habits had changed was not a basis for concluding that was the case in this community. He could hardly leave his house without being asked about the pub. This was direct evidence as against vague assertion;

5. The same would be true of supermarkets' competition. A village pub was not just a drinks dispensary – it was a time honoured social hub which provided much much more to social cohesion – as set out in the Society's submission;
6. The argument that the fact the property had been on the market for some time and there had been no interest was, he felt, entirely specious. It would drive a coach and horses through the Asset of Community Value scheme if an owner was able to set a residential price on a pub and then say when he had no takers at that price that it showed no demand for it as a pub.

The Chairman thanked Mr Widdowson for his presentation.

The Committee was concerned that it had not seen full versions of the various viability reports referred to by both the Area Planning Officer and Mr Widdowson in their presentations. The Committee discussed the possibility of deferring the application until such time as they had read and digested the various viability reports. However, Members were advised that there was no guarantee that they would be able to see the full viability reports as some of the information may need to be redacted on the grounds of commercial sensitivity. On this basis, the Committee felt that the applicant's evidence on sustaining a viable business had not been demonstrated to its satisfaction, and considered that the proposed change of use of the public house to residential use would not promote the retention of this important local facility. It was therefore

RESOLVED: That application 17/00442/1 be **REFUSED** planning permission, for the following reason:

1. The proposed change of use of the public house to residential use would not promote the retention of this important local facility. Moreover, the applicant's evidence on sustaining a viable business has not been demonstrated to the satisfaction of the Local Planning Authority. The proposal therefore conflicts with the National Planning Policy Framework.

Proactive Statement

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

56 17/00443/1LB - 67 HIGH STREET, WHITWELL, HITCHIN

Single storey rear extension following demolition of existing rear extension, shed and front porch. Consequential internal and external alterations to facilitate change of use from Class A4 (Drinking Establishment) to use as a single dwelling house Class C3 (Dwelling House).

The Committee considered the report of the Development and Conservation Manager in respect of application 17/00443/1LB, seeking Listed Building Consent for works to 67 High Street, Whitwell.

In the light of the previous decision (see Minute 55 above), the Committee debated the merits of refusing or deferring this application. Members concluded that the application should be deferred until the outcome was known of any appeal against the Committee's decision to refuse permission for the change of use application for 67 High Street, Whitwell (ref: 17/00442/1).

RESOLVED: That application 17/00443/1LB be **DEFERRED** until the outcome is known of any appeal against the Committee's decision to refuse permission for the change of use application for 67 High Street, Whitwell (ref: 17/00442/1) set out in Minute 55 above.

57 17/01214/1 - CALDERS COTTAGE, PUTTERIDGE PARK, LUTON

Timber clad barn.

The Development and Conservation Manager presented a report, supported by a visual presentation consisting of plans, drawings and photographs of the site.

The Development and Conservation Manager commented that the applicant had set out in his letter appended to the report as to why the proposed building was required, namely due to the fact that he had been the victim of crime and hence needed to store vehicles and equipment in a secure manner. Whilst the site was in the Green Belt, the Development and Conservation Manager did not consider that it would be inappropriate development as it would be associated with the normal rural use of the land and was important for security purposes.

The Committee was addressed by Mr Richard Langeveld (Applicant) in support of application 17/01214/1.

Mr Langeveld advised that he had bought Calders Cottage in 1999, and what had attracted him was its semi-isolated rural location. When he and his family were at home it was a lovely, but when they were at work or on holiday then anyone else who should not be there was also on their own to do whatever they wanted without being disturbed.

Mr Langeveld stated that he had been the victim of criminal activity over the past 7 years on 10 separate occasions, all reported to the Police. These included a stolen trailer; stolen motorbike; garage broken into and £10,000 worth of equipment stolen; stolen car trailer; house broken into and arson attack on house whilst it was being extended; copper theft whilst house was being extended; attempted theft of trailer; copper theft from garden; vandalism; and trespassing. In addition, he had lost count of numerous fly tipping incidents, sometimes of hazardous materials, on the lane blocking the track for both he and his family and emergency vehicles.

Mr Langeveld commented that he had assisted the Police wherever possible, and they actually installed CCTV at his property a few years ago. Hertfordshire County Council had recently installed a number of gates on the Putteridgebury Estate in an attempt to reduce crime levels and fly tipping, and to make criminal "get-aways" harder.

Mr Langeveld explained that the purpose of the proposed barn was for safe secure storage of belongings and equipment. Necessary security demanded that it was positioned as per his application and he wanted it in the proposed location for the following reasons:

- It was relatively close to his house;
- He could keep an eye on it because of its close proximity;
- If it was a distance away he would not keep a regular/daily check on it;
- If it was a distance away he would not hear anything untoward;
- It was easily accessed from his track and drive; and
- The existing security alarm could be easily extended to cover the proposed barn.

Mr Langeveld took the opportunity to reassure members that he had absolutely no intention to convert the barn into a residential dwelling either now or in the future. It was to be a secure storage facility that was attractive and in keeping with the rural surroundings and other storage barns in Hertfordshire. He confirmed that he had given all aspects of the proposal a great deal of consideration regarding materials and positioning, including consultation with his neighbours, and had concluded that the current proposed location was the most sensible.

The Chairman thanked Mr Langeveld for his presentation.

The Committee was supportive of the Development and Conservation Manager's recommendation for approval, and following brief debate, it was

RESOLVED: That application 17/01214/1 be **GRANTED** planning permission, subject to the conditions and reasons as set out in the report of the Development and Conservation Manager.

58 PLANNING APPEALS

The Development and Conservation Manager presented the report entitled Planning Appeals. He advised that, since the last meeting of the Committee, two planning appeals had been lodged and one planning appeal decision had been received, all as detailed in the report.

RESOLVED: That the report entitled Planning Appeals be noted.

The meeting closed at 9.52 pm

Chairman at the meeting on
Thursday, 14 September 2017

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**PLANNING CONTROL COMMITTEE
12 OCTOBER 2017**

PART 1 – Public Document

AGENDA ITEM No.

6

TITLE OF REPORT: PUBLIC INQUIRY AND PLANNING APPEAL CONCERNING LAND AT DANESBURY PARK ROAD AND JUNCTION WITH POTTERSHEATH ROAD, WELWYN AL6 9SP

REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

COUNCIL PRIORITY : RESPONSIVE AND EFFICIENT

1. EXECUTIVE SUMMARY

To update Members, in accordance with the Council Constitution, on matters relating to the Public Inquiry scheduled to be held on 5th – 7th December 2017 concerning a planning appeal by Mr J. Connors

Members are requested to consider this report in conjunction with the Part 2 report also concerning the appeal by Mr J. Connors

2. RECOMMENDATIONS

- 2.1 That the Committee authorise officers to write without delay to the Planning Inspectorate to confirm that in light of a material change in circumstances North Hertfordshire District Council as Local Planning Authority (LPA) will be inviting the appointed inspector to grant conditional planning permission.
- 2.2 Subject to 2.1 being accepted by the Committee, that the Committee authorise officers to write without delay to all those who submitted representations to the LPA prior to the determination of the planning application of its decision set out in 2.1. In addition, to authorise officers to write without delay to those third parties who have registered to appear at the Public Inquiry of the LPA's decision setting out the reasons for this decision.
- 2.3 Subject to 2.1 being accepted by the Committee that the Committee authorise officers to write to the Appellant without delay to invite a planning application similar to that originally submitted (planning ref: 16/02460/1) so that the LPA can consider such an application in the light of information now available which includes the personal circumstances of the Appellant and occupiers and the Council's interim Gypsy, Traveller and Showperson Accommodation Assessment Update (2017).

- 2.4 Subject to 2.1, 2.2 and 2.3 being accepted by the Committee and subject to the receipt of a re-submitted planning application, that the Committee authorise officers to write to the Planning Inspectorate to suggest that it is no longer necessary to hold a public inquiry and/ or to request that the appeal/ Public Inquiry is held in abeyance pending the outcome of the LPA's decision on the re-submitted planning application. In the circumstances that the appeal is to proceed officers be authorised to make representations on a change in appeal procedure to a written appeal.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To enable the Committee to consider the position of the Local Planning Authority at the Planning Public Inquiry scheduled for 5th – 7th December 2017 having regard to material changes in circumstances since the refusal of planning application ref: 16/02460/1 and the advice received from professional witnesses and Counsel.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Alternative options to the recommendations above are considered as follows:

- Maintain current position and defend the appeal

Officers recommend against this strategy. The Council currently has no expert professional witnesses that could defend its case and given the weakness of its position would be unlikely to be able to recruit professional expert witnesses. As a result of not being able to present any case to defend the planning decision at the Inquiry there would be a high risk of significant costs being awarded against the Council.

- Members of the Planning Control Committee defend the appeal

Officers recommend against this strategy. With respect to Members, the lack of professional qualifications and experience in this field of planning would be quickly apparent under cross examination and this, together with a weak, unsubstantiated case would result in a high risk of significant costs against the Council.

- Concede a temporary permission but defend against a permanent permission

Officers recommend against this strategy. The GTAA Update 2017 demonstrates increased need that may not be achievable elsewhere in the short term and suggests that the appeal site may be needed in any event to meet demand. The needs of the children living on the site are likely to persist beyond a temporary permission (the youngest child on site being 8 months old). The Council's currently employed professional is unable to professionally represent even this case at an appeal Inquiry and it is therefore likely that Members would need to defend this position also, with all associated risks of costs being awarded against the Council.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 The LPA has obtained professional planning consultancy advice and Counsel's Opinion with expertise and experience in this type of appeal.

6. FORWARD PLAN

- 6.1 This report contains a recommendation on a key decision that was first notified to the public in advance of the Planning Control Committee of 18th January 2017.

7. BACKGROUND

- 7.1 The Planning Control Committee resolved, at its meeting on 18th January 2017, to refuse a retrospective planning application (ref: 16/02460/1) against the officer recommendation concerning land at Dansebury Park Road and Junction of Pottersheath Road, Welwyn, for the change of use of land to use as a residential caravan site for two gypsy families, each with two caravans including no more than one static mobile home, erection of two utility buildings, additional hardstanding, associated parking spaces, erection of entrance gates, timber fence and ancillary works (as amended by plan no. 3 and site layout plan received 7/12/16) for the following reason:

The development represents inappropriate development in the Green Belt which causes harm to the Green Belt by reason of inappropriateness and harm to openness. In the opinion of the Local Planning Authority the applicant has not demonstrate sufficient very special circumstances to outweigh this harm. The development is therefore contrary to Policy 2 of the North Hertfordshire District Local Plan No. 2 – with Alterations and paragraphs 88-90 of the National Planning Policy Framework (NPPF).

- 7.2 Since the refusal of planning application ref: 16/02460/1 at the Planning Control Committee on 18th January 2017 the applicant has submitted an appeal against the decision and a Public Inquiry has been confirmed by the Planning Inspectorate as the appropriate method of determining the appeal. The Inquiry is set for 5th, 6th and 7th December 2017.
- 7.3 In March 2017 the Appellant submitted a full and comprehensive Statement of Need as part of the procedural requirements of the Appeal. This information had not been provided as part of the application and therefore Members were unable to take account of this comprehensive evidence of need when they determined the planning application at the meeting of the Planning Control Committee held on 18 January 2017.
- 7.4 Officers, acting on behalf of the Planning Control Committee, instructed a planning consultant to act as expert witness at the Inquiry to defend the Local Planning Authority's reason for refusing planning permission. On the advice of the planning consultant Counsel's opinion was also sought on the issues concerning the appeal and the merits of the LPA's case. Counsel is an experienced barrister who advises a number of local planning authorities in respect of Gypsy and Traveller matters including appearing at Public Inquiries, prosecuting in the courts and advising and appearing in respect of local plans.
- 7.5 In June 2017 and in response to the Appellant's Statement of Need submission, the Council's planning consultant and Counsel recommended that the LPA seek an update to its Gypsy, Traveller and Show Person Accommodation Assessment (GTAA) of 2014. Opinion Research Services (ORS) were commissioned to undertake this additional update and were also scheduled to provide an expert witness to address need and appear at the Inquiry.
- 7.6 In June 2017 the Council carried out an updated welfare assessment at the appeal site, it recorded *inter alia* an additional child residing at the site. Also health issues were identified relating to a resident currently residing at the site.

- 7.7 In August, the Council received a draft GTAA update from consultants ORS and this was sent to the planning consultant and Counsel for review. This report has now been finalised. The draft report included, in accordance with the guidance for Planning for Traveller Sites, the current and future needs arising from the occupants of the appeal site. Consequently, the revised GTAA identifies a higher need for residential traveller pitches than is presently identified in the Council's Submission Local Plan under Policy HS7. At present the emerging Local Plan only makes provision for all those identified in the 2014 assessment. Furthermore, the expiration of the temporary permission on the Gypsy and Traveller site at Pulmer Water means that the Council cannot presently demonstrate a five-year supply of Gypsy and Traveller pitches.
- 7.8 On 8th September officers received Opinion from Counsel on the merits of the LPA's case at the Public Inquiry scheduled to commence on 5th December 2017. This Opinion is attached in full at Appendix A to the Part 2 report concerning this appeal.

8. RELEVANT CONSIDERATIONS

- 8.1 The Local Planning Authority is currently a main party to a planning appeal to be heard by way of Public Inquiry following the refusal of planning permission by the Council in January 2017. The Public Inquiry is to start on 5th December 2017 and is scheduled to last for three days.
- 8.2 Proofs of Evidence (Written Statements) are required to be submitted to the Planning Inspectorate no later than four weeks prior to the commencement of the Inquiry i.e. 4th November 2017. The council's evidence and evidential approach will need to be settled well in advance of this date.
- 8.3 The Local Planning Authority has received advice from its planning consultant that, having regard to material changes in circumstances since the refusal of planning permission on the information currently available, the Council will struggle to present a credible and defensible case at the Inquiry and that it is likely that the Planning Inspector appointed to deal with this Inquiry will conclude that planning permission should be granted. Moreover, officers have been advised that the Council is at risk of a substantial award of costs against it if it were to proceed to defend its case at Inquiry given the changes in circumstances. The Council now has no expert witnesses to defend its refusal of planning permission. If Members still wish to maintain their refusal of planning permission, proofs of evidence will need to be provided by Members of the Planning Control Committee.
- 8.4 The material changes in circumstances, since the refusal of planning permission in January 2017 are as follows:
- The personal circumstances of the families living on site have changed – there are currently five children all under the age of 13 including an 8 month old. This has been confirmed by a recent welfare assessment undertaken by the Council;
 - A recent review of Gypsy and Traveller accommodation in the District considers the accommodation need to be greater than envisaged in the Proposed Submission Local Plan and at the time the decisions were taken to refuse planning permission and submit the local plan for examination;

- A temporary planning permission determined by the Planning Inspectorate for six traveller pitches at Pulmore Water in Codicote has expired and no further planning permission has been granted at this site;
 - The Local Planning Authority has received unequivocal professional and legal advice that its case at the Public Inquiry is not defensible.
- 8.5 In order to reduce the risk of costs and also to reduce the scale of any costs award the Council needs to consider its position now new information has come to light. An early resolution not to contest the appeal and invite the Appellant to submit a revised or duplicate application will show reasonable conduct on behalf of the Council and offset any accusation of unreasonable behaviour from the Appellant. If the appeal was to be commuted to a different procedure it would also assist in containing the scale of costs both expended in terms of representations at the appeal and potential costs awarded against the Council in the event unreasonable behaviour was found to have occurred.
- 8.6 As Members will be aware costs can only be awarded in planning appeal proceedings when a party has acted unreasonably and that unreasonable behaviour has led to another party incurring unnecessary costs. The Council refused planning permission on the basis of the information provided with that application and also in respect of its own investigations; Officers consider that position at that time was not unreasonable albeit they had recommended that permission be granted for a temporary 3 year period.
- 8.7 However, since the refusal of planning permission there have been a number of changes in circumstances as detailed elsewhere and including a statement of need submitted by the Appellant, details of the personal circumstances of the Appellant and occupiers, a re assessment of need undertaken on behalf of the Council in support the local plan in light of changes on the ground and in the approach of Government policy as well as a re-assessment of the needs of the occupiers of the appeal site.
- 8.8 These changes all weigh in favour of the grant of planning permission and thus materially influence the planning balance and decision making process and it would be unreasonable for the Council not to reassess its position in light of these material changes in circumstances. Moreover, in light of this new evidence I am of the opinion that Members must be given an opportunity to review their earlier decision as they had not taken it into account when that decision was made.
- 8.9 It is considered that the only reasonable outcome would be for the Council to inform the parties that they will be inviting the Inspector to grant conditional planning permission.
- 8.10 In the event that the Council seek to defend its position as of January 2017 it is likely to be found to have acted unreasonably and that action to have directly led to wasted costs i.e. the full cost incurred by the Appellant pursuing this appeal.

The following documents are attached as appendices to this report:

- Appendix A - A copy of the Officers Committee report to Committee 18th January 2017
- Appendix B - The Minutes of the Planning Control Committee meeting of 18th January 2017

- Appendix C - Planning Decision notice dated 19th January 2017
- Appendix D – Opinion Research Services (ORS) Gypsy and Traveller Accommodation Assessment (GTAA) Update August 2017

9. LEGAL IMPLICATIONS

- 9.1 The Council Constitution Section 8 (paragraph 8.4.5 (j)) allows for the Planning Control Committee 'to receive updates on planning appeals lodged and appeal decisions made'

10. FINANCIAL IMPLICATIONS

- 10.1 If the Local Planning Authority continues to defend the refusal of planning permission at Inquiry legal advice is that the Local Planning Authority is at risk of a substantial award of costs being made against it by the Planning Inspectorate under Communities and Local Government Circular 03/2009 (Costs Awards in Appeals and other Planning Proceedings).

11. RISK IMPLICATIONS

- 11.1 NHDC's Corporate Business Planning process is key to managing the Council's top risk of "Managing the Council's Finances".

12. EQUALITIES IMPLICATIONS

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2 The appellants meet the definition of "gypsies and travellers" as set out in Annex 1 of Planning Policy for Travellers sites 2015 (PPTS) and as such regard has to be given to their protected characteristic as a racial group forming part of the local community.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 The Social Value Act and "go local" policy do not apply to this report.

14. HUMAN RESOURCE IMPLICATIONS

- 14.1 There are no additional significant human resource requirements arising from this report.

15. APPENDICES

- 15.1 Appendix A - A copy of the Officers Committee report to Committee 18th January 2017
- 15.2 Appendix B - The Minutes of the Planning Control Committee meeting of 18th January 2017
- 15.3 Appendix C - Planning Decision notice dated 19th January 2017
- 15.4 Appendix D – Opinion Research Services (ORS) Gypsy and Traveller Accommodation Assessment (GTAA) Update August 2017

16. CONTACT OFFICERS

16.1 Simon Ellis, Development and Conservation Manager
Simon.ellis@north-herts.gov.uk 01462 474264

Nurainatta Katevu, Planning Solicitor
Nurainatta.katevu@north-herts.gov.uk 01462 474364

Chris Braybrooke, Senior Compliance Officer
Chris.braybrooke@north-herts.gov.uk 01462 474362

17. BACKGROUND PAPERS

None

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REPORT CONSIDERED BY THE PLANNING CONTROL COMMITTEE ON 18 JANUARY 2017

ITEM NO:	<u>Location:</u>	Land At Junction Of Pottersheath Road And, Danesbury Park Road, Welwyn
	<u>Applicant:</u>	Mr J Connors
	<u>Proposal:</u>	Retrospective application for change of use of land to use as a residential caravan site for two gypsy families, each with two caravans including no more than one static mobile home, erection of two utility buildings, additional hardstanding, associated parking spaces, erection of entrance gates, timber fence and ancillary works (as amended by plan no. 3 and site layout plan received 7/12/16)
	<u>Ref. No:</u>	16/02460/ 1
	<u>Officer:</u>	Tom Rea

Date of expiry of statutory period: 15 December 2016

Reason for Delay (if applicable)

An extension of the statutory period for determining this application has been agreed with the applicants until 20th January 2017.

Reason for Referral to Committee (if applicable)

The application has been referred to Committee in accordance with Section 8 of the Council Constitution as Councillor S. Hemingway has confirmed support for the Codicote Parish Council objection. In addition, the Strategic Director of Planning, Housing and Enterprise has referred this matter to the Committee due to the significant public interest.

1.0 Relevant History

- 1.1 The application site previously formed part of the route of Cannonsfield Road prior to the construction of the A1 (M) and the provision of a new road bridge across the motorway. More recently the site was used for agricultural purposes with the rearing of poultry and the siting of various associated structures.

13/01285/1EUD – this application was submitted to regularise the previous use of the land and structures for agricultural purposes. The Local Planning Authority concluded in a design letter dated 16th September 2013 that ‘sufficient evidence had been presented to satisfy the Local Planning Authority that on the balance of probability that the use of the land, and the siting of ancillary moveable chicken coups and ancillary building (mobile home) did not require planning permission for continued uses in connection with agriculture’.

In March 2013 North Hertfordshire District Council served an Injunction on the then owners of the site to prevent additional development on the land without planning permission.

2.0 Policies

2.1 North Hertfordshire District Local Plan No.2 with Alterations (Saved Policies 2007)

Policy 2 - Green Belt
Policy 34 - Residential Caravans and Mobile Homes
Policy 55 - Car Parking Standards
Policy 57 - Residential Guidelines and Standards

2.2 National Planning Policy Framework

Generally relevant throughout although the following section is particularly relevant: Section 9. Protecting green belt land

2.3 North Hertfordshire District Local Plan 2011-2031 Proposed submission Local Plan and Proposals Map

Policy SD1 'Presumption in Favour of Sustainable Development'
Policy T1 'Sustainable Transport'
Policy T2 'Parking'
Policy SP5 'Countryside and Green Belt'
Policy HS7 'Gypsies, Travellers and Travelling Showpeople'
Policy D3 'Protecting Living Conditions'
Policy NE9 'Contaminated Land'

2.4 Department for Communities and Local Government (DCLG) - Planning Policy for Traveller Sites August 2015

Relevant throughout and in particular Policy E: Traveller sites in the Green belt

3.0 Representations

3.1 NHDC Housing and Environmental Health Service:

Contamination

Recommend a condition requiring confirmation of soil covering material of garden area

Noise:

Recommend a condition ensuring that the development is carried out in accordance with the submitted noise report

3.2 Hertfordshire Highways: Does not wish to restrict the grant of planning permission subject to a condition.

3.3 Highways England: - 'Offer no objection'

3.4 Hertfordshire County Council Families and Children Department:

Manager - Access to education for travellers and refugees - comments as follows: Confirms children are in local schools. Confirms that Traveller families are finding it consistently challenging to secure appropriate accommodation, suitable to their needs and cultural requirements. Advises that, due to lack of sites provision travellers have moved to houses which frequently presents the families with challenges of isolation and deteriorating mental health. They do not have their immediate family around, which is very important within the Traveller community. The childrens way of life changes dramatically .Social isolation, without the support of their community presents many problems.

The importance for the children of Traveller families of being able to attend the same school in order to achieve continuity of education, as per other communities cannot be underestimated. Where there is no stability of accommodation, it becomes very difficult to maintain regular attendance and children miss out on a full time education.

Travellers are the most marginalised community and still continue to suffer extreme levels of prejudice and discrimination. Traveller children are amongst the lowest achieving group in the country due to circumstances around accommodation, continuity of education, low levels of literacy within the older generations due to lack of opportunity and poor experiences.

Where the above barriers can be eliminated, Traveller children have the opportunity to become part of the local and school community and therefore have the opportunity to achieve.

3.5 Hertfordshire County Council Gypsy Section:

The Head of Section Comments as follows:

'I am aware of the families making this application both of whom have been on our waiting list for some time. With few vacancies becoming available each year and the uncertainty of any new public sites being built in the near future it is doubtful they will ever be accommodated on a public site. Having known these families for many years they are unlikely to be a problem to people living in the vicinity of this site and I would support their application for full planning permission'.

3.6 Welwyn Hatfield District Council:

Raise no objections to the proposals.

Advises that travellers sites in the Green Belt are inappropriate development. 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.

Acknowledges from the supporting documents that the families have been moved on from several unofficial encampments in the local area and have children in local schools and use local medical services and as such considers that the families have strong local connections. Advises that there are currently no suitable sites to accommodate the families in the Welwyn Hatfield area. Considers that the families need for accommodation is a cross-boundary matter that should be taken into account.

Request that all consultation responses from Welwyn Hatfield residents are taken into consideration including issues raised with increased traffic on Cannonsfield Road and Pottersheath Road, the number of gypsy sites in the area, that the site has not been allocated in the North Herts local plan and is in the Green Belt.

3.7 Codicote Parish Council:

Object to the application for the following reasons:

- Inappropriate development in the Green Belt (Policy E of the Planning policy for traveller sites refers)
- Loss of openness

- 3.8 **Welwyn Parish Council:** Object to the application. Development is on Green Belt land. Traveller sites (temporary or permanent) in the Green Belt are inappropriate developments. In 2013 a High Court injunction was obtained against the owners preventing use of the site by caravans/mobile homes.
- 3.9 **Woolmer Green Parish Council:** Woolmer Green Parish Council objects to this application as no "very special circumstances" have been demonstrated that would permit a travellers site to be established on Green Belt land. Granting this application could set a precedent for future similar planning applications.
- 3.10 **Affinity Water:**
Any comments received will be reported to the Committee meeting
- 3.11 **NHDC Housing Supply Officer:** Advises that evidence from the Gypsy & Traveller Accommodation Study, undertaken by ORS in 2014, identifies a requirement for 7 additional pitches over the period to 2031. The area covered by the temporary planning permission on the Pulmore Water site meets this requirement though the existing permission expires in 2017.

This area is therefore allocated for permanent provision and to provide certainty going forward. Based on current evidence, it should prevent the need for future 'single issue' reviews of this policy and the long-term needs of these communities will be considered as part of the next general review of the plan alongside the needs of the settled community.

3.12 **NHDC Waste Management:**

Advises that refuse collection would be kerbside and that sufficient space appears to be available within the site for waste and recycling storage. Advises on waste collection distances for residents.

3.13 **CPRE Hertfordshire :**

Considers the application as inappropriate development in the Green Belt Acknowledges that the very special circumstances are lack of gypsy and traveller sites and the particular circumstances of the families. NHDC has made additional pitch provision in its emerging local plan which can be given due weight. The application site is not included in the provision. Green Belt policy should take precedent.

The Council should give significant weight to the needs of the children involved under Article 8 of the Human Rights Act. Consequently the Council must decide whether or not the need of the children to access schools and medical facilities (as expressed in the Design & Access Statement) can only be met at this site.

In assessing the planning balance in this case the Council should also take into account that the regulation of land use is essentially a matter of public policy, which requires the balance of the interests of individuals with the public interest in controlling development, in this case the encroachment into the Green Belt. The inspector in the case of Tullochside Farm, St. Albans, (Appeal Decision APP/B1930/A/09/2113116) held that while giving the Green Belt precedence "*does involve some interference in the rights of occupiers under Article 8 of the European Convention on Human Rights, this does not amount to a violation of those rights, having regard to the test of proportionality and the importance which is properly attached to the protection of the Green Belt and the environment.*"

In our opinion the Council should reject this application to normalise inappropriate development in the Green Belt.

3.14 Local residents:-

The Local Planning Authority has received 102 representations from local residents and one petition signed by 19 residents objecting to the development raising the following concerns:

- Inappropriate /illegal and intentional unauthorised development in the Green Belt
- Not a designated site in North Herts
- There are no very special circumstances
- Already sufficient traveller sites
- Openness is substantially reduced
- Unacceptable scale of the development
- Further unauthorised development has occurred on the site
- No barriers to existing residential development
- Query accuracy of statements in the Design and Access statement
- Site is very prominent and visible
- New fencing obscures visibility
- Applicant fails to demonstrate very special circumstances exist to justify Green Belt development/misuse of Green Belt
- Exceptions to Green Belt policy can only be made through the local plan process
- Previous agricultural use was not viable/significant
- Enforcement action should be considered
- Unsuitable in this residential area of permanent housing
- Contrary to Policy E (16) of Planning Policy for travellers sites
- Contrary to Policy H of Planning Policy for travellers sites
- NHDC should follow Government guidelines - if not a precedent will be set
- Use and storing of heavy goods vehicles causes disruption/ damage to highway
- Traffic and Parking of HGV's on local roads is illegal and cause accidents to other road users
- Business use of the site would be detrimental to wildlife/plant forms and the barrier to the motorway
- Site has contained previous unauthorised uses/ containers/mobile home
- Infilling may have caused damage to the motorway banks and fences
- There are two other gypsy sites nearby and a traveller site at Pulmore Water and further land may be available to allow gypsies to arrive in the area
- Recommend rejection and the site cleared
- Increase in volume and speed of vehicles on local roads, hazardous during school hours
- Will have a detrimental impact on Mardley Woods
- Application will decrease the quality of life for the vast majority and increase tensions. Detrimental to wellbeing of residents
- Concern on house prices
- Local road network inadequate to cope with extra traffic
- Additional resources on local schools
- Will lead to increased dumping and burning of rubbish and contamination/disturbance of toxic material detrimental to road users, residents and wildlife
- Site not fit for human habitation / site may be contaminated/ toxic
- Local children passing the site are often threatened/ unsafe for local children
- Environment Agency could provide evidence of contamination
- Injunction should be served

- Contrary to the rural characteristics of the area/ damage to chalk valleys conservation zone, nature reserve -a natural asset
- Site may include some highway land
- Development contrary to a previous appeal decision
- loss of trees/landscaped area, planting and fencing is out of keeping
- Site may grow/ expand into adjoining site
- Additional strain on sewage/ drainage infrastructure
- No notification/site notice
- Query why Council have not acted/ NHDC should develop statutory pitches
- Damage to roadside and signage
- NHDC at risk of a lack of judgement and regard to Government guidelines if permission is granted
- If house prices reduce council tax contributions should reduce
- Trade waste is likely to be burnt on site leading to pollution
- No strategy for removing surface water or bio-waste
- Site not within easy reach of public amenities
- Planting will obstruct the highway
- Applicants should resolve their family issues
- Location adjacent the A1 (M) not in the best interests of the children's health
- Restrictive covenants do not allow structures to be built on the land
- The site includes the old Cannonsfield Road which is still public and therefore cannot be subject to planning approval
- Lack of enforcement

Representations in support of the development have been received from two including the following comments:

- The fence looks lovely
- The site shows a big improvement, looking a lot better , very nice and clean and tidy
- Families would be an asset to the community

The Council has received 10 representations making the following comments:

- family pleasant, friendly and hospitable
- moving around the district has had a detrimental effect on patients health
- families have supported community events and causes and respect others

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 The site is located at the junction of Danesbury Park Road and Pottersheath Road approximately 1.5 miles to the south east of Codicote. The site is irregular in shape and is approximately 0.15 hectares (0.37 acres). The site is relatively flat and enclosed by close boarded fencing and it contains several mature trees. The site has a corner vehicular access onto the junction of Danesbury Park Road and Pottersheath Road. The eastern boundary of the site abuts the top of the embankment with the A1 (M) motorway. The south western boundary adjoins Cardens Gardens a former quarry site currently being used for agricultural uses including the rearing of poultry. The site is within the Green Belt.

- 4.1.2 The surrounding pattern of development is characterised by mainly low density residential development and highway infrastructure. The area is well landscaped with a large amount of trees interspersed throughout the area. To the north of Pottersheath Road and east of the A1 (M) the area is more wooded in character particularly the Mardley Heath area north of the residential settlement of Welwyn Heath. To the south east of the site is a Scout Hut and to the south west, along Danesbury Park Road, a large private mobile home site comprising 42 static caravans (Woodlands Park Homes).
- 4.1.3 The A1 (M) essentially bisects the settlements of Pottersheath and Oaklands/Welwyn Heath and the carriageway is set down several metres from the application site and Pottersheath Road in a cutting running north - south.

4.2 **Proposal**

- 4.2.1 This planning application seeks retrospective consent for the change of use of the site from its former use as a poultry farm as a residential caravan for two gypsy families with two caravans and two static mobile homes, two utility buildings, additional hardstanding, associated parking spaces, erection of timber fencing, entrance gates and additional landscaping. The application is retrospective as the use commenced with the introduction of caravans on the site in October 2016. Currently on the site there are three caravans and one static mobile home. An amenity block is also under construction.
- 4.2.2 In support of the application the applicant's agent has made the following points within a Design and Access statement:-
- The proposed development would remove the existing structures and general untidiness and replace them with a well landscaped caravan site
 - It is accepted that there would be some loss of openness although this would be ameliorated by the removal of existing structures and spread of development and new provision of new landscaping
 - The proposed emerging local plan gypsy site extension at Pulmore Water (also in Green Belt) has yet to be examined in public and the policy therefore carries little weight
 - There is an identified need for additional permanent traveller pitches in North Herts which this proposal would help to meet. The identified need and current absence of alternative sites in the district are both matters which should carry significant weight in favour of the development as is the likelihood of any new gypsy sites being within the Green Belt
 - A personal planning permission limited to the two families is recommended
 - The families have long-standing economic and social connections with children settled in local schools. The personal and specific need for a site in the area weighs in favour of the proposal
 - Apart from its location in the Green Belt the proposed use satisfies all of the criteria in the Council's emerging local plan gypsy policy
 - Planning Policy for Travellers sites (PPTS) specifically cites the needs of children as a factor which may tip the balance in favour of approval on Green Belt sites
 - In this case there are no alternative sites and a refusal of permission will result in the families living on roadsides which would disrupt their health care and education
 - Some weight must be given to absence of a five year supply of deliverable land for gypsy sites.
 - Very special circumstances exist that outweigh harm to the Green Belt and any other harm

4.2.3 The application is supported by the following documents:

1. Environmental site assessment report
2. Noise Assessment report

Traffic count

The applicants have commissioned a traffic count/ speed analysis on vehicles passing the junction of the site at Pottersheath Road.

Other documents

Several documents have been received in support of the circumstances of the applicants including eviction notices from various sites in the Welwyn and Stevenage area, a letter from a medical centre and a letter from Hertfordshire Gypsy section advising that the County Council would be unlikely to accommodate the families for many years.

4.3 Key Issues

4.3.1 Members will be aware in considering this application that there is a breach of planning control in that the site has already been occupied and various works carried out.

4.3.2 It is incumbent on decision makers to judge retrospective planning applications on the same basis as a prospective application would be assessed. Therefore the fact that the development and/or use exists before planning permission is granted should not mean that the application is assessed any differently. The unauthorised occupation of the site, construction of amenity buildings and indeed provision of utility connections has been undertaken entirely at the applicants own risk and officers have made this clear to the occupiers.

My assessment of this planning application as set out in the following sections of this report is the same as it would have been had the development not taken place. When assessing a retrospective planning application the decision taker should not judge it any more harshly because development has already taken place. This application must be considered and a decision taken based on an understanding of the planning merits of the case and all relevant legislation.

4.3.3 The key issues in the consideration of this application are considered as follows:

- Statutory considerations and Planning Policy
- The impact of the development on the green belt
- The impact of the development on the character and appearance of the area
- The impact on existing residents
- Environmental issues
- Highway issues
- Sustainability
- The Planning Balance

4.3.4 **Statutory considerations and Planning Policy**

4.3.5 Statutory considerations

In considering this application the Local Planning Authority (LPA) has to have due regard to the requirements of the Public Sector Equality Duty of the Equality Act 2010. In this regard the LPA has to consider the need to eliminate discriminatory behaviour, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not.

4.3.6 From the information submitted with the planning application, the supporting documentation and from responses received from the gypsy section at Hertfordshire County Council I am of the view that the applicants meet the definition of “gypsies and travellers” as set out in Annex 1 of Planning Policy for Travellers sites 2015 (PPTS) and as such regard has to be given to their protected characteristic as a racial group forming part of this community. The Equality Act also cites ‘pregnancy and maternity’ as a protected characteristic and it should be noted in the supporting documents that a local NHS medical centre is providing midwifery support to Mrs C Connors who is currently living on the application site.

4.3.7 In addition to the above The LPA has to have regard to Article 8 of the Human Rights Act 1998 which has, through case law, been held to require that special consideration be given to accommodate gypsies as a minority group and facilitate the gypsy way of life.

4.3.8 Given the above I am of the view that the rights of the applicants under Article 8 of the Human Rights Act are engaged and it is for the LPA to consider whether such rights may be infringed in the event that planning permission may be refused for the development - subject to all other material considerations with this planning application.

4.3.9 The circumstances of this particular case is that the families involved have strong local economic and social connections with children in local schools, registration with local medical providers and employment in the wider area however they have been unable to find settled accommodation following a decision to move from the authorised gypsy site at Four Oaks on the Great North Road due to a family dispute. Evidence submitted with the application shows that they have been moved off several privately owned non-traveller sites and the Gypsy section at Hertfordshire County Council have advised that with few vacancies becoming available each year and the uncertainty of any new public sites being built in the near future it is doubtful they will ever be accommodated on a public traveller site.

4.3.10 Planning Policy

The Government's Planning Policy for Travellers sites (PPTS) (August 2015) is a key national planning policy document applicable in this case. In addition paragraphs 88 and 89 of the NPPF are relevant in that they set the test and general criteria for considering development within the Green Belt.

4.3.11 Paragraph 16 of the PPTS states that :

‘Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. 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’

- 4.3.12 Paragraph 88 of the NPPF states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The North Hertfordshire District Council Local Plan (Saved Policies) contains two particularly relevant policies – Policy 2 ‘Green Belt’ which reflects general thrust of paragraph 88 of the NPPF in terms of very special circumstances being required to justify inappropriate development and Policy 34 Residential Caravans and Mobile Homes. Policy 34 states that the Council may, in special circumstances, permit the use of land for mobile homes or caravans on a temporary basis if:

- (i) There is a proven need; and
- (ii) There will be little or no likelihood of a replacement application to renew the permission for a temporary period; and
- (iii) Particular attention has been paid to its siting, appearance, setting and landscaping

- 4.3.13 The current NHDC plan does not contain any specific policies or identifies sites for gypsies and travellers.

The emerging NHDC local plan has still to be submitted to the Secretary of State for it to be examined in public and therefore Policy HS7 which identifies land at Pulmore Water, Codicote for 7 additional pitches, carries little weight. The emerging policy is based on an Opinion Research Services report 'Gypsy, Traveller and Showperson Accommodation Assessment Update' dated 2014 based on a site survey in 2013.

- 4.3.14 North Hertfordshire District Council has no public travellers sites and only one private site at Pulmore Water/Wexford Park. The combined sites provide 18 pitches of which 6 have a temporary planning permission expiring in March 2017. The 2014 ORS report identifies that a number of the pitches are occupied by non-gypsy and travelling households. The report assumes that the pitches being occupied by non-travellers will be vacated and therefore these pitches will count towards the overall provision.

There is some doubt as to whether the emerging policy is based on an up to date assessment of the needs of the gypsy and travelling community within North Hertfordshire as it relies on a temporary planning permission becoming permanent and existing non-travellers moving off a private site. The policy is also based on an ORS report that predates the revised Planning Policy for Travellers Sites issued in 2015 which restricts the definition of gypsies and travellers and particularly restricts gypsy and traveller sites within the Green Belt. Furthermore the emerging local plan is seeking to create more Green Belt to offset the provision of strategic housing sites.

Welwyn Hatfield District Council has identified 8 travellers sites within its district and the Welwyn Hatfield Draft Local Plan Proposed Submission Document is proposing an additional 61 pitches across these sites following a 2016 review of the accommodation needs of Gypsies and Travellers and Travelling Showpeople. This is indicative of the severe accommodation need for the gypsy and travelling community in the area. Part of Welwyn Hatfield district (and particularly the Welwyn/Oaklands area and the A1 (M) corridor) forms part of the North Hertfordshire Housing Market Area and therefore it is appropriate to make reference to how the adjoining local planning authority is addressing the issue.

The PPTS requires (in Policy B) Local Planning Authorities to work collaboratively with neighbouring local planning authorities to provide traveller sites. Where there are cross-border issues Councils have a duty to co-operate on planning issues that cross administrative boundaries. In this case the application site, although in North Herts is immediately adjacent Welwyn Hatfield district boundary, a significant vehicular access is provided through Welwyn Heath to the site and the majority of services near to the site are within Welwyn Hatfield. The area has a relatively high traveller population with the vast majority of pitches (either private or public) in Welwyn Hatfield's administrative area. It would appear that Welwyn Hatfield is positively addressing the issue in its emerging local plan based on a pressing need including an up to date assessment. The emerging North Hertfordshire local plan identifies one site that is already occupied and the intention is to create more Green Belt between Stevenage and around Whitwell within which the PPTS advises that traveller sites should not be approved except in very special circumstances.

The PPTS makes it clear (in Policy E) that unmet need and personal circumstances are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances This does not mean that they will never outweigh harm to the Green Belt. Given the particular difficulties that the applicant families have experienced in finding authorised accommodation and the apparent acute shortage of gypsy and traveller sites both in North Hertfordshire and Welwyn Hatfield I am of the view that this is one case where very special circumstances and the need to protect the openness of the Green Belt are finely balanced. A full analysis of the very special circumstances that are apparent in this case and how much weight could be attributed to them set against harm to the Green Belt is set out in the 'planning balance' assessment below.

4.3.15 The impact of the development on the Green Belt

The application site is within the Green Belt however it does not have the characteristic of open countryside. It is flanked on three sides by roads – Danesbury Park Road and Pottersheath Road and on its south eastern boundary by the embankment to the A1 (M). There is residential development along Danesbury Park Road including the Woodlands Park mobile home site approximately 140 metres to the south west. The settlement of Pottersheath lies immediately to the north. Immediately adjoining the site is a former quarry site currently used for agricultural purposes. The site itself was formerly part of the route of Cannonsfield Road and is therefore arguably partly previously developed land (fixed surface infrastructure being considered in Annex 2 of the NPPF as PDL).

- 4.3.16 Notwithstanding the above the application site it is in the Green Belt. Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to keep land open and that the essential characteristics of Green Belts are their openness and their permanence.

- 4.3.17 The provision onto the site of two caravans and two static homes and two amenity buildings would significantly change the open character of the site and this openness has been further eroded by the replacement fencing which is of approximately 2.0 metres in height along the Pottersheath Road and Danesbury Park Road frontages. In mitigation it is acknowledged that the mobile homes and amenity buildings would be sited, according to the site layout plan, towards the rear A1 (M) boundary and the adjoining quarry site and set back from the gated entrance into the site. It is also accepted that the site was previously enclosed albeit by a lower approximately 1.2m high timber fence. However, I am of the opinion that the change of use together with the resultant structures results in the loss of open character to the site. Even taking into account the prevailing pattern of development including the location of the A1 (M) and the nearby housing and mobile home site along Danesbury Park Road I am of the opinion that the development has a significantly adverse impact on openness.
- 4.3.18 Having regard to paragraph 80 of the NPPF I consider that the development would be contrary to one of the five purposes of the Green Belts i.e. it would fail to assist in safeguarding the countryside from encroachment.
- 4.3.19 It is not disputed by the applicants in the supporting design and access statement that the use being sought through this planning application is inappropriate development and that the harm, by reason of inappropriateness must be accorded substantial weight. I would agree with this opinion.
- 4.3.20 **The impact of the development on the character and appearance of the area**
As stated above the application site is not in my view characteristic of open countryside. The site is not isolated or surrounded by open fields. It is close to the urban settlement of Welwyn Heath and the adjacent residential properties, mobile home site and road infrastructure surrounding the site, particularly the adjacent A1 (M) combine to give the appearance of an suburban edge location. Although on a prominent corner location at a junction with Danesbury Park Road and Pottersheath Road the site contains a number of mature trees and the recent shrub planting in front of the boundary fence will, over time, soften the impact of the fencing and contribute to the generally well landscaped and sylvan feel of the area. The site area (at 0.15 hectares) is not large and comparable in area to some of the adjacent established residential plots which sit in landscaped grounds. The adjoining former quarry site contains a number of trees and shrubs and acts as a landscape buffer on approaches to the site along Danesbury Park Road.
- 4.3.21 The site is occupied by two related families (four adults and four children). The vehicular activity and general comings and goings to the site would be limited as a result of this low level of occupation and this can be secured through the personal occupancy condition which is being offered by the applicants. No commercial storage of vehicles or equipment is sought as part of this application and the site layout drawing suggests that domestic vehicles and refuse and waste storage bins will be easily accommodated within the site and generally out of public views.
- 4.3.22 The residential use of the site would not be out of keeping given the number of domestic properties in the area and the form of the static homes themselves would not be dissimilar from those occupying the nearby mobile home site. The density of the residential use of the site would be comparatively low and again not at odds with the generally low density of residential development in the locality.

4.3.23 In view of all the above factors and setting aside the harm to the openness of the Green Belt which I have identified above, I do not consider that the change of use to a caravan site would result in any demonstrable harm to the character and appearance of the area.

4.3.24 The impact of the development on existing residents

There are just two immediately adjacent residential properties – ‘Grey Shingles’ and ‘The Chase’ located on the opposite side of Danesbury Park Road. The main aspect and pedestrian and vehicular entrance to ‘Grey Shingles’ faces onto Pottersheath Road and therefore the property does not overlook the application site. The Chase is a detached property set back from Danesbury Park Road and behind substantial vegetation along its front boundary. Its position to the west of the application site and behind screening means that the occupiers of the property are unlikely to overlook the site or be significantly affected by the change of use to caravan site.

4.3.25 There is a public footpath running along Pottersheath Road opposite the site. From the footpath views are obtained of the roof to the recently constructed amenity block and the top of caravans and mobile homes beyond the perimeter fencing however because of their single storey nature (maximum height 3.75 metres above ground level) I consider that views of these buildings are limited and that there would not be any dominance onto the street scene.

4.3.26 The proposal is for a small scale domestic use of the site whereas the authorised use exists for an agricultural activity involving the rearing of poultry with associated structures. Although that use has now ceased it is possible that it could re-commence under the lawful use certificate as mentioned in the planning history above. There is potential for such a use to have an adverse impact on the amenity of the area through noise and smells nuisance and the movement of associated commercial vehicles. It is likely that the domestic use of the site with caravan and static home structures will be a more compatible form of development with the surrounding land uses particularly with the separation distance and landscaping between the site and the nearest properties. I am mindful of the comments from some residents that they feel that in permitting this development that it would lead to anti-social behaviour however I have no demonstrable evidence that this would be the case.

4.3.27 Environmental issues

A number of concerns have been raised by local residents that the site is not fit for human habitation through contamination and noise from the nearby A1 (M). As such the applicant has commissioned a contamination survey and noise report. In terms of the contamination survey the Council's Environmental Health officer is satisfied that there are no ground conditions that will have a detrimental effect on human health. Low levels of non-volatile materials were discovered during site investigation works and the intention is to cover over the designated play area with 600mm of clean material. The majority of the remainder of the site is hardsurfacing set aside for the siting of the mobile homes and parking. In terms of the noise survey the results have revealed that the noise levels within the mobile homes will meet the standards required under BS 3632 and BS 8233 in terms of sound insulation. The provision of the 2.2m high acoustic fence along the A1 (M) boundary will assist in external noise reduction. The Council's Environmental Health officer raises no objections in terms of the noise impact on the development.

4.3.28 In terms of ecological impact Hertfordshire Ecology advise that the site is not part of and does not affect the local nature reserve at Mardley Heath and that furthermore that there are no biological records for the application site. A condition is recommended, should permission be granted, with regard to tree works during the bird nesting season.

4.3.29 Highway issues

The applicant has commissioned a traffic survey which has provided the Highway Authority with details of traffic movement at the junction of the site with Pottersheath Road and Danesbury Park Road. The survey confirmed that the average traffic speed at the junction was less than 19 mph and this dictates the visibility requirements of 2.4m x 27.5m along Danesbury Park Road and 2.4m x 43m along Pottersheath Road. The recent boundary fences that have been erected are required to be re-aligned slightly to achieve the above sight lines and the Highway Authority has recommended a condition to require this re-alignment should planning permission be granted.

4.3.30 In terms of parking provision the submitted site layout plan indicates a turning area within the site so that cars can leave in forward gear and there would be two parking spaces for each dwelling within the site. Refuse collection would be via a kerbside collection and the required amount of refuse and waste recycling bins can easily be accommodated on the site.

4.3.31 Following the submission of the amended plan and supplemental information, the Highway Authority has advised that the development is unlikely to result in a material increase or significant change in the number of vehicles using the site. The Authority considers that the use would not have an unreasonable impact on the safety and operation of the adjoining highway. Given this advice it is concluded that there are no highway grounds on which to object to the development or use.

4.3.32 Sustainability

The NPPF identifies three dimensions to sustainable development - economic, social and environmental. In terms of the economic dimension the occupiers of the site are involved in the landscaping business and such activity would contribute to the economy through their employment in the landscaping and construction sector. The occupiers of the dwellings would contribute to the local economy through increased expenditure in local shops and businesses including those in the adjacent neighbourhood centre at Oaklands. In short this would assist in NPPF objectives of promoting strong, competitive economies. In social terms the children on site attend the local school and nursery and the families are registered with local doctors, attend local churches and a sports centre. From correspondence received with this planning application the families appear to have strong local social connections and are well integrated with the local community and therefore the social dimension is met. In environmental terms although there is harm to the openness of the Green Belt this is mitigated by other factors such as additional landscaping and I have concluded above that the use is not, in my opinion, harmful to the character and appearance of the area having regard to the location of the site adjacent to the A1 (M) and the existence of a large mobile home park nearby. Overall, it is my view that the use would not be an unsustainable form of development and as such the presumption in favour of sustainable development, as provided for in paragraph 197 of the Framework can be applied.

4.3.33 The Planning Balance

The Local Planning Authority is required to assess the harm resulting from this change of use against the matters that weigh in favour of the scheme including having regard to any conditions which might reduce the adverse effects. I set out the factors for and against below (including the weight that may be attached) :

Against the development

1. The use of the land as a residential caravan site is inappropriate development in the Green Belt (significant weight)
2. The development results in loss of openness to the Green Belt and encroachment into the countryside (significant weight)

The issues of highway and access, site contamination, noise, character and appearance of the area, impact on neighbours and impact on ecology have all been assessed however they do not amount to any other significant harm in my opinion.

For the development

1. A refusal of planning permission would not be in the best interests of the children (significant weight)
2. Allowing the development would facilitate the gypsy way of life and their protected characteristics in accordance with statutory legislation (significant weight)
3. Notwithstanding Policy E of the PPTS it appears that there is a severe unmet need (significant weight)
4. The personal circumstances of the applicants are compelling (moderate weight)
5. The extent of the Green Belt in the area (existing and proposed) is a significantly restrictive factor (moderate weight)
6. The application site already suffers some blight from road infrastructure and noise. (moderate weight)
7. The development is not unsustainable in economic, social and environmental terms (moderate weight)

4.3.34 From the above it is my view that the harm to the Green Belt from inappropriateness and loss of openness is outweighed by the factors in favour of the scheme which cumulatively amount to substantial very special circumstances necessary to override the presumption against inappropriate development in the Green Belt. As such a question arises as to whether a permanent permission or temporary permission is justified.

4.3.35 The granting of a permanent permission would undermine the fundamental public interest principles of protecting the Green Belt from inappropriate development and it is clear that whilst there is a clear unmet need, both North Hertfordshire District Council and Welwyn Hatfield District Council are working towards resolving this issue with their emerging local plans so it is likely that in the medium term the requirements of the PPTS in terms of planning for traveller sites will be met. A temporary planning permission in these circumstances is therefore justified particularly as harm would be limited to a short period.

4.3.36 A temporary planning permission is also justified as it is clear that under Article 8 of the Human Rights Act a refusal of planning permission will infringe the rights of the applicants with the direct loss of family homes, the best interests of the child will not be served and there would be a failure to facilitate the gypsy way of life.

4.3.37 Planning circumstances in respect of gypsy and traveller sites provision is likely to change in the next 2 - 3 years as both local authority plans move towards adoption. North Herts and Welwyn Hatfield local plans are yet to be submitted to the Secretary of State and it is unlikely that examinations in public will be held until late 2017 with adoption possible in late 2018. A further period of time should be allowed to permit time for the identified sites to be built and provided. I therefore consider that a temporary permission of three years is reasonable and necessary in view of the time required for sites to become available from adoption of the Council's development plans.

4.3.38 The applicants have offered a personal permission and given that the personal circumstances of the families has been given weight it would be reasonable for a condition to reflect these circumstances. Other conditions relating to specifying the number of caravans, provision of sightlines, compliance with noise and contamination reports, landscaping details, and tree works are considered justified in the interests of the visual and residential amenities of the area.

4.4 **Conclusion**

4.4.1 I recommend that a temporary planning permission be granted for the retrospective change of use of land to use as a residential caravan site for two gypsy families, each with two caravans including no more than one static mobile home, erection of two utility buildings, additional hardstanding, associated parking spaces, erection of entrance gates, timber fence and ancillary works in accordance with the details submitted with the planning permission and subject to conditions. I consider that a temporary permission is proportionate and justified in the circumstances.

5.0 Legal Implications

5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

6.0 Recommendation

6.1 That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be for a limited period being for a period of 3 years from the date of this decision. At the end of this period the use hereby permitted shall cease and all caravans, static mobile homes, buildings, structures, materials and equipment brought onto or erected on the land, or works in connection with the use shall be removed and the land restored to an open condition in accordance with a scheme of work to be submitted to and approved in writing by the local planning authority.

Reason: The use is granted on a temporary basis only due to the very special circumstances that are apparent and which override the normal presumption against granting inappropriate development in the Green Belt.

2. The use hereby permitted shall be for the benefit of Mr Patrick and Crystal Connors together with their children and John and Eileen Connors together with their children and shall be for a period of 3 years from the date of this decision.

Reason: Due to the very special circumstances advanced in support of the application.

3. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

4. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Travellers Sites, August 2015.

Reason: To reflect the considerations that justify a temporary planning permission on very special circumstances.

5. There shall be no more than four caravans stationed on the site of which no more than 2 shall be a static caravan.

Reason: In the interests of visual amenity

6. No commercial activities shall take place on the site including the storage of materials

Reason: In the interests of visual amenity

7. The development shall be carried out in accordance with the details submitted Noise Assessment by LF Acoustics, Report ref Welwyn Noise 151216 (December 2016). The caravans shall meet the Park Home Specification BS3632:2015.

Reason: To protect the residential amenities of the residents.

8. The garden area forming part of the site shall not be used until written evidence is submitted to and agreed by the Local Planning Authority to demonstrate that the surface cover material imported to the garden area has been applied to a depth of 600mm and has been verified as chemically suitable. The surface cover material shall be imported and laid out on the site and the details submitted within two months of the granting of planning permission.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health.

9. Within two months from the granting of planning permission, vehicle to vehicle visibility splays of 2.4 metres by 43 metres to the right of the access along Pottersheath Road and 2.4 metres by 27.5 metres to the left of the access along Danesbury Park Road shall be provided and permanently maintained (as indicated on the amended site plan). Within which there shall be no obstruction to visibility between 0.6 metres and 2.0 metres above the carriageway. These measurements shall be taken from the intersection of the centre line of the permitted access with the edge of the carriageway of the highway respectively into the application site and from the intersection point along the edge of the carriageway.

Reason: To provide adequate visibility for drivers entering and leaving the site.

Proactive Statement

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Planning Informatives:

1. The applicants are advised that if any mature trees are to be removed from the site that they are inspected for bat roosts and that any works are carried out outside of the bird nesting season.

2. HIGHWAY INFORMATIVE: Hertfordshire County Council (HCC) recommends inclusion of the following highway informatives / advisory notes (AN) to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

AN) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

AN) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

Meeting held in Spirella Ballroom, Letchworth Garden City on
Wednesday 18 January 2017 at 7.30p.m.

EXTRACT FROM MINUTES

PRESENT: *Councillors: David Barnard (Chairman), Fiona Hill (Vice-Chairman), John Bishop, Paul Clark, Bill Davidson, Jean Green, Lorna Kercher, Ian Mantle, Alan Millard, M.R.M. Muir, Harry Spencer-Smith and Michael Weeks.*

IN ATTENDANCE: *Simon Ellis (Development and Conservation Manager), Tom Rea (Area Planning Officer), Nurainatta Katevu (Property and Planning Lawyer) and Hilary Dineen (Committee and Member Services Officer).*

ALSO PRESENT: *At the commencement of the meeting Councillor Tony Hunter and approximately 47 members of the public including 5 registered speakers.*

72. 16/02460/1 - LAND AT JUNCTION OF POTTERSHEATH ROAD AND DANESBURY PARK ROAD, WELWYN

Retrospective application for change of use of land to use as a residential caravan site for two gypsy families, each with two caravans including no more than one static mobile home, erection of two utility buildings, additional hardstanding, associated parking spaces, erection of entrance gates, timber fence and ancillary works (as amended by plan no. 3 and site layout plan received 7/12/16)

The Area Planning Officer informed Members that he had one update to the report in that he had received an email from the occupier of 14 Woodlands Park Homes stating that they had no objection to the proposal.

The Area Planning Officer introduced the report of the Development and Conservation Manager, supported by a visual presentation.

The Area Planning Officer informed Members that the application site was adjoined by a former quarry site, beyond which was a mobile home site with approximately 42 static mobile homes and that there were a number of existing residential properties opposite the site.

He drew attention to the existing site at Pulmore Water, which was the only Gypsy and Traveller site in the District and indicated the area that was being proposed as a new Traveller site in the Local Plan. This site had temporary planning permission for 6 pitches, which was granted in 2012 and expired 7 March 2017. The central area of Pulmore Water site was currently occupied by a number of static caravans which were in private rented use, the other areas on the site were currently occupied by Travellers.

Although the Pulmore Water site was indicated as a Traveller site in the new Local Plan, the expiration of the current planning permission would leave a gap in the provision until the Local Plan was adopted.

The Area Planning Officer advised that due to the above there was an under provision in the District which would add weight to the argument to grant temporary permission at the Pottersheath Road site.

He advised that, in his opinion, it was better to recognise the shortfall in Gypsy and Traveller accommodation in the District and grant restricted temporary planning permission, personal to the applicant, until adequate provision was made in the emerging Local Plan.

The report clearly stated that the application was inappropriate development in, and would cause harm to the Green Belt and therefore granting of planning permission was not justified. However, this was a balancing exercise and he believed that there was a case for granting temporary permission. He asked that Members consider the planning balance and support his recommendation.

Parish Councillor Helena Gregory. Codicote Parish Council, speaking in objection to the application, thanked the Chairman for the opportunity to address the Committee.

She informed Members that the Planning Officer had stated that it was incumbent on decision makers to judge retrospective planning applications on the same basis as a prospective application, you have to ignore that the applicant had decided to circumvent all planning legislation and had proceeded to build in the Green Belt. You must imagine the site as it was, lightly wooded and sustaining light impact agricultural use and must ask yourselves whether the area, in the Green Belt suitable for development. You must also ignore that what had already been built bore no relation to the site plan submitted with the application and that the recent planting of shrubs intended to screen and soften the impact of the two metre high fence was a mix of laurel and leylandii, which were two of the most contentious species of hedging.

Parish Councillor Gregory advised that the Planning Officer had stated that, when considering a retrospective planning application, the decision taken should not judge it any more harshly because it had already taken place. The Officer acknowledged that the development had a significantly adverse impact on openness and failed to assist in safeguarding the countryside from encroachment.

Contained in the supporting statement was some very emotive rhetoric. Hertfordshire County Council Children and Families Department confirmed that children of traveler families were finding it consistently challenging to secure appropriate accommodation suitable for their needs and cultural requirements and that, without the support of their community, social isolation could lead to deterioration of mental health. Yet these two families elected to leave their extended family in an established community and with an impressive degree of alacrity established a new community.

Parish Councillor Gregory informed Members that Philp Brown, speaking on behalf of the Connors family, stated that decision makers must keep the interests of the children in the forefront of their mind, particularly in this case, as the only alternative would be to live on the road side and that there was along standing failure by the Council to meet the personal needs of the Connors family to provide a site where they could live together as a traditional extended family group. However, the Planning Officer stated that, in respect of the already established Pulmore Water site, it had been identified that a number of pitches on that site were occupied by non-gypsy and travelling households. If there was such availability in North Herts, but the available pitches were being sub-let to migrant workers, why could this family not be accommodated on this established site, in keeping with the identification of the land. Local knowledge indicated that the occupation of this site by migrant workers was seasonal and that this time of year they were not resident, so there would be ample provision.

The Planning Officer may advise that the Pulmore Water site was the subject of a Planning Inspectorate temporary planning permission and that the pitches were due to be vacated, however this was the very site identified in the emerging Local Plan for a further six pitches and Codicote Parish Council had recently been notified by NHDC Planning Department that the immediate intention was to submit a further planning application for this site.

In respect of the application site at Pottersheath Road, Philip Brown had stated that, given the absence of a five year supply of deliverable land for gypsy sites, the application site was likely to be a prime candidate for the application of the emerging Local Plan. The fact was that the numbers had already been decided and sites allocated, which did not include this site.

The Campaign for the Protection of Rural England (CPRE) stated that NHDC had made additional pitch provision in its emerging Local Plan, which should be given due weight. The application site was not included in the provision and the Green Belt Policy should therefore take precedence.

Parish Councillor Gregory concluded by stating that the Planning Officer's recommendation was for a three year period of occupation, in order to bring some stability to the children's life and education. How unsettling would it be to know that in three years time you must uproot your children, it would be far better for the families to be settled now on a site where they could plan a future and put down roots, in the certainty that they could remain there.

Mr Jeremy Pike, speaking in objection to the application, thanked the Chairman for the opportunity to address the Committee and advised that there were five further points to bear in mind.

This was an existing breach of planning control, which the Councillors should give weight to, particularly as there was a High Court Injunction relating to this site which was sought by this Council in 2013. The applicant's were in breach of this injunction and it was not in the public interest for this Council to allow an injunction of this nature to be flouted. This detail was not mentioned in the Committee report and no explanation had been given as to why the view about development on this site had changed. This change of opinion brought the planning system into disrepute and undermined public confidence in Local Government decision making.

From 2015 it has been Government Policy to require Council's to take into account that there had been intentional unlawful occupation of a site when considering a planning application. The Government stated at that time that they were very concerned about the intentional occupation in the Green Belt. The intentional and unlawful occupation of this site in the Green Belt since 2015 was a material consideration that should be given considerable weight. If the Council ignored this matter or did not give weight to it, others may well try the same approach resulting in a lack of confidence in the planning system and in local government.

The Secretary of State had stated that he was extremely concerned about this sort of intentional and unlawful development in the Green Belt, therefore the Council should consider whether or not to refer this application to be called-in by the Secretary of State.

This site had an important function in preserving the openness of the countryside being outside of any settlement boundary or allocation and the Government Planning Policy regarding traveler sites stated that there should be very strict control over traveler sites in the countryside which were away from settlements or allocations. This was not addressed in the report, but should be given weight to.

The built structures and hard standing on the site, visible in the photographs included in the presentation, clearly caused harm to the countryside and to the openness of the area.

The development caused harm to the Green Belt and to the openness of the Green Belt and that harm was considerable. The Planning Inspector, in a recent appeal decision relating to an application for a single dwelling at Windmill Cottage, not far from this application site, found that it would cause significant harm to the openness of the Green Belt and that matter weighed significantly against the proposal and he found, in this case that very special circumstances had not been demonstrated. There was no reason to take a different view with this application site which contained more structures. This appeal Inspector also found this site to be an unsustainable location which contrasts with the case officer's report on this case in a very similar location whereby he concludes the site to be sustainable.

The report suggested that the application site was previously developed land, it was in fact an agricultural site on which the Council granted a lawful development certificate in 2013 for reasons that it was for use in connection with the agricultural site.

There was a need for very special circumstances to be demonstrated in order to outweigh the harm to the Green Belt and any other harm caused. It may be that there was a lack of a five year supply of land, but the Government Policy, as at August 2015, was that a lack of supply did not carry significant weight when making decisions about sites in the Green Belt. Given the nature of this proposal and the history of planning contravention on the site, this matter shouldn't carry any weight at all.

Whilst the report suggested that there would be an impact on children, Government policy suggested that unmet need was unlikely to constitute very special circumstances in the Green Belt and therefore this was something the Councillors should not give weight to.

The Property and Planning Solicitor advised that, in relation to the injunction, mentioned by Mr Pike, when this application came to the Council advice was sought from a QC who advised that the injunction had no bearing on this particular application. Therefore Members should ignore comments about that injunction when considering the application.

Members sought clarification regarding the advice given about the comments in relation to the injunction, specifically, why would the Council spend money getting an injunction only to advise that it should be ignored for this application.

The Property and Planning Solicitor advised that her understanding of the 2013 injunction was that it related to a different situation in that buildings were being erected on the site without permission and without clarification of exactly what was being constructed, therefore the injunction was sought, which was specific to that particular person. This application was different in that an application had been received, albeit that work had been carried out prior to receiving a grant of planning permission. Advice from Counsel was that injunctions needed to be specific to a situation and a person, this injunction would not stand as it was for a completely different situation and for different persons.

The Chairman thanked Parish Councillor Gregory and Mr Pike for their presentations.

Councillor Steve Hemingway, Councillor Advocate speaking in objection to the application, thanked the Chairman for the opportunity to address the Committee.

Councillor Hemingway stated that some excellent technical reasons for refusal of this application had been made by the previous speakers.

He wished to address the question of whether or not deficiencies in the current Local Plan constituted very special circumstances under Paragraph 88 of the National Planning Policy Framework.

The policies which form part of the Local Plan were a matter for the Planning Policy Department and to argue that a shortfall in traveler pitches was a reason to allow this outrageous retrospective application was weak.

The only way to get an independent view on whether the circumstances put forward constituted very special circumstances was to refuse the application, following which the applicant would either remove the buildings or would appeal. If the applicant appealed, a planning inspector would review the circumstances around this development, which would be harmful to the Green Belt, and make a judgment as to whether they constituted very special circumstances.

Everybody seems to agree that that the development would be harmful to the Green Belt.

The application was for temporary permission, granting this would store up problems in the future including likely difficulties with enforcement in three years time, the possibility that additional static caravans appear on the site and granting permission would encourage an extension of this type of development in the area.

Councillor Hemingway concluded by stating that there were alternative provisions available, some not far away from this site and urged Members to refuse the application, if only to allow a higher decision making body to review the circumstances.

Councillor Jane Gray, Councillor Advocate speaking in objection to the application, thanked the Chairman for the opportunity to address the Committee.

Councillor Gray advised that she had previously been the Ward Member for a long time and therefore knew the area well. She stated that speakers had already made some compelling arguments for refusal.

The consultees mentioned in the report were singing with one voice and it was incumbent on Members to listen to those consultees when they talk about inappropriate development in the Green Belt and the lack of very special circumstances.

She noted Hertfordshire County Council's comment that they had known the family for many years and they were unlikely to be a problem. This may well be the case, but she had never heard of this reason being used as a reason for granting planning permission.

The concept of viewing the application as if it were prospective rather than retrospective was difficult and involved considering the site as if the unauthorised development had not taken place but this was the only way as the alternative would be to say that the development was already there and therefore there was no choice. This application must be considered as if the families were not occupying the site and the children's interests had not been established at the site.

Despite this requirement to view the application as if it were prospective, Members were being asked to give way on the inappropriateness of this development for the sake of these children's interests, which intellectually are not supposed to be taken into account.

The children's interests were of course important, but they would surely be better served without a temporary permission hanging over them for three years. It would be better for them if they were housed elsewhere and it should be noted that the family took the, perhaps rash, decision to leave their previous site and did so entirely at their own risk.

Councillor Gray concluded by advising that Section 77 of the 1990 Town and Country Planning Act enabled the Council to refer this to the Secretary of State for call-in, in this case by reason of the scale or nature or location. Officers may not think that the effect of this development was significant enough on the openness of the Green Belt, but granting permission would give the wrong message to the community and the District as a whole, as it would set a precedent, which would be referred to as justification for other developments.

The Chairman thanked Councillors Steve Hemingway and Jane Gray for their presentations.

Mr Philip Brown, the Applicant's Agent, speaking in support of the application, thanked the Chairman for the opportunity to address the Committee.

Mr Brown advised Members that the report set out clearly the decision making process and that the concept of very special circumstances was something to be considered after the balancing exercise had been undertaken. The balance being that, on one side was the harm to the Green Belt and on the other side the benefits of the scheme. At the end of the balancing exercise there would either be a set of very special circumstances or not.

The benefits of the scheme that add up to outweigh the harm caused did not have to be very special in themselves, but could be a cumulative effect of the benefits.

He did not dispute that this application was inappropriate development in the Green Belt, but this did not, of itself, prevent planning permission being granted.

This development replaced existing structures associated with the former poultry farm, which included a mobile home and therefore only had a marginal effect on openness. This was a small scale development in a location between Danesbury Park and the A1 that would not encroach significantly into open countryside.

The site was relatively well screened and more planting was proposed to provide further screening and settle the development into its surroundings and be in keeping with Danesbury Park.

In respect of other matters to consider, there were no highway objections, the site was not at risk from flooding and the development would not affect any nearby properties. The issues regarding noise and contamination had been investigated and do not provide a bar to development.

The harm caused was by reason of inappropriateness, some limited harm to openness and some limited harm by reason of encroachment into the countryside.

On the other side of the balance, unmet need had been identified in North Herts for Gypsy sites and the County Council had confirmed that the applicant's had put their names on waiting lists for public pitches, but there was little possibility of getting alternative accommodation. Welwyn Hatfield Council had confirmed that there were no suitable sites to accommodate these families in its area.

These families had strong local connections, with the children attending local schools and Welwyn Hatfield Council raised no objection to this families needs being met on the application site.

It had been suggested that the families had made themselves homeless by leaving Four Oaks. They left Four Oaks because of a dispute on the site, which made it dangerous for them to remain. They went from Four Oaks to travelling around the roadside before finally having to reluctantly come onto the application site prior to the determination of their application. It defied logic that someone would leave an authorised site and disrupt their children to go travelling on the roadside, if they were able to stay there. The family left because they had to and now could not return, even if they wished to, as it was fully occupied.

The Council sought to rely on Pulmore Water to meet unmet need for the future. At the moment this was only a temporary site and was not an allocated site in a Local Plan nor been through an examination in public. It was in the Green Belt, just like the application site, but it was full. There were no occupancy conditions to limit occupancy to gypsies and travellers on the majority of the Pulmore Water site and much of it was occupied by non travelers. Therefore the suggestion that pitches could be made available by displacing non travellers was false.

The Committee report set out the personal circumstances of the site residents. A previous speaker stated that the needs of the children did not have to be taken into account, this was incorrect as the needs of the children was enshrined in the Human Rights Act and must be taken into account as a primary consideration when making a decision regarding their future.

The occupation of the application site had allowed the provision of secure accommodation of a high standard, rather than being on the roadside. The children could live and play there in secure and safe surroundings and residing on the property had enabled them to maintain regular attendance at school. It was a testament to that applicant that, despite travelling on the roadside, they had done their best to keep their children in school, as they realised that education is the future and of the four children residing at the site, three were in school.

Mr Brown stated that, if there were no alternative sites in Welwyn and no alternative sites at Pulmore Water, the only alternative, if planning permission is not granted, would be to go back to travelling on the roadside with all the problems that would cause.

It was clear that, despite the progress made in emerging Local Plans, the woeful shortage of accommodation had built up over a considerable period of time. Land should have been allocated as long ago as 1994, as detailed in Circular 1, this was repeated in 2006. It was now 2017 and there was still no land allocated for Gypsy sites in this area. Because this Council had relied on Pulmore Water, it was acknowledged that allocation would take place in the Green Belt. However the need was greater than the proposed provision of a few pitches on Pulmore Water.

Mr Brown concluded by stating that, although planning policy on traveler sites say that, subject to the best interest of the child, personal circumstances and unmet need are unlikely to outweigh harm to the Green Belt, this did not mean that they never would and did not mean that there were not other factors which would tip the balance. In this case the other factors that helped to tip the balance included the lack of alternative sites, personal circumstances and the failure of the development plan.

Members asked whether the family had resided on the previous site legally and sought clarification regarding the statement that the family was forced to leave their previous site and whether they chose to leave.

Mr Brown confirmed that they resided on a site and because of pressure for accommodation on that site, they were effectively forced off and the spaces that they vacated had now been filled. They left the site because it was dangerous for them to stay. The traditional way that gypsies and travelers resolved disputes was to move away from each other. This family chose to leave the site peacefully rather than invite trouble.

The Chairman thanked Mr Brown for his presentation.

The Area Planning Officer, in response to the presentations, informed Members that Officers had given regard to the injunction served on the site. They sought legal advice and were advised that the Authority should determine the planning application prior to considering any further action.

The reference made by Mr Pike to the Planning Policy statement regarding unauthorised development was acknowledged and accepted by Officers and Members may wish to give regard to this when considering the application. It should be noted however that the Council did receive the application just prior to the occupation of the site by the applicants.

The Area Planning Officer acknowledged the comment made that the application site was in open countryside, but considered that it was contained by existing road infrastructure and was adjacent to the development in Danesbury Park Road.

In respect of the advice contained in Policy 25 of the Planning Policy for Traveller Sites, the report confirmed that this development was harmful to the Green Belt therefore only temporary planning permission was relevant. The report clearly identified that permanent planning permission would not be appropriate.

The Area Planning Officer noted the comment regarding the Windmill Cottage appeal decision, however it was established practice that each planning application be considered on its own merits, whilst having regard to all material planning considerations. In that particular instance there had been no previous development on site. The site being considered had previous development and was supported by very special circumstances and there were the interests of the children to consider. The sustainability comments made by the Inspector regarding the Windmill Cottage site were understood, but that site was more than 300 metres further away from shops and was only accessed through a narrow country lane, whereas the application site could access shops via footpaths down Cannonsfield Road.

The site was not within zones 2 or 3 of the Environment Agency flood zone, the surfacing material used on the site was porous gravel and there were very few structures on the site leading to the opinion that there was unlikely to be any surface water.

Members referred to the case in St Albans, mentioned in the report, where the balancing of considerations had been regarding Human Rights and Green Belt issues and asked how much weight had been given to the decision made in that case when making the recommendations.

They queried how many sites had been granted temporary permission and how difficult it was to stop them becoming permanent.

The Area Planning Officer advised that the St Albans case was mentioned as part of a submission made by the Campaign for Rural England. He confirmed that making the decision was a balancing act and that, in his opinion it was about proportionality. In this case there were families living on the site and this was about those families losing their homes. He was unsure whether there were people living on the St Albans site.

In terms of enforcement, he had no experience regarding temporary sites in North Herts, but the Council had enforcement powers to deal with these matters including the power to issue breach of condition notices and take action if necessary

The Development and Conservation Manager advised that the Council had enforcement powers and those powers were the same now, as the site did not have planning permission, as they would be in three years time. The complexities of the enforcement process, including the right to appeal against an enforcement notice were available now, if Members resolved not to grant planning permission and would exist in three years, if Members resolved to grant temporary planning permission and that permission expired. The issue of how difficult it would be to enforce would be there whatever the circumstances.

Members asked for confirmation as to whether the advice from Counsel supplied by one of the objectors was to be considered as evidence that could be referred to. In respect of the newly erected fence around the application site they asked what the permitted height should be.

The Chairman confirmed that the advice from Counsel had been sent to all Members of the Committee by email in the previous 24 hours.

The Property and Planning Solicitor informed Members that the advice had been supplied by Mr Pike as part of a representation made by him and was referred to as part of his presentation, therefore it could be referred to by Members.

The Area Planning Officer advised that the maximum permitted height of a fence adjacent to a highway was one metre, this was increased to two metres where a fence was set back from the highway. The applicants had sought the advice of Officers and were advised that a fence of up to two metres did not require planning permission.

Members asked whether Woodland Park, adjacent to the application site, was in the Green Belt and, if it was, what were the very special circumstances that enabled permission to be granted for that development. They queried what buildings had previously been on the application site and whether the current static mobile home was far enough away from the neighbouring property.

The Area Planning Officer advised that confirmed that the Woodland Caravan Park was in the Green Belt, but was unable to clarify details of the history, he understood that permission was granted a number of years ago.

In respect of the application site, he confirmed that the site had previously had a lawful development certificate for agricultural use, which included a number of small sheds and a static mobile home. The current static mobile home was close to the fence, but this was not a planning issue, rather was something to be enforced by the Environmental Team.

Members asked for clarification that, if this application were approved, any increase in the number of caravans on the site would be the subject of a further application.

The Area Planning Officer confirmed that any further structures on the site would require further planning permissions and that Condition 3 of the recommendation would restrict the amount to that shown in the site layout.

Members debated the application and made the following comments and observations:

Planning Regulations

There could not be one set of planning regulations for one element of society and another for the travellers.

Advice had been given to Members that they must consider retrospective applications in the same way as prospective applications, however advice given by Counsel to Mr Pike stated that, under 2015 legislation, unlawful development was a material consideration. The site prior to development had been full of trees, most of which had now been felled and, if the mass felling of trees had been part of a proposal being considered, objections would have been raised.

Green Belt

The application for development on this land was not an exception to the Green Belt policy and development on this site in the Green Belt should not take place.

Human Rights Considerations

The arguments made regarding article 8 of the Human Rights Act did not outweigh the Green Belt policy. The applicant had the same rights as everyone else and they made a choice, for whatever reason, to leave their previous site.

It was proposed and seconded that the application be refused planning permission for the following reasons:

- The development was in the Green Belt and would cause harm to the Green Belt;
- The development was inappropriate and caused harm to the openness;
- The applicant had proceeded with development of the land without permission;
- Very special circumstances to outweigh the harm caused had not been demonstrated.

The Development and Conservation Manager advised Members that the injunction mentioned during the debate could not be used as a reason for refusal, it was a tool that could be used in connection with any enforcement action.

The Chairman reminded Members that, if Members decided to refuse the application, all reasons for refusal must be included, as additional reasons could not be included at a later date.

Upon the vote it was:

RESOLVED: That planning application 16/02460/1 be **REFUSED** planning permission for the following reason:

The development represents inappropriate development in the Green Belt which causes harm to the Green Belt by reason of inappropriateness and harm to openness. In the opinion of the Local Planning Authority the applicant has not demonstrate sufficient very special circumstances to outweigh this harm. The development is therefore contrary to Policy 2 of the North Hertfordshire District Local Plan No. 2 – with Alterations and paragraphs 88-90 of the National Planning Policy Framework (NPPF).

Proactive Statement

Planning permission has been refused for this development for the clear reasons set out in this decision notice. The Council acted proactively through positive engagement with the applicant in order to overcome several concerns however fundamental objections could not be overcome. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

The Chairman adjourned the meeting for 5 Minutes to allow members of the public to disperse.



NORTH HERTFORDSHIRE DISTRICT COUNCIL

Town and Country Planning Acts

DECISION NOTICE

Correspondence Address:

Philip Brown Associates Ltd
74 Park Road
Rugby
Warwickshire
CV21 2QX

Applicant:

Mr J Connors

PARTICULARS OF DEVELOPMENT

Application: 16/02460/1

Proposal: Retrospective application for change of use of land to use as a residential caravan site for two gypsy families, each with two caravans including no more than one static mobile home, erection of two utility buildings, additional hardstanding, associated parking spaces, erection of entrance gates, timber fence and ancillary works (as amended by plan no. 3 and site layout plan received 7/12/16)

Location: **Land At Junction Of Pottersheath Road And, Danesbury Park Road, Welwyn**

Refused Plan Nos: Location Plan; Site Layout Plan (Amended); Plan 3; Fence Detail

PARTICULARS OF DECISION

In pursuance of its powers under the above Act and the associated Orders and Regulations, the Council hereby **REFUSE** the development proposed by you in your application received with sufficient particulars on 20/10/2016.

The reason for the Council's decision to refuse permission is:

- 1 The development represents inappropriate development in the Green Belt which causes harm to the Green Belt by reason of inappropriateness and harm to openness. In the opinion of the Local Planning Authority the applicant has not demonstrated sufficient very special circumstances to outweigh this harm. The development is therefore contrary to Policy 2 of the North Hertfordshire District Local Plan No. 2 – with Alterations and paragraphs 88-90 of the National Planning Policy Framework (NPPF).

Proactive Statement

Planning permission has been refused for this development for the clear reasons set out in this decision notice. The Council acted proactively through positive engagement with the applicant in order to overcome several concerns however fundamental objections could not be overcome. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Signed:



Development & Conservation Manager

Development Management
North Hertfordshire District Council
Council Offices
Gernon Road
Letchworth
Herts
SG6 3JF

Date: 19 January 2017

NOTES

- 1 If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
Appeals must be made using a form which you can get from the Planning Inspectorate at Suite C, 4th Floor, Spectrum Building, Bond Street, Bristol, BS1 3LG or online at www.planningportal.gov.uk/planning/appeals
The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.



NORTH HERTFORDSHIRE
DISTRICT COUNCIL



North Hertfordshire District Council

Gypsy and Traveller Accommodation Assessment Update

Phase 1 Report

September 2017



Opinion Research Services | The Strand, Swansea, SA1 1AF
Steve Jarman, Claire Thomas and Ciara Small
enquiries: 01792 535300 · info@ors.org.uk · www.ors.org.uk

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1. Executive Summary

Introduction and Methodology

- 1.1 The primary objective of this Gypsy and Traveller Accommodation Assessment (GTAA) is to provide a robust assessment of current and future need for Gypsy, Traveller and Travelling Showpeople accommodation in North Hertfordshire. The new assessment updates the previous GTAA that was published in 2014 and a Capacity Assessment for Pulmore Water/Wexford Park that was published in 2017. Both of these documents formed the evidence base for the North Hertfordshire Local Plan which was submitted to the Secretary of State for approval in June 2017.
- 1.2 The study is Phase 1 of the Council's approach to developing an up-to-date evidence base in relation to the accommodation needs of Gypsies, Travellers and Travelling Showpeople in North Hertfordshire. It concentrates on need arising from within North Hertfordshire but does not give an indication of cross border implications of the need arising which would need to be addressed under the Duty to Co-operate. Phase 2 of the report will include cross border implications across the neighbouring districts and will complete the plan making evidence base.
- 1.3 Another key reason for completing the study was the publication of a revised version of Planning Policy for Traveller Sites (PPTS) in August 2015. This included a change to the definition of Travellers for planning purposes. The key change that was made was the removal of the term *persons...who have ceased to travel permanently*, meaning that those who have ceased to travel permanently will not now fall under the planning definition of a Traveller for the purposes of assessing accommodation need in a GTAA (see Paragraph 2.7 for the full definition).
- 1.4 The GTAA provides a credible evidence base which can be used to aid the implementation of Development Plan policies and the provision of new Gypsy and Traveller pitches and Travelling Showpeople plots for the period up to 2032, including a breakdown for the Local Plan period to 2031. The outcomes of this study supersede the outcomes of any previous Traveller and Travelling Showpeople Accommodation Needs Assessments completed in North Hertfordshire.
- 1.5 The GTAA has sought to understand the accommodation needs of the Gypsy, Traveller and Travelling Showpeople population in North Hertfordshire through a combination of desk-based research and engagement with members of the travelling community living on all known sites. A total of 4 interviews were completed with Gypsies and Travellers living on the 2 sites that were identified in North Hertfordshire. In addition the owner of the larger site was able to provide information about the other occupiers on the various parts of his site. Both of the interviews on the private site were with households living in bricks and mortar.
- 1.6 The fieldwork for the study was completed in July 2017 so the baseline date for the study is July 2017.

Key Findings

Additional Pitch Needs – Gypsies and Travellers

- 1.7 Overall the additional pitch needs for Gypsies and Travellers from 2017-2032 are set out below. Additional needs are set out for those households that meet the planning definition of a Gypsy or Traveller, for those unknown households¹ where an interview was not able to be completed (either due to households refusing to be interviewed, or not being present despite up to three visits to each site) who may meet the planning definition, and for those households that do not meet the planning definition.
- 1.8 Only the need from those households who meet the planning definition and from those of the unknown households who subsequently demonstrate that they meet it should be formally considered as need arising from the GTAA.
- 1.9 The need arising from households that meet the planning definition should be addressed through site allocation/intensification/expansion policies.
- 1.10 The Council will need to carefully consider how to address the needs associated with any unknown Travellers as it is unlikely that all of this need will have to be addressed through the provision of conditioned Gypsy or Traveller pitches. In terms of Local Plan policies, the Council has proposed a criteria-based policy (Policy HS7: Gypsies, Travellers and Travelling Showpeople) in their submitted Local Plan (in accordance with the advice of the PPTS) for any unknown households that do provide evidence that they meet the planning definition.
- 1.11 The need for those households who do not meet the planning definition will need to be addressed through future updates to the Strategic Housing Market Assessment (SHMA) or successor assessments in accordance with the PPTS guidance.
- 1.12 There were 4 Gypsy or Traveller households living on sites in North Hertfordshire that meet the planning definition. A further 2 Gypsy and Traveller households do not meet the planning definition. Information was collected from households living on all known Gypsy and Traveller pitches so there are no unknown households where an interview was not completed. A large number of pitches at Pulmore Water/Wexford Park were found to be occupied by non-Travellers.
- 1.13 There is a need for **10 additional pitches** over the 15 year GTAA period 2017 to 2032 for households that meet the planning definition². This is made up of 8 unauthorised pitches and 4 from new household formation. This is net of the supply of 2 vacant pitches at Pulmore Water/Wexford Park. It should also be noted that 6 of the unauthorised pitches are the result of a temporary planning consent that lapsed in March 2017. The owner of this site has confirmed that he will be reapplying for planning consent for these 6 pitches.
- 1.14 There is no need for any additional pitches for unknown households as data was collected from all Gypsy and Traveller households living on sites in North Hertfordshire.
- 1.15 Whilst there is no longer a requirement to include any additional pitches for households that do not meet the planning definition in a GTAA, no current or future need was identified from the 3 households.

¹ See Paragraph 3.22 for further information on unknown households.

² This compares to need for 7 additional pitches for the period 2013-31 that was identified in the 2014 GTAA.

Figure 1 – Additional need for Gypsy and Traveller households in North Hertfordshire (2017-2032)

Status	Total 2017-2031	Total 2032
Meet Planning Definition	10	0
Unknown	0	0
Do not meet Planning Definition	0	0

Figure 2 – Additional need for Gypsy and Traveller households in North Hertfordshire that meet the Planning Definition by 5 year periods

Years	0-5	6-10	11-14	15	Total
	2017-22	2022-27	2027-31	2032	
	8	1	1	0	10

Additional Plot Needs - Travelling Showpeople

^{1.16} There are no Travelling Showpeople in North Hertfordshire so there is no current or future need for additional plots.

Figure 3 – Additional need for Travelling Showpeople households in North Hertfordshire (2017-2032)

Status	Total 2017-2031	Total 2032
Meet Planning Definition	0	0
Unknown	0	0
Do not meet Planning Definition	0	0

Figure 4 – Additional need for Travelling Showpeople households in North Hertfordshire that meet the Planning Definition by 5 year periods

Years	0-5	6-10	11-14	15	Total
	2017-22	2022-27	2027-2031	2032	
	0	0	0	0	0

Transit Requirements

^{1.17} It is recommended that there is no need for any public transit site provision in North Hertfordshire at the present time. However it is also recommended that the situation relating to levels of encampments should be continually monitored whilst any potential changes associated with PPTS (2015) develop.

^{1.18} As well as information on the size and duration of the encampments, this monitoring should also seek to gather information from residents on the reasons for their stay in North Hertfordshire; whether they have a permanent base or where they have travelled from; and whether they have any need or preference to settle permanently in North Hertfordshire; and whether their travelling is a result of changes to PPTS (2015). This information could be collected as part of a local Welfare Assessment (or equivalent).

^{1.19} A review of the evidence base relating to unauthorised encampments, including the monitoring referred to above, should be undertaken in autumn 2018 once there is a new 3 year evidence base following the changes to PPTS in 2015. This will establish whether there is a need for investment in any formal transit sites or emergency stopping places, or whether a managed approach is preferable. This

review will need to involve other local authorities in Hertfordshire, as well the Hertfordshire County Council.

- 1.20 In the short-term the Council should consider the use of the public transit site in Hertsmere to deal with any unauthorised encampments that do occur and could also consider the use of Negotiated Stopping Agreements, as opposed to taking forward an infrastructure-based approach.
- 1.21 The term ‘negotiated stopping’ is used to describe agreed short term provision for Gypsy and Traveller caravans. It does not describe permanent ‘built’ transit sites but negotiated agreements which allow caravans to be sited on suitable specific pieces of ground for an agreed and limited period of time, with the provision of limited services such as water, waste disposal and toilets. Agreements are made between the authority and the (temporary) residents regarding expectations on both sides.
- 1.22 Temporary stopping places can be made available at times of increased demand due to fairs or cultural celebrations that are attended by Gypsies and Travellers. A charge may be levied as determined by the local authority although they only need to provide basic facilities including: a cold water supply; portaloos; sewerage disposal point and refuse disposal facilities.

2. Introduction

- 2.1 The primary objective of this Gypsy and Traveller Accommodation Assessment (GTAA) is to provide a robust assessment of current and future need for Gypsy, Traveller and Travelling Showpeople accommodation in North Hertfordshire. The outcomes of the finalised study will supersede the outcomes of any previous Traveller and Travelling Showpeople Accommodation Needs Assessments completed in North Hertfordshire.
- 2.2 The study provides an evidence base to enable the Council to comply with their requirements towards Gypsies, Travellers and Travelling Showpeople under the Housing Act 1985, the National Planning Policy Framework (NPPF) 2012, Planning Practice Guidance (PPG) 2014, Planning Policy for Traveller Sites (PPTS) 2015, and the Housing and Planning Act (2016).
- 2.3 Together the Phase 1 and Phase 2 GTAA will provide a robust assessment of need for Gypsy, Traveller and Travelling Showpeople accommodation in the study area. It is a credible evidence base which can be used to aid the implementation of development plan policies and the provision of Traveller pitches and plots in five year increments covering the period 2017 to 2032, including a break-down to 2031 to meet the current Local Plan period. As well as identifying current and future permanent accommodation needs, it also seeks to identify any need for the provision of transit sites or emergency stopping places.
- 2.4 We would note at the outset that the study covers the needs of Gypsies (including English, Scottish, Welsh and Romany Gypsies), Irish Travellers, New (Age) Travellers, and Travelling Showpeople, but for ease of reference we have referred to the study as a Gypsy and Traveller (and Travelling Showpeople) Accommodation Assessment (GTAA).
- 2.5 The baseline date for the study is July 2017 which was when the household interviews were completed.

Definitions

- 2.6 The planning definition for a Gypsy, Traveller or Travelling Showperson is set out in PPTS (2015). The previous definition set out in the Housing Act (2004) was repealed by the Housing and Planning Act (2016).

The Planning Definition in PPTS (2015)

- 2.7 For the purposes of the planning system, the definition was changed in PPTS (2015). The planning definition is set out in Annex 1 and states that:

For the purposes of this planning policy “gypsies and travellers” means:

Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

In determining whether persons are “gypsies and travellers” for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:

- a) Whether they previously led a nomadic habit of life.*
- b) The reasons for ceasing their nomadic habit of life.*
- c) Whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.*

For the purposes of this planning policy, “travelling showpeople” means:

Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family’s or dependants’ more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers as defined above.

(Planning Policy for Traveller Sites, Department for Communities and Local Government (DCLG), August 2015)

- 2.8 The key change that was made to both definitions was the removal of the term *persons...who have ceased to travel permanently*, meaning that those who have ceased to travel permanently will no longer fall under the planning definition of a Traveller for the purposes of assessing accommodation need in a GTAA.
- 2.9 A Judicial Review of the new definition started in September 2017 but had not yet been determined at the time of this report.

Definition of Travelling

- 2.10 One of the most important questions that GTAAs will need to address in terms of applying the planning definition is *what constitutes travelling?* This has been determined through case law that has tested the meaning of the term ‘*nomadic*’.
- 2.11 **R v South Hams District Council (1994)** – defined Gypsies as “persons who wander or travel for the purpose of making or seeking their livelihood (not persons who travel from place to place without any connection between their movements and their means of livelihood.)” This includes ‘born’ Gypsies and Travellers as well as ‘elective’ Travellers such as New Age Travellers.
- 2.12 In **Maidstone BC v Secretary of State for the Environment and Dunn (2006)**, it was held that a Romany Gypsy who bred horses and travelled to horse fairs at Appleby, Stow-in-the-Wold and the New Forest, where he bought and sold horses, and who remained away from his permanent site for up to two months of the year, at least partly in connection with this traditional Gypsy activity, was entitled to be accorded Gypsy status.
- 2.13 In **Greenwich LBC v Powell (1989)**, Lord Bridge of Harwich stated that a person could be a statutory Gypsy if he led a nomadic way of life *only seasonally*.
- 2.14 The definition was widened further by the decision in **R v Shropshire CC ex p Bungay (1990)**. The case concerned a Gypsy family that had not travelled for some 15 years in order to care for its elderly and infirm parents. An aggrieved resident living in the area of the family’s recently approved Gypsy site sought judicial review of the local authority’s decision to accept that the family had retained their Gypsy status even though they had not travelled for some considerable time. Dismissing the claim, the

judge held that a person could remain a Gypsy even if he or she did not travel, provided that their nomadism was held in abeyance and not abandoned.

- 2.15 That point was revisited in the case of **Hearne v National Assembly for Wales (1999)**, where a traditional Gypsy was held not to be a Gypsy for the purposes of planning law as he had stated that he intended to abandon his nomadic habit of life, lived in a permanent dwelling and was taking a course that led to permanent employment.
- 2.16 **Wrexham County Borough Council v National Assembly of Wales and Others (2003)** determined that households and individuals could continue to lead a nomadic way of life with a permanent base from which they set out from and return to.
- 2.17 The implication of these rulings in terms of applying the planning definition is that it will only include those who travel (or have ceased to travel temporarily) for work purposes and in doing so stay away from their usual place of residence. It can include those who have a permanent site or place of residence, but that it will not include those who travel for purposes other than work – such as visiting horse fairs and visiting friends or relatives. It will not cover those who commute to work daily from a permanent place of residence.
- 2.18 It will also be the that a household where some family members travel for nomadic purposes on a regular basis, but where other family members stay at home to look after children in education, or other dependents with health problems etc. the household unit would be defined as travelling under the planning definition.
- 2.19 Households will also fall under the planning definition if they can demonstrate that they have ceased to travel temporarily as a result of their own or their family's or dependants' educational, health needs or old age. In order to have ceased to travel temporarily these households will need to demonstrate that they have travelled in the past. In addition, households may also have to demonstrate that they plan to travel again in the future.
- 2.20 This approach was endorsed by a Planning Inspector in Decision Notice for an appeal in East Hertfordshire (Appeal Ref: APP/J1915/W/16/3145267) that was issued in December 2016. A summary can be seen below.

Case law, including the R v South Hams District Council ex parte Gibb (1994) judgment referred to me at the hearing, despite its reference to 'purposive activities including work' also refers to a connection between the travelling and the means of livelihood, that is, an economic purpose. In this regard, there is no economic purpose... This situation is no different from that of many landlords and property investors or indeed anyone travelling to work in a fixed, pre-arranged location. In this regard there is not an essential connection between wandering and work... Whilst there does appear to be some connection between the travel and the work in this regard, it seems to me that these periods of travel for economic purposes are very short, amounting to an extremely small proportion of his time and income. Furthermore, the work is not carried out in a nomadic manner because it seems likely that it is done by appointment... I conclude, therefore, that XX does not meet the definition of a gypsy and traveller in terms of planning policy because there is insufficient evidence that he is currently a person of a nomadic habit of life.

Legislation and Guidance for Gypsies and Travellers

^{2.21} Decision-making for policy concerning Gypsies, Travellers and Travelling Showpeople sits within a complex legislative and national policy framework and this study must be viewed in the context of this legislation and guidance. For example, the following key pieces of legislation and guidance are relevant when developing policies relating to Gypsies, Travellers and Travelling Showpeople:

- » The Housing and Planning Act, 2016
- » Planning Policy for Traveller Sites (PPTS), 2015
- » National Planning Policy Framework (NPPF), 2012
- » Planning Practice Guidance³ (PPG), 2014

^{2.22} The primary guidance for undertaking the assessment of housing need for Gypsies, Travellers and Travelling Showpeople is set out in PPTS (2015). It should be read in conjunction with the National Planning Policy Framework (NPPF). In addition, the Housing and Planning Act (2016) makes provisions for the assessment of need for those Gypsy, Traveller and Travelling Showpeople households living on sites and yards who do not meet the planning definition – through the assessment of all households living in caravans.

PPTS (2015)

^{2.23} PPTS (2015), sets out the direction of Government policy. As well as introducing the planning definition of a Traveller, PPTS is closely linked to the NPPF. Among other objectives, the aims of the policy in respect of Traveller sites are (PPTS Paragraph 4):

- » *Local planning authorities should make their own assessment of need for the purposes of planning.*
- » *To ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites.*
- » *To encourage local planning authorities to plan for sites over a reasonable timescale.*
- » *That plan-making and decision-taking should protect Green Belt from inappropriate development.*
- » *To promote more private Traveller site provision while recognising that there will always be those Travellers who cannot provide their own sites.*
- » *That plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective.*
- » *For local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies.*
- » *To increase the number of Traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply.*
- » *To reduce tensions between settled and Traveller communities in plan-making and planning decisions.*
- » *To enable provision of suitable accommodation from which Travellers can access education, health, welfare and employment infrastructure.*

³ With particular reference to the sections on Housing and Economic Development Needs Assessments

- » *For local planning authorities to have due regard to the protection of local amenity and local environment.*

2.24 In practice, the document states that (PPTS Paragraph 9):

- » *Local planning authorities should set pitch targets for Gypsies and Travellers and plot targets for Travelling Showpeople, which address the likely permanent and transit site accommodation needs of Travellers in their area, working collaboratively with neighbouring local planning authorities.*

2.25 PPTS goes on to state (Paragraph 10) that in producing their Local Plan local planning authorities should:

- » *Identify and annually update a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets.*
- » *Identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15.*
- » *Consider production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites, particularly if a local planning authority has special or strict planning constraints across its area (local planning authorities have a Duty-to-Cooperate on strategic planning issues that cross administrative boundaries).*
- » *Relate the number of pitches or plots to the circumstances of the specific size and location of the site and the surrounding population's size and density.*
- » *Protect local amenity and environment.*

2.26 Local Authorities now have a duty to ensure a 5 year land supply to meet the identified needs for Traveller sites. However, 'Planning Policy for Traveller Sites' also notes in Paragraph 11 that:

- » *Where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless come forward. Criteria-based policies should be fair and should facilitate the traditional and nomadic life of Travellers, while respecting the interests of the settled community.*

3. Methodology

Background

- 3.1 Over the past 10 years, ORS has continually refined a methodology for undertaking robust and defensible Gypsy, Traveller and Travelling Showpeople Accommodation Needs Assessments. This has been updated in light of the introduction of the PPG in 2014, changes to PPTS in August 2015 and the Housing and Planning Act (2016), as well as responding to changes set out by Planning Ministers, with particular reference to new household formation rates. This is an evolving methodology that has been adaptive to changes in planning policy as well as the outcomes of Local Plan Examinations and Planning Appeals.
- 3.2 PPTS (2015) contains a number of requirements for local authorities which must be addressed in any methodology. This includes the need to pay particular attention to early and effective community engagement with both settled and traveller communities (including discussing travellers' accommodation needs with travellers themselves); identification of permanent and transit site accommodation needs separately; working collaboratively with neighbouring local planning authorities; and establishing whether households fall within the planning definition for Gypsies, Travellers and Travelling Showpeople.
- 3.3 The approach currently used by ORS was considered in April 2016 by the Planning Inspector for the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy who concluded:
- 'The methodology behind this assessment included undertaking a full demographic study of all occupied pitches, interviewing Gypsy and Traveller households, including those living in bricks and mortar accommodation, and considering the implications of the new Government policy. On the evidence before me, I am satisfied that the assessment has been appropriately carried out, and there is no reason for me to dispute the figures.'*
- 3.4 The stages below provide a summary of the methodology that was used to complete this study. More information on each stage is provided in the appropriate sections of this report.

Glossary of Terms

- 3.5 A Glossary of Terms can be found in **Appendix A**.

Desk-Based Review

- 3.6 ORS collated a range of secondary data that was used to support the study. This included:
- » Census data
 - » Caravan counts
 - » Records of unauthorised sites/encampments
 - » Information on planning applications/appeals
 - » Information on enforcement actions
 - » Existing Needs Assessments and other relevant local studies
 - » Existing national and local policy, guidance and best practice

Stakeholder Engagement

- 3.7 As this was an update of a previous study that was completed in 2014 no further stakeholder engagement was completed.

Working Collaboratively with Neighbouring Planning Authorities

- 3.8 As this was an update of a previous study that was completed in 2014 no further interviews were completed with neighbouring local authorities. However it should be noted that ORS have recently completed or are currently completing GTAAs with the majority of local authorities near to North Hertfordshire including:

» Aylesbury Vale	» Hertsmere
» Bedford	» Milton Keynes
» Broxbourne	» North Hertfordshire
» Central Bedfordshire	» South Cambridgeshire
» Chiltern	» St Albans
» Dacorum	» Three Rivers
» East Hertfordshire	» Uttlesford

- 3.9 Given that extensive stakeholder engagement was completed for the previous GTAA and that details from other local assessments have been taken into account, it is considered that this Phase 1 Assessment of Need is a sound and robust approach to determining need in North Hertfordshire and that Phase 2 will look at wider regional and cross-boundary issues.

Survey of Travelling Communities

- 3.10 Through the desk-based research and the stakeholder interviews, ORS sought to identify all authorised and unauthorised sites/yards and encampments in the study area and attempted to complete an interview with the residents on all occupied pitches and plots. In order to gather the robust information needed to assess households against the planning definition of a Traveller, up to 3 visits were made to households where it was not initially possible to conduct an interview because they were not available at the time.

- 3.11 Our experience suggests that an attempt to interview households on all pitches is more robust. A sample based approach often leads to an under-estimate of need – and is an approach which is regularly challenged by the Planning Inspectorate and at planning appeals.

- 3.12 ORS worked closely with the Council to ensure that the interviews collected all the necessary information to support the study. The site interview questions that were used have been updated to take account of recent changes to PPTS and to collect the information ORS feel is necessary to apply the planning definition. All sites were visited by members of our dedicated team of experienced interviewers who work on our GTAA studies across England and Wales. No Travelling Showpeople yards were identified. Interviewers attempted to conduct semi-structured interviews with residents to determine their current demographic characteristics,

their current or future accommodation needs, whether there is any over-crowding or the presence of concealed households and travelling characteristics. Interviewers also sought to identify contacts living in bricks and mortar to interview, as well as an overall assessment of each site to determine any opportunities for intensification or expansion to meet future needs.

- 3.13 Interviewers also sought information from residents on the type of pitches they may require in the future – for example private or socially rented, together with any features they may wish to be provided on a new pitch or site.
- 3.14 Where it was not possible to undertake an interview, interviewers sought to capture as much information as possible about each pitch from sources including neighbouring residents and site management (if present).

Engagement with Bricks and Mortar Households

- 3.15 The 2011 Census records 19 households that identify as Gypsy or Irish Travellers who live in a house or flat in North Hertfordshire.
- 3.16 ORS apply a rigorous approach to making contact with bricks and mortar households as this is a common issue raised at Local Plan examinations and planning appeals. Contacts were sought through a range of sources including the interviews with people on existing sites, intelligence from the Council and the County Council, outcomes from previous planning appeals, and adverts on social media (including the Friends, Families and Travellers Facebook group). Through this approach the study endeavoured to do everything to give households living in bricks and mortar the opportunity to make their views known.
- 3.17 A summary of the contacts that were followed up is set out below:
- » **Hertfordshire County Council Gypsy & Traveller Section** – Sent three letters to residents on the waiting list for a public site in Hertfordshire and live in North Hertfordshire – there is no Council site so no waiting list for that area.
 - » **Traveller Education Officer Herts County Council** – Agreed to distribute a flyer to housed Travellers in the area.
 - » **Herts Gate** – Were not aware of anyone in North Hertfordshire living in bricks and mortar but said they would be happy to put something about the study on social media
 - » **Friends Families and Travellers** – posted details of the study on their Facebook pages.
 - » **NHDC Environmental Health** – Contacted to ask if they were aware of any households in bricks and mortar and asked to pass contact details to ORS.
 - » **NHDC Housing Department** – Contacted to ask if they were aware of any households in bricks and mortar and asked to pass contact details to ORS.
- 3.18 As a rule, ORS does not make any assumptions on the overall needs from household in bricks and mortar based on the outcomes of any interviews that are completed as in our experience this leads to a significant over-estimate of the number of households wishing to move to a site or a yard. The assumption is made that all those wishing to move will make their views known based on the wide range of publicity that has been put in place. Thus we are seeking to shift the burden of responsibility on to those living in bricks and mortar through demonstrating disproportionate efforts to make them aware of the study.

Applying the Planning Definition

- 3.19 The household survey included a structured section of questions to record information about the travelling characteristics of household members. This included questions on the following key issues:
- » Whether any household members have travelled in the past 12 months.
 - » Whether household members have ever travelled.
 - » The main reasons for travelling.
 - » Where household members travelled to.
 - » The times of the year that household members travelled.
 - » Where household members stay when they are away travelling.
 - » When household members stopped travelling.
 - » The reasons why household members stopped travelling.
 - » Whether household members intend to travel again in the future.
 - » When and the reasons why household members plan to travel again in the future.
- 3.20 When the household survey was completed, the answers from these questions on travelling were used to determine the status of each household against the planning definition in PPTS (2015). Through a combination of responses, households need to provide sufficient information to demonstrate that household members travel for work purposes and in doing so stay away from their usual place of residence, or that they have ceased to travel temporarily due to education, ill health or old age, and plan to travel again for work purposes in the future. The same definition applies to Travelling Showpeople as to Gypsies and Travellers.
- 3.21 Households that need to be considered in the GTAA fall under one of three classifications that will determine whether their housing needs will need to be assessed in the GTAA. Only those households that meet, or may meet, the planning definition will form the components of need to be included in the GTAA:
- » Households that travel under the planning definition.
 - » Households that have ceased to travel temporarily under the planning definition.
 - » Households where an interview was not possible who *may* fall under the planning definition.
- 3.22 Whilst the needs of those households that do not meet the planning definition do not need to be included in the GTAA, they will be assessed to provide the Council with components of need to consider as part of their work on wider housing needs assessments.

Unknown Households

- 3.23 As well as calculating need for households that meet the planning definition, the needs of the households where an interview was not completed (either due to refusal to be interviewed or households that were not present during the fieldwork period) need to be assessed as part of the GTAA where they are believed to be ethnic Gypsies and Travellers who **may** meet the planning definition. Whilst there is no law or guidance that sets out how the needs of these households should be addressed, an approach has been taken that seeks an estimate of

potential need from these households. This will be a maximum additional need figure over and above the need identified for households that do meet the planning definition.

- 3.24 The estimate of potential need in unknown households seeks to identify potential current and future need from many pitches known to be temporary or unauthorised, and through new household formation. For the latter, the ORS national formation rate of 1.50% has been used as the demographics of residents are unknown.
- 3.25 Should further information be made available to the Council that will allow for the planning definition to be applied, these households could either form a confirmed component of need to be addressed in through the GTAA or the SHMA/HEDNA.
- 3.26 ORS are of the opinion that it would not be appropriate when producing a robust assessment of need to make any firm assumptions about whether or not households where an interview was not completed meet the planning definition based on the outcomes of households where an interview was completed.
- 3.27 However, data that has been collected from over 2,000 household interviews that have been completed by ORS across England since the changes to PPTS in 2015 suggests that overall, approximately 10% of households who have been interviewed meet the planning definition – and in some local authorities, particularly London Boroughs, no households meet the planning definition.
- 3.28 ORS are not implying that this is an official national statistic - rather a national statistic based on the outcomes of our fieldwork since the introduction of PPTS (2015). It is estimated that there are up to 14,000 Gypsy and Traveller pitches in England. ORS have interviewed households on almost 20% of these pitches at a representative range of sites. Of the households that have been interviewed approximately 10% meet the planning definition. ORS also asked similar questions on travelling in over 2,000 pre-PPTS (2015) household interviews and also found that approximately 10% of households would have met the PPTS (2015) planning definition. It is ORS' view therefore that this is the most comprehensive national statistic in relation to households that meet the planning definition in PPTS (2015) and should be seen as a robust statistical figure.
- 3.29 This would suggest that it is likely that only a small proportion of the potential need identified from these households will need conditioned Gypsy and Traveller pitches, and that the needs of the majority will need to be addressed through the SHMA or HEDNA for example.
- 3.30 In terms of Local Plan policies, the Council has included a criteria-based policy (Policy HS7) in the submitted Local Plan, in accordance with PPTS, for any unknown households that do provide evidence that they meet the planning definition.
- 3.31 An assessment of need for unknown households can be found in **Appendix B**.
- 3.32 The ORS methodology to address the need arising from unknown households was supported by the Planning Inspector for a Local Plan Examination for Maldon District Council, Essex. In his Report that was published on 29th June 2017 he concluded:

150. The Council's stance is that any need arising from 'unknowns' should be a matter left to the planning application process. Modifications to Policy H6 have been put forward by the Council setting out criteria for such a purpose, which I consider further below. To my mind, that is an appropriate approach. While there remains a possibility that up to 10 further pitches may be needed, that cannot be said to represent identified need. It would be unreasonable to demand that the Plan provide for needs that have not been established to exist. That being said, **MM242h** is nonetheless necessary in this regard. It commits the Council to a review of the Plan if future reviews of the GTAA reveal the necessity for land allocations to provide for presently 'unknown' needs. For effectiveness, I have altered this modification from the version put forward by the Council by replacing the word "may" with "will" in relation to undertaking the review committed to. I have also replaced "the Plan" with "Policy H6" – the whole Plan need not be reviewed.

Households that Do Not Meet the Planning Definition

3.33 Households who do not travel fall outside the planning definition of a Traveller, Romany Gypsies, Irish and Scottish Travellers may be able to claim a right to culturally appropriate accommodation under the Equality Act (2010). In addition, provisions set out in the Housing and Planning Act (2016) now include a duty (under Section 8 of the 1985 Housing Act that covers the requirement for a periodical review of housing needs) for local authorities to consider the needs of people residing in or resorting to their district with respect to the provision of sites on which caravans can be stationed, or places on inland waterways where houseboats can be moored. Draft Guidance⁴ related to this section of the Act has been published setting out how the government would want local housing authorities to undertake this assessment and it is the same as the GTAA assessment process. The implication is therefore that the housing needs of any Gypsy and Traveller households who do not meet the planning definition of a Traveller will need to be assessed as part of the wider housing needs of the area, for example through the SHMA or HEDNA process, and will form a subset of the wider need arising from households residing in caravans. An assessment of need for Travellers that do not meet the planning definition can be found in **Appendix C**.

Calculating Current and Future Need

3.34 The primary change introduced by PPTS (2015) in relation to the assessment of need is the change in the definition of a Gypsy, Traveller or Travelling Showperson for planning purposes. Through the site interviews ORS sought to collect information necessary to assess each household against the planning definition. The relatively short time since the publication of PPTS (2015) has meant that only a small number of relevant appeal decisions have been issued by the Planning Inspectorate on how the planning definition should be applied. These decisions support the view that households need to be able to demonstrate that they travel for work purposes to meet the planning definition, and stay away from their usual place of residence when doing so.

3.35 To identify need, PPTS (2015) requires an assessment for current and future pitch requirements, but does not provide a methodology for this. However, as with any housing assessment, the underlying calculation can be broken down into a relatively small number of factors. In this case, the key issue is to compare the supply of pitches available for occupation with the current and future needs of the population.

⁴ *Draft guidance to local housing authorities on the periodical review of housing needs for caravans and houseboats. (March 2016)*

Supply of Pitches

- 3.36 The first stage of the assessment sought to determine the number of occupied, vacant and potentially available supply in the study area:
- » Current vacant pitches.
 - » Pitches currently with planning consent due to be developed within 5 years.
 - » Pitches vacated by people moving to housing.
 - » Pitches vacated by people moving from the study area (out-migration).

Current Need

- 3.37 The second stage was to identify components of current need, which is not necessarily the need for additional pitches because they may be able to be addressed by space already available in the study area. This is made up of the following. It is important to address issues of double counting:
- » Households on unauthorised developments for which planning permission is not expected.
 - » Concealed, doubled-up or over-crowded households (including single adults).
 - » Households in bricks and mortar wishing to move to sites.
 - » Households in need on waiting lists for public sites.

Future Need

- 3.38 The final stage was to identify components of future need. This includes the following four components:
- » Older teenage children in need of a pitch of their own.
 - » Households living on sites with temporary planning permissions.
 - » New household formation.
 - » In-migration.
- 3.39 Household formation rates are often the subject of challenge at appeals or examinations. ORS agrees with the position set out by DCLG in the Ministerial Statement of 2014 and firmly believe that any household formation rates should use a robust local evidence base, rather than simply relying on precedent. Our approach is set out in more detail later in this report.
- 3.40 All of these components of supply and need are presented in tabular format which identify the overall net need for current and future accommodation for both Gypsies and Travellers. This has proven to be a robust model for identifying needs. The residential and transit pitch needs for Gypsies and Travellers are identified separately and the needs are identified in 5 year periods to 2032 (with a split to 2031 to coincide with the Local Plan period).

Pitch Turnover

- 3.41 Some assessments of need make use of pitch turnover as an ongoing component of supply. ORS do not agree with this approach or about making any assumptions about annual turnover rates.

This approach frequently ends up significantly under-estimating need as, in the majority of cases, vacant pitches on sites are not available to meet any additional need. The use of pitch turnover has been the subject of a number of Inspectors Decisions, for example APP/J3720/A/13/2208767 found a GTAA to be unsound when using pitch turnover and concluded:

West Oxfordshire Council relies on a GTAA published in 2013. This identifies an immediate need for 6 additional pitches. However the GTAA methodology treats pitch turnover as a component of supply. This is only the case if there is net outward migration yet no such scenario is apparent in West Oxfordshire. Based on the evidence before me I consider the underlying criticism of the GTAA to be justified and that unmet need is likely to be higher than that in the findings in the GTAA.

- 3.42 In addition, a recent GTAA Best Practice Guide produced jointly by organisations including Friends, Families and Travellers, the London Gypsy and Traveller Unit, the York Travellers Trust, the Derbyshire Gypsy Liaison Group, Garden Court Chambers and Leeds GATE concluded that:

Assessments involving any form of pitch turnover in their supply relies upon making assumptions; a practice best avoided. Turnover is naturally very difficult to assess accurately and in practice does not contribute meaningfully to additional supply so should be very carefully assessed in line with local trends. Mainstream housing assessments are not based on the assumption that turnover within the existing stock can provide for general housing needs.

- 3.43 As such, other than current vacant pitches on sites that are known to be available, or pitches that are known to become available through the household interviews, pitch turnover has not been considered as a component of supply in this GTAA.

Transit Provision

- 3.44 PPTS also requires an assessment of the need for any transit sites or stopping places. While the majority of Gypsies, Travellers have permanent bases either on Gypsy and Traveller sites or in bricks and mortar and no longer travel, other members of the community either travel permanently or for part of the year. Due to the mobile nature of the population, a range of sites or management approaches can be developed to accommodate Gypsies and Travellers as they move through different areas, including: -

- » Transit sites
- » Temporary/Emergency stopping places
- » Temporary (seasonal) sites
- » Negotiated Stopping Agreements

- 3.45 In order to investigate the potential need for transit provision when undertaking work to support the study, ORS sought to undertake analysis of any records of unauthorised sites and encampments, as well as information from the CLG Caravan Count. The outcomes of discussions with Council Officers, Officers from neighbouring planning authorities (as part of other studies recently completed by ORS) were also be taken into consideration when determining this element of need in the study area.

4. Gypsy, Traveller & Travelling Showpeople Sites & Population

Introduction

- 4.1 One of the main considerations of this study is to provide evidence to support the provision of pitches and plots to meet the current and future accommodation needs of Gypsies, Travellers and Travelling Showpeople. A pitch is an area normally occupied by one household, which typically contains enough space for one or two caravans, but can vary in size. A site is a collection of pitches which form a development exclusively for Gypsies and Travellers. For Travelling Showpeople, the most common descriptions used are a plot for the space occupied by one household and a yard for a collection of plots which are typically exclusively occupied by Travelling Showpeople. Throughout this study the main focus is upon how many extra pitches for Gypsies and Travellers and plots for Travelling Showpeople are required in the study area.
- 4.2 The public and private provision of mainstream housing is also largely mirrored when considering Gypsy and Traveller accommodation. One common form of a Gypsy and Traveller site is the publicly-provided residential site, which is provided by a Local Authority or by a Registered Provider (usually a Housing Association). Pitches on public sites can be obtained through signing up to a waiting list, and the costs of running the sites are met from the rent paid by the licensees (similar to social housing).
- 4.3 The alternative to public residential sites are private residential sites and yards for Gypsies, Travellers and Travelling Showpeople. These result from individuals or families buying areas of land and then obtaining planning permission to live on them. Households can also rent pitches on existing private sites. Therefore, these two forms of accommodation are the equivalent to private ownership and renting for those who live in bricks and mortar housing. Generally, the majority of Travelling Showpeople yards are privately owned and managed.
- 4.4 The Gypsy, Traveller and Travelling Showpeople population also has other forms of sites due to its mobile nature. Transit sites tend to contain many of the same facilities as a residential site, except that there is a maximum period of residence which can vary from a few days or weeks to a period of months. An alternative to a transit site is an emergency or negotiated stopping place. This type of site also has restrictions on the length of time someone can stay on it, but has much more limited facilities. Both of these two types of site are designed to accommodate, Gypsies, Travellers and Travelling Showpeople for a temporary period, whilst they travel. A number of authorities also operate an accepted encampments policy where short-term stopovers are tolerated without enforcement action.
- 4.5 Further considerations for the Gypsy and Traveller population are unauthorised developments and encampments. Unauthorised developments occur on land which is owned by the Gypsies and Travellers or with the approval of the land owner, but for which they do not have planning permission to use for residential purposes. Unauthorised encampments occur on land which is not owned by the Gypsies and Travellers.

Sites and Yards in North Hertfordshire

- 4.6 In North Hertfordshire, at the base date for the GTAA, there was 1 site with permanent planning permission for 12 pitches and a lapsed temporary planning permission for 6 pitches. The site also has a Certificate of Lawful Use as a residential caravan park with approximately 20 pitches and 3 bricks and mortar properties. There is also 1 unauthorised site with 2 pitches. In addition 2 Gypsy and Traveller households were identified living on the residential caravan site at Pulmore Water. There are no Travelling Showpeople yards and no public or private transit provision. See **Appendix D** for further details.

Figure 5 – Total amount of provision in North Hertfordshire (July 2017)

Category	Sites/Yards	Pitches/Plots
Private with permanent planning permission	1	12
Residential caravan site	1	2
Private sites with temporary planning permission	0	0
Public sites	0	0
Public transit provision	0	0
Unauthorised sites	1	2
Unauthorised pitches	1	6
Private transit provision	0	0
Travelling Showpeople provision	0	0

Pulmore Water / Wexford Park



Traveller Caravan Count

- 4.7 Another source of information available on the Gypsy, Traveller and Travelling Showpeople population is the bi-annual Traveller Caravan Count which is conducted by each Local Authority in England on a specific date in January and July of each year, and reported to DCLG. This is a

statistical count of the number of caravans on both authorised and unauthorised sites across England. With effect from July 2013, DCLG has renamed the 'Gypsy and Traveller Caravan Count' as the 'Traveller Caravan Count' due to the inclusion of data on Travelling Showpeople.

- 4.8 As this count is of caravans and not households, it makes it more difficult to interpret for a study such as this because it does not count pitches or resident households. The count is merely a 'snapshot in time' conducted by the Local Authority on a specific day, and any unauthorised sites or encampments which occur on other dates will not be recorded. Likewise, any caravans that are away from sites on the day of the count will not be included. As such it is not considered appropriate to use the outcomes from the Traveller Caravan Count in the calculation of current and future need as the information collected during the site visits is seen as more robust and fit-for-purpose. However, the Caravan Count data has been used to support the identification of the need to provide for transit provision and this is set out later in this report.

5. Survey of Travelling Communities

Interviews with Gypsies and Travellers

- 5.1 One of the major components of this study was a detailed survey of the Gypsy, Traveller and Travelling Showpeople population living in the study area, and also efforts to engage with the bricks and mortar community.
- 5.2 Interviews were completed in July 2017. The table below sets out the number of pitches, the number of interviews that were completed, and the reasons why interviews were not completed.
- 5.3 Whilst it was not possible to complete interviews with all households living at Pulmore Water/Wexford Park, it was possible to complete an in-depth interview the site owner/manager who was able to confirm the occupancy and Traveller status of households who were unavailable to be interviewed – the majority of whom are his extended family members. This also identified a small number of Gypsies and Travellers who were living on the residential caravan site and a large number of pitches not occupied by Gypsies or Travellers.

Figure 6 - Sites and yards visited in North Hertfordshire

Pitch Status	Pitches/Plots	Interviews	Reasons for not completing interviews
Private Sites			
Pulmore Water/Wexford Park	12	0	9 x non-Travellers, 2 x vacant, 1 x no contact possible ⁵
Residential Caravan Site			
Pulmore Water	2	0	2 x no contact possible ⁴
Unauthorised Sites			
Land at Junction of Pottersheath Road and Danesbury Park Road	2	2	-
Unauthorised Pitches			
Pulmore Water ⁶	6	0	6 x non-Travellers
Bricks and Mortar			
Pulmore Water/Wexford Park	2	2	-
TOTAL	22	4	

Interviews with Gypsies and Travellers in Bricks and Mortar

- 5.4 Following all of the efforts that were made it was possible to interview 2 bricks and mortar households in North Hertfordshire – both located at the Pulmore Water/Wexford Park site. No

⁵ Details of some of the occupiers were provided by the site owner.

⁶ Temporary planning consent for these pitches was granted in March 2017.

further contacts were identified despite the efforts made by ORS and other agencies in Hertfordshire.

6. Current and Future Pitch Provision

Introduction

- 6.1 This section focuses on the additional pitch provision which is needed in the study area currently and to 2032. This includes both current unmet need and need which is likely to arise in the future⁷. This time period allows for robust forecasts of the requirements for future provision, based upon the evidence contained within this study and also secondary data sources. Whilst the difficulty in making accurate assessments beyond 5 years has been highlighted in previous studies, the approach taken in this study to estimate new household formation has been accepted by Planning Inspectors as the most appropriate methodology to use.
- 6.2 We would note that this section is based upon a combination of the on-site surveys, planning records and stakeholder interviews. In many cases, the survey data is not used in isolation, but instead is used to validate information from planning records or other sources.
- 6.3 This section concentrates not only upon the total additional provision which is required in the area, but also whether there is a need for any transit sites and/or emergency stopping place provision.

New Household Formation Rates

- 6.4 Nationally, a household formation and growth rate of 3.00% net per annum has been commonly assumed and widely used in local Gypsy and Traveller assessments, even though there is no statistical evidence of households growing so quickly. The result has been to inflate both national and local requirements for additional pitches unrealistically. In this context, ORS has prepared a *Technical Note on Household Formation and Growth Rates (2015)*. The main conclusions are set out here and the full paper is in **Appendix F**.
- 6.5 Those seeking to provide evidence of high annual net household growth rates for Gypsies and Travellers have sometimes sought to rely on increases in the number of caravans, as reflected in caravan counts. However, caravan count data is unreliable and erratic – so the only proper way to project future population and household growth is through demographic analysis.
- 6.6 The Technical Note concludes that in fact, the growth in the national Gypsy and Traveller population may be as low as 1.25% per annum – much less than the 3.00% per annum often assumed, but still greater than in the settled community. Even using extreme and unrealistic assumptions, it is hard to find evidence that net Gypsy and Traveller population and household growth rates are above 2.00% per annum nationally.
- 6.7 The often assumed 3.00% per annum net household growth rate is unrealistic and would require clear statistical evidence before being used for planning purposes. In practice, the best

⁷ See Paragraphs 3.32 and 3.33 for details of components of current and future need.

available evidence supports a national net household growth rate of 1.50% per annum for Gypsies and Travellers (in addition research by ORS has identified a national growth rate of 1.00% for Travelling Showpeople) and this has also been adjusted locally based on site demographics.

- 6.8 This view has been supported by Planning Inspectors in a number of Decision Notices. The most recent was in relation to an appeal in Doncaster that was issued in November 2016 (Ref: APP/F4410/W/15/3133490) where the agent acting on behalf of the appellant claimed that a rate closer to 3.00% should be used. The Inspector concluded:

In assessing need account also needs to be taken of likely household growth over the coming years. In determining an annual household growth rate the Council relies on the work of Opinions Research Services (ORS), part of Swansea University. ORS's research considers migration, population profiles, births & fertility rates, death rates, household size data and household dissolution rates to determine average household growth rates for gypsies and travellers. The findings indicate that the average annual growth rate is in the order of 1.50% but that a 2.50% figure could be used if local data suggest a relatively youthful population. As the Council has found a strong correlation between Doncaster's gypsy and traveller population age profile and the national picture, a 1.50% annual household growth rate has been used in its 2016 GTANA. Given the rigour of ORS's research and the Council's application of its findings to the local area I accept that a 1.50% figure is justified in the case of Doncaster.

- 6.9 In addition, the Technical Note has recently been accepted as a robust academic evidence base and has been published by the Social Research Association in its journal Social Research Practice. The overall purpose of the journal is to encourage and promote high standards of social research for public benefit. It aims to encourage methodological development by giving practitioners the space and the incentive to share their knowledge – see link below.

<http://the-sra.org.uk/journal-social-research-practice/>

- 6.10 ORS assessments take full account of the net local household growth rate per annum for each local authority, calculated on the basis of demographic evidence from the site surveys, and the 'baseline' includes all current authorised households, all households identified as in current need (including concealed households, movement from bricks and mortar and those on waiting lists not currently living on a pitch or plot), as well as households living on tolerated unauthorised pitches or plots who are not included as current need. The assessments of future need also take account of modelling projections based on birth and death rates, and in-/out-migration.
- 6.11 Overall, the household growth rate used for the assessment of future needs has been informed by local evidence. This demographic evidence has been used to adjust the national growth rate of 1.50% up or down based on the proportion of those aged under 18 (by travelling status).
- 6.12 In certain circumstances where the numbers of households and children are low it may not be appropriate to apply a percentage rate for new household formation. In these cases a judgement will be made on likely new household formation based on the age and gender of the children. This will be based on the assumption that 50% of likely households to form will stay in the area. This is based on evidence from other GTAAs that ORS have completed across England and Wales.

Breakdown by 5 Year Bands

6.13 In addition to tables which set out the overall need for Gypsies and Travellers, the overall need has also been broken down by 5 year bands as required by PPTS (2015). The way that this is calculated is by including all current need (from unauthorised pitches, pitches with temporary planning permission, concealed and doubled-up households, 5 year need from older teenage children, and net movement from bricks and mortar) in the first 5 years. In addition the total net new household formation is split across the 5 year bands based on the compound rate of growth that was applied rather than being spread evenly over time.

Applying the Planning Definition

6.14 The outcomes from the household interviews and the interview with the owner of the Pulmore Water site were used to determine the status of each household against the planning definition in PPTS (2015). Only those households that meet the planning definition, in that ORS were able to determine that they travel for work purposes, and stay away from their usual place of residence when doing so (or have ceased to travel temporarily due to education, ill health or old age) form the components of need that will form the baseline of need in the GTAA. Households where an interview was not completed who **may** meet the planning definition have also been included as a potential additional component of need from unknown households.

6.15 The information used to assess households against the planning definition included information on whether households have ever travelled; why they have stopped travelling; the reasons that they travel; and whether they plan to travel again in the future. The table below sets out the planning status of households living on sites in North Hertfordshire.

Figure 7 – Planning status of households in North Hertfordshire

Site Status	Meets Planning Definition	Unknown	Does Not Meet Planning Definition
Gypsies and Travellers			
Private site ⁸	1	0	0
Residential caravan site	1	0	1
Unauthorised sites	2	0	0
Bricks and mortar	0	0	2
TOTAL	4	0	3

6.16 Figure 7 shows that for Gypsies and Travellers 4 households meet the planning definition of a Traveller in that ORS were able to determine that they travel for work purposes and stay away from their usual place of residence, or have ceased to travel temporarily. A total of 3 Gypsy and Traveller households do not meet the planning definition as they were not able to demonstrate that they travel away from their usual place of residence for the purpose of work, or that they have ceased to travel temporarily due to children in education, ill health or old age. Some did travel for cultural reasons, to visit relatives or friends, and others had ceased to travel permanently – these households did not meet the planning definition.

⁸ There were 2 vacant pitches on one part of the private site and pitches not occupied by Travellers.

Pitch Needs – Gypsies and Travellers that meet the Planning Definition

- 6.17 The 4 households that meet the planning definition were found on the private site, the residential caravan site and the unauthorised site.
- 6.18 Analysis of the households interviews completed at the private site indicated that there is a current need for the 6 unauthorised pitches as a result of the lapse of the temporary planning consent in March 2017, and a future need for 2 additional pitches as a result of new household formation (based on the demographics of the residents). There are vacant pitches on the site to accommodate future need and the site owner is applying for planning permission to extend the temporary consent.
- 6.19 Analysis of the household interviews completed at the unauthorised site indicated that there is a current need for the 2 pitches that are unauthorised, and future need for 2 additional pitches as a result of new household formation (based on the demographics of the pitch residents) over the 15 year GTAA period to 2032.
- 6.20 Therefore, the overall level of additional need for those households who meet the planning definition of a Gypsy or Traveller is for **10 additional pitches** over the 15 year GTAA period.

Figure 8 – Additional need for Gypsy and Traveller households in North Hertfordshire that meet the Planning Definition (2017-32)

Gypsies and Travellers - Meeting Planning Definition	Pitches
Supply of Pitches	
Additional supply from vacant public and private pitches	2
Additional supply from pitches on new sites	0
Pitches vacated by households moving to bricks and mortar	0
Pitches vacated by households moving away from the study area	0
Total Supply	2
Current Need	
Households on unauthorised developments	8
Households on unauthorised encampments	0
Concealed households/Doubling-up/Over-crowding	0
Movement from bricks and mortar	0
Households on waiting lists for public sites	0
Total Current Need	8
Future Need	
5 year need from older teenage children	0
Households on sites with temporary planning permission	0
In-migration	0
New household formation	4
<i>(Formation from household demographics)</i>	
Total Future Needs	4
Net Pitch Need = (Current and Future Need – Total Supply)	10

Figure 9 – Additional need for Gypsy and Traveller households in North Hertfordshire that meet the Planning Definition by 5 year periods

Years	0-5	6-10	11-14	15	Total
	2017-22	2022-27	2027-31	2032	
	8	1	1	0	10

Pitch Needs – Unknown Gypsies and Travellers

6.21 There were no Gypsy or Traveller households in North Hertfordshire where it was not possible to complete an interview, or to obtain robust data about pitch residents.

Pitch Needs - Gypsies and Travellers that do not meet the Planning Definition

6.22 It is not now a requirement for a GTAA to include an assessment of need for households that do not meet the planning definition. However this assessment is included for illustrative purposes and to provide the Council with information on levels of need that will have to be addressed through the SHMA or HEDNA and through separate Local Plan policies.

6.23 Analysis of the interviews with the households that do not meet the planning definition identified that there is no current or future need for any additional pitches.

Plot Needs – Travelling Showpeople

6.24 There were no Travelling Showpeople identified in North Hertfordshire so there is no current or future need for any additional plots.

Transit Requirements

6.25 When determining the potential need for transit provision the assessment has looked at data from the DCLG Caravan Count, the outcomes of the stakeholder interviews and records on numbers of unauthorised encampments, and the potential wider issues related to changes made to PPTS in 2015.

DCLG Traveller Caravan Count

6.26 Whilst it is considered to be a comprehensive national dataset on numbers of authorised and unauthorised caravans across England, it is acknowledged that the Traveller Caravan Count is a count of caravans and not households. It also does not record the reasons for unauthorised caravans. This makes it very difficult to interpret in relation to assessing future need because it does not count pitches or resident households. The count is also only a twice yearly (January and July) 'snapshot in time' conducted by local authorities on a specific day, and any caravans on unauthorised sites or encampments which occur on other dates are not recorded. Likewise any caravans that are away from sites on the day of the count are not included. As such it is not considered appropriate to use the outcomes from the Traveller Caravan Count in the assessment of future transit provision. It does however provide valuable historic and trend data on whether there are instances of unauthorised caravans in local authority areas.

- 6.27 Data from the Caravan Count shows that there have been no non-tolerated unauthorised caravans on land not owned by Travellers recorded in the study area in recent years.

Local Data

- 6.28 There are currently no transit sites in North Hertfordshire District, but there is a publically provided transit site in Hertfordshire which is located in Hertsmere Borough. Records from Hertfordshire County Council indicate very few unauthorised encampments occur in North Hertfordshire.
- 6.29 Discussions with the owner of Pulmore Water/Wexford Park also identified that there is capacity for some private transit provision on parts of the site.

Potential Implications of PPTS (2015)

- 6.30 It has been suggested by some groups representing the Travelling Community that there will need to be an increase in transit provision across the country as a result of changes to PPTS leading to more households travelling. This may well be the case but it will take some time for any changes to materialise. As such the use of historic evidence to make an assessment of future transit need is not recommended at this time. Any recommendation for future transit provision will need to make use of a robust post-PPTS (2015) evidence base and sufficient time has not yet elapsed for this to be predicted with any certainty.

Transit Recommendations

- 6.31 It is recommended that there is no need for any public transit site provision in North Hertfordshire at the present time. However it is also recommended that the situation relating to levels of encampments should be continually monitored whilst any potential changes associated with PPTS (2015) develop.
- 6.32 As well as information on the size and duration of the encampments, this monitoring should also seek to gather information from residents on the reasons for their stay in North Hertfordshire; whether they have a permanent base or where they have travelled from; and whether they have any need or preference to settle permanently in North Hertfordshire; and whether their travelling is a result of changes to PPTS (2015). This information could be collected as part of a local Welfare Assessment (or equivalent).
- 6.33 A review of the evidence base relating to unauthorised encampments, including the monitoring referred to above, should be undertaken in autumn 2018 once there is a new 3 year evidence base following the changes to PPTS in 2015. This will establish whether there is a need for investment in any formal transit sites or emergency stopping places, or whether a managed approach is preferable. This review will need to involve other local authorities in Hertfordshire, as well the Hertfordshire County Council.
- 6.34 In the short-term the Council should consider the use of the public transit site in Hertsmere to deal with unauthorised encampments and could also consider the use of Negotiated Stopping Agreements, as opposed to taking forward an infrastructure-based approach.
- 6.35 The term 'negotiated stopping' is used to describe agreed short term provision for Gypsy and Traveller caravans. It does not describe permanent 'built' transit sites but negotiated

agreements which allow caravans to be sited on suitable specific pieces of ground for an agreed and limited period of time, with the provision of limited services such as water, waste disposal and toilets. Agreements are made between the authority and the (temporary) residents regarding expectations on both sides.

- ^{6.36} Temporary stopping places can be made available at times of increased demand due to fairs or cultural celebrations that are attended by Gypsies and Travellers. A charge may be levied as determined by the local authority although they only need to provide basic facilities including: a cold water supply; portaloos; sewerage disposal point and refuse disposal facilities.

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Appendix A: Glossary of Terms

Amenity block/shed	A building where basic plumbing amenities (bath/shower, WC, sink) are provided.
Bricks and mortar	Mainstream housing.
Caravan	Mobile living vehicle used by Gypsies and Travellers. Also referred to as trailers.
Chalet	A single storey residential unit which can be dismantled. Sometimes referred to as mobile homes.
Concealed household	Households, living within other households, who are unable to set up separate family units.
Doubling-Up	Where there are more than the permitted number of caravans on a pitch or plot.
Emergency Stopping Place	A temporary site with limited facilities to be occupied by Gypsies and Travellers while they travel.
Green Belt	A land use designation used to check the unrestricted sprawl of large built-up areas; prevent neighbouring towns from merging into one another; assist in safeguarding the countryside from encroachment; preserve the setting and special character of historic towns; and assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
Household formation	The process where individuals form separate households. This is normally through adult children setting up their own household.
In-migration	Movement of households into a region or community
Local Plans	Local Authority spatial planning documents that can include specific policies and/or site allocations for Gypsies, Travellers and Travelling Showpeople.
Out-migration	Movement from one region or community in order to settle in another.
Personal planning permission	A private site where the planning permission specifies who can occupy the site and doesn't allow transfer of ownership.
Pitch/plot	Area of land on a site/development generally home to one household. Can be varying sizes and have varying caravan numbers. Pitches refer to Gypsy and Traveller sites and Plots to Travelling Showpeople yards.
Private site	An authorised site owned privately. Can be owner-occupied, rented or a mixture of owner-occupied and rented pitches.
Site	An area of land on which Gypsies, Travellers and Travelling Showpeople are accommodated in caravans/chalets/vehicles. Can contain one or

	multiple pitches/plots.
Social/Public/Council Site	An authorised site owned by either the local authority or a Registered Housing Provider.
Temporary planning permission	A private site with planning permission for a fixed period of time.
Tolerated site/yard	Long-term tolerated sites or yards where enforcement action is not expedient and a certificate of lawful use would be granted if sought.
Transit provision	Site intended for short stays and containing a range of facilities. There is normally a limit on the length of time residents can stay.
Unauthorised Development	Caravans on land owned by Gypsies and Travellers and without planning permission.
Unauthorised Encampment	Caravans on land not owned by Gypsies and Travellers and without planning permission.
Waiting list	Record held by the local authority or site managers of applications to live on a site.
Yard	A name often used by Travelling Showpeople to refer to a site.

Appendix B: Unknown Households

Figure 10- Additional need for unknown Gypsy and Traveller households in North Hertfordshire 2017-32

Gypsies and Travellers - Unknown	Pitches
Supply of Pitches	
Additional supply from vacant public and private pitches	0
Additional supply from pitches on new sites	0
Pitches vacated by households moving to bricks and mortar	0
Pitches vacated by households moving away from the study area	0
Total Supply	0
Current Need	
Households on unauthorised developments	0
Households on unauthorised encampments	0
Concealed households/Doubling-up/Over-crowding	0
Movement from bricks and mortar	0
Households on waiting lists for public sites	0
Total Current Need	0
Future Need	
5 year need from older teenage children	0
Households on sites with temporary planning permission	0
In-migration	0
New household formation	0
<i>(No unknown households)</i>	
Total Future Needs	0
Net Pitch Need = (Current and Future Need – Total Supply)	0

Figure 11 – Additional need for unknown Gypsy and Traveller households in North Hertfordshire by 5 year periods

Years	0-5	6-10	11-14	15	Total
	2017-22	2022-27	2027-31	2032	
	0	0	0	0	0

Appendix C: Households that do not meet the Planning Definition

Figure 12 - Additional need for Gypsy and Traveller households in North Hertfordshire that do not meet the Planning Definition 2017-32

Gypsies and Travellers - Not Meeting Planning Definition	Pitches
Supply of Pitches	
Additional supply from vacant public and private pitches	0
Additional supply from pitches on new sites	0
Pitches vacated by households moving to bricks and mortar	0
Pitches vacated by households moving away from the study area	0
Total Supply	0
Current Need	
Households on unauthorised developments	0
Households on unauthorised encampments	0
Concealed households/Doubling-up/Over-crowding	0
Movement from bricks and mortar	0
Households on waiting lists for public sites	0
Total Current Need	0
Future Need	
5 year need from older teenage children	0
Households on sites with temporary planning permission	0
In-migration	0
New household formation	0
<i>(No current or future need from 3 households)</i>	
Total Future Needs	0
Net Pitch Need = (Current and Future Need – Total Supply)	0

Figure 13 – Additional need for Gypsy and Traveller households in North Hertfordshire that do not meet the Planning Definition by 5 year periods

Years	0-5	6-10	11-14	15	Total
	2017-22	2022-27	2027-31	2032	
	0	0	0	0	0

Appendix D: Sites and Yards Lists (March 2017)

Site/Yard	Authorised Pitches or Plots	Unauthorised Pitches or Plots
Public Sites		
None	-	-
Private Sites with Permanent Permission		
Pulmore Water/Wexford Park	12	-
Private Sites with Temporary Permission		
None	-	-
Tolerated Sites – Long-term without Planning Permission		
None	-	-
Unauthorised Developments		
Land at Junction of Pottersheath Road and Danesbury Park Road	-	4
Pulmore Water	-	6
TOTAL PITCHES	12	10

Appendix E: Household Interview Questions

NOT FOR CIRCULATION

GTAA Questionnaire 2016



INTERVIEWER: Good Morning/afternoon/evening. My name is < > from Opinion Research Services, working on behalf of XXXX Council.

The Council are undertaking a study of Gypsy, Traveller and Travelling Showpeople accommodation needs assessment in this area. This is needed to make sure that accommodation needs are properly assessed and to get a better understanding of the needs of the Travelling Community.

The Council need to try and speak with every Gypsy, Traveller and Travelling Showpeople household in the area to make sure that the assessment of need is accurate.

Your household will not be identified and all the information collected will be anonymous and will only be used to help understand the needs of Gypsy, Traveller and Travelling Showpeople households.

ORS is registered under the Data Protection Act 1998. Your responses will be stored and processed electronically and securely. This paper form will be securely destroyed after processing. Your household will not be identified to the council and only anonymous data and results will be submitted, though verbatim comments may be reported in full, and the data from this survey will only be used to help understand the needs of Gypsy, Traveller and Travelling Showpeople households

A General Information

A1	Name of planning authority: <i>INTERVIEWER please write in</i>					
A2	Date/time of site visit(s): <i>INTERVIEWER please write in</i>	DD/MM/YY	TIME			
A3	Name of interviewer: <i>INTERVIEWER please write in</i>					
A4	Address and pitch number: <i>INTERVIEWER please write in</i>					
A5	Type of accommodation: <i>INTERVIEWER please cross one box only</i>	Council <input type="checkbox"/>	Private rented <input type="checkbox"/>	Private owned <input type="checkbox"/>	Unauthorised <input type="checkbox"/>	Bricks and Mortar <input type="checkbox"/>
A6	Name of Family: <i>INTERVIEWER please write in</i>					
A7	Ethnicity of Family: <i>INTERVIEWER please cross one box only</i>	Romany Gypsy <input type="checkbox"/>	Irish Traveller <input type="checkbox"/>	Scots Gypsy or Traveller <input type="checkbox"/>	Show Person <input type="checkbox"/>	
		New Traveller <input type="checkbox"/>	English Traveller <input type="checkbox"/>	Welsh Gypsy <input type="checkbox"/>	Non-Traveller <input type="checkbox"/>	
		Other (please specify)				
A8	Number of units on the pitch: <i>INTERVIEWER please write in</i>	Mobile homes	Touring Caravans	Day Rooms	Other (please specify)	

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A9 Is this site your main place of residence? If not where is?

INTERVIEWER: Please cross one box only

Yes

No

If not main place of residence where is (please specify)

A10 How long have you lived here? If you have moved in the past 5 years, where did you move from? INTERVIEWER: Please write in below

Years

Months

If you have moved in the past 5 years,
where did you move from? Include ALL moves

A11 Did you live here out of your own choice or because there was no other option? If there was no other option, why? INTERVIEWER: Please cross one box only

Choice

No option

If no option, why?

A12 Is this site suitable for your household? If so why and if not why not? (For example close to schools, work, healthcare, family and friends etc.)

INTERVIEWER: Please cross one box only

Yes

No

Reasons (please specify)

A13 How many separate families or unmarried adults live on this pitch?

INTERVIEWER: Please cross one box only

1

2

3

4

5

6

7

8

9

10

B

Demographics

B1 Demographics — Household 1 INTERVIEWER: Please write-in

Person 1

Person 2

Person 3

Sex

Age

Sex

Age

Sex

Age

Complete additional forms for each household on pitch INTERVIEWER: Please write-in

Person 4

Person 5

Person 6

Person 7

Person 8

Sex

Age

Sex

Age

Sex

Age

Sex

Age

Sex

Age

C

Accommodation Needs

C1 How many families or unmarried adults living on this pitch are in need of a pitch of their own in the next 5 years? INTERVIEWER: Please cross one box only

INTERVIEWER: AN ADULT IS DEFINED AS 16+

1

2

3

4

5

6

7

8

9

10

Other Please specify

NOT FOR CIRCULATION

C2 How many of your children will need a home of their own in the next 5 years? If they live here now, will they want to stay on this site? If not, where would they wish to move? (e.g. other site, in bricks and mortar etc.) If they do not live on this site, where do they currently live and would they want to move on to this site or another local site if they could get a pitch? *INTERVIEWER: Please cross one box only*

1	2	3	4	5	6	7	8	9	10
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Other *Please specify*

Details (Please specify)

D Waiting List

D1 Is anyone living here on the waiting list for a pitch in this area? *INTERVIEWER: Please cross one box only*

Yes → Continue to D2
 No → Go to D4

D2 How many people living here are on the waiting list for a pitch in this area? *INTERVIEWER: Please cross one box only*

1	2	3	4	5	6	7	8	9	10
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Other *(Please specify)*

Details (Please specify)

D3 How long have they been on the waiting list? *INTERVIEWER: Please cross one box only*

0-3 months	3-6 months	6-12 months	1-2 years	2+ years
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Other *(Please specify)*

Details (Please specify)

D4 If they are not on the waiting list, do any of the people living here want to be on the waiting list? (*INTERVIEWER* if they do - please take their contact details) *INTERVIEWER: Please cross one box only*

1	2	3	4	5	6	7	8	9	10
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

No Other *(Please specify)*

Details (Please specify) and take contact details

NOT FOR CIRCULATION

E	Future Accommodation Needs				
E1	Do you plan to move from this site in the next 5 years? If so, why?				
	<i>INTERVIEWER: Please cross one box only</i>				
	Yes <input type="checkbox"/>	<i>If yes</i> →	<i>Continue to E2</i>	If so, why? (please specify)	
	No <input type="checkbox"/>	<i>If no</i> →	<i>Go to F1</i>		
E2	Where would you move to? <i>INTERVIEWER: Please cross one box only</i>				
	Another site in this area <i>(specify where)</i>	A site in another council area <i>(specify where)</i>	Bricks and mortar in this area <i>(specify where)</i>	Bricks and mortar in another council area <i>(specify where)</i>	Other <i>(Please specify)</i>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Please specify where they would move to				
E3	If you want to move would you prefer to buy a private pitch or site, or rent a pitch on a public or private site? <i>INTERVIEWER: Please cross one box only</i>				
	Private buy <input type="checkbox"/>	Private rent <input type="checkbox"/>	Public rent <input type="checkbox"/>		
E4	Can you afford to buy a private pitch or site? <i>INTERVIEWER: Please cross one box only</i>				
	Yes <input type="checkbox"/>	No <input type="checkbox"/>			
E5	Are you aware of, or do you own any land that could have potential for new pitches? <i>INTERVIEWER: Please cross one box only</i>				
	Yes <input type="checkbox"/>	No <input type="checkbox"/>			
	Please ask for details on where land/site is located and who owns the land/site?				

NOT FOR CIRCULATION

F	Travelling
F1	<p>How many trips, living in a caravan or trailer, have you or members of your family made away from your permanent base in the last 12 months? <i>INTERVIEWER: Please cross one box only</i></p> <p style="text-align: center;"> <input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5+ </p> <p style="text-align: center;"> ↓ Go to F6 ↪ Continue to F2 </p>
F2	<p>If you or members of your family have travelled in the last 12 months, which family members travelled? <i>INTERVIEWER: Please cross one box only</i></p> <p style="text-align: center;"> <input type="checkbox"/> All the family <input type="checkbox"/> Adult males <input type="checkbox"/> Other </p> <p style="text-align: right; border: 1px solid black; padding: 2px; display: inline-block;">If other, please specify</p>
F3	<p>What were the <u>main</u> reasons for travelling? <i>INTERVIEWER: Please cross all that apply</i></p> <p style="text-align: center;"> <input type="checkbox"/> Work <input type="checkbox"/> Holidays <input type="checkbox"/> Visiting family <input type="checkbox"/> Fairs <input type="checkbox"/> Other </p> <p style="text-align: center; border: 1px solid black; padding: 2px;">Details / specify if necessary</p>
F4	<p>At what time of year do you or family members usually travel? And for how long? <i>INTERVIEWER: Please cross one box only</i></p> <p style="text-align: center;"> <input type="checkbox"/> All year <input type="checkbox"/> Summer <input type="checkbox"/> Winter </p> <p style="text-align: center; border: 1px solid black; padding: 2px;">And for how long?</p>
F5	<p>Where do you or family members usually stay when they are travelling? <i>INTERVIEWER: Please cross all boxes that apply</i></p> <p style="text-align: center;"> <input type="checkbox"/> LA transit sites <input type="checkbox"/> Private transit sites <input type="checkbox"/> Roadside <input type="checkbox"/> Friends/family <input type="checkbox"/> Other </p> <p style="text-align: right; border: 1px solid black; padding: 2px; display: inline-block;">If other, please specify</p>
F6	<p>INTERVIEWER: Ask F6 — F8 <u>ONLY</u> if F1 = 0. Otherwise, go to F9</p> <p>Have you or family members ever travelled? <i>INTERVIEWER: Please cross one box only</i></p> <p style="text-align: center;"> <input type="checkbox"/> Yes <input type="checkbox"/> —————> Continue to F7 <input type="checkbox"/> No <input type="checkbox"/> —————> Go to F9 </p>
F7	<p>When did you or family members last travel? <i>INTERVIEWER: Please write in</i></p> <p style="text-align: center; border: 1px solid black; padding: 2px;">Details</p>
F8	<p>Why do you not travel anymore? <i>INTERVIEWER: Cross all boxes that apply & probe for details</i></p> <p style="text-align: center;"> <input type="checkbox"/> Children in school <input type="checkbox"/> Ill health <input type="checkbox"/> Old age <input type="checkbox"/> Settled now <input type="checkbox"/> Nowhere to stop <input type="checkbox"/> No work opportunities <input type="checkbox"/> Other </p> <p style="text-align: center; border: 1px solid black; padding: 2px;">If other, please specify</p> <p style="text-align: center; border: 1px solid black; padding: 2px; font-size: small;">Details about children in school, types of ill health, or looking after relative with poor health, and specific problems/issues relating to old age</p>

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F9 Do you or other family members plan to travel in the future?

INTERVIEWER: Please cross one box only

- Yes → Continue to F10
No → Go to G1
Don't know → Go to G1

F10 When, and for what purpose do you/they plan to travel?

Details

F11 Is there anything else you would like to tell us about your travelling patterns?

Details

G Any other information**G1 Any other information about this site or your accommodation needs?**

INTERVIEWER: Please write in

Details (e.g. can current and future needs be met
by expanding or intensifying the existing site?)

G2 Site/Pitch plan? Any concerns? *INTERVIEWER: Please sketch & write in*

Sketch of Site/Pitch — any concerns?

Are any adaptations needed?

Why does the current accommodation not meet the household's needs; and could their needs could be addressed in situ e.g. extra caravans. This could cover people wanting to live with that household but who cannot currently

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H Bricks & Mortar Contacts	
H1	Contacts for Bricks and Mortar interviews? <i>INTERVIEWER: Please write in</i>
<p>Details</p>	
Quality control	
<i>INTERVIEWER: May I also take your name, telephone number and address? ORS may wish to contact you to confirm that this interview took place. These details will only be used for this purpose and will not be passed onto anyone else.</i>	
Respondent's Name.....	<input type="text"/>
Respondent's Telephone.....	<input type="text"/>
Respondent's Email.....	<input type="text"/>
<i>INTERVIEWER: Thank you for your time and help completing this questionnaire</i>	
INTERVIEWERS DECLARATION:	
<i>I certify that I have conducted this interview personally with the person named above in accordance with the Market Research Society Code of Conduct</i>	
<i>Interviewers Signature:</i>	
<input type="text"/>	

Appendix F: Technical Note on Household Formation and Growth Rates



Technical Note

Gypsy and Traveller Household Formation and Growth Rates

August 26th 2015

Opinion Research Services
Spin-out company of Swansea University



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Household Growth Rates

Abstract and conclusions

1. National and local household formation and growth rates are important components of Gypsy and Traveller accommodation assessments, but little detailed work has been done to assess their likely scale. Nonetheless, nationally, a net growth rate of 3% per annum has been commonly assumed and widely used in local assessments – even though there is actually no statistical evidence of households growing so quickly. The result has been to inflate both national and local requirements for additional pitches unrealistically.
2. Those seeking to provide evidence of high annual net household growth rates for Gypsies and Travellers have sometimes sought to rely on increases in the number of caravans, as reflected in caravan counts. However, caravan count data are unreliable and erratic – so the only proper way to project future population and household growth is through demographic analysis (which, of course, is used to assess housing needs in the settled community).
3. The growth in the Gypsy and Traveller population may be as low as 1.25% per annum – a rate which is much less than the 3% per annum often assumed, but still at least four times greater than in the general population. Even using extreme and unrealistic assumptions, it is hard to find evidence that net Gypsy and Traveller population and household growth rates are above 2% per annum nationally.
4. The often assumed 3% per annum net household growth rate is unrealistic and would require clear statistical evidence before being used for planning purposes. In practice, the best available evidence supports a national net household growth rate of 1.5% per annum for Gypsies and Travellers.
5. Some local authorities might perhaps allow for a household growth rate of up to 2.5% per annum, to provide a ‘margin’ if their populations are relatively youthful; but in areas where on-site surveys indicate that there are fewer children in the Gypsy and Traveller communities, the lower estimate of 1.5% per annum should be used for planning purposes.

Introduction

6. The rate of household growth is a key element in all housing assessments, including Gypsy and Traveller accommodation assessments. Compared with the general population, the relative youthfulness of many Gypsy and Traveller populations means that their birth rates are likely to generate higher-than-average population growth, and proportionately higher *gross* household formation rates. However, while their *gross* rate of household growth might be high, Gypsy and Traveller communities’ future accommodation needs are, in practice, affected by any reduction in the number of households due to dissolution and/or by movements in/out of the area and/or by transfers into other forms of housing. Therefore, the *net* rate of household growth is the *gross* rate of formation *minus* any reductions in households due to such factors. Of course, it is the *net* rate that is important in determining future accommodation needs for Gypsies and Travellers.

7. In this context, it is a matter of concern that many Gypsy and Traveller accommodation needs assessments have not distinguished *gross* and *net* growth rates nor provided evidence for their assumed rates of household increase. These deficiencies are particularly important because when assumed growth rates are unrealistically high, and then compounded over a number of planning years, they can yield exaggerated projections of accommodation needs and misdirect public policy. Nonetheless, assessments and guidance documents have assumed 'standard' *net* growth rates of about 3% without sufficiently recognising either the range of factors impacting on the *gross* household growth rates or the implications of unrealistic assumptions when projected forward on a compound basis year by year.
8. For example, in a study for the Office of the Deputy Prime Minister ('Local Authority Gypsy and Traveller Sites in England', 2003), Pat Niner concluded that *net* growth rates as high as 2%-3% per annum should be assumed. Similarly, the Regional Spatial Strategies (RSS) (which continued to be quoted after their abolition was announced in 2010) used *net* growth rates of 3% per annum without providing any evidence to justify the figure (For example, 'Accommodation for Gypsies and Travellers and Travelling Showpeople in the East of England: A Revision to the Regional Spatial Strategy for the East of England July 2009').
9. However, the guidance of the Department of Communities and Local Government ('Gypsy and Traveller Accommodation Needs Assessments: Guidance', 2007) was much clearer in saying that:

The 3% family formation growth rate is used here as an example only. The appropriate rate for individual assessments will depend on the details identified in the local survey, information from agencies working directly with local Gypsy and Traveller communities, and trends identified from figures previously given for the caravan count. [In footnote 6, page 25]
10. The guidance emphasises that local information and trends should always be taken into account – because the *gross* rate of household growth is moderated by reductions in households through dissolution and/or by households moving into bricks and mortar housing or moving to other areas. In other words, even if 3% is plausible as a *gross* growth rate, it is subject to moderation through such reductions in households through dissolution or moves. It is the resulting *net* household growth rate that matters for planning purposes in assessing future accommodation needs.
11. The current guidance also recognises that assessments should use local evidence for *net* future household growth rates. A letter from the Minister for Communities and Local Government (Brandon Lewis MP), to Andrew Selous MP (placed in the House of Commons library on March 26th 2014) said:

I can confirm that the annual growth rate figure of 3% does not represent national planning policy.

The previous Administration's guidance for local authorities on carrying out Gypsy and Traveller Accommodation Assessments under the Housing Act 2004 is unhelpful in that it uses an illustrative example of calculating future accommodation need based on the 3% growth rate figure. The guidance notes that the appropriate rate for individual assessments will depend on the details identified in the local authority's own assessment of need. As such the Government is not endorsing or supporting the 3% growth rate figure.'

12. Therefore, while there are many assessments where a national Gypsy and Traveller household growth rate of 3% per annum has been assumed (on the basis of 'standard' precedent and/or guidance), there is little to justify this position and it conflicts with current planning guidance. In this context, this document seeks to integrate available evidence about *net* household growth rates in order to provide a more robust basis for future assessments.

Compound growth

13. The assumed rate of household growth is crucially important for Gypsy and Traveller studies because for future planning purposes it is projected over time on a compound basis – so errors are progressively enlarged. For example, if an assumed 3% *net* growth rate is compounded each year then the implication is that the number of households will double in only 23.5 years; whereas if a *net* compound rate of 1.5% is used then the doubling of household numbers would take 46.5 years. The table below shows the impact of a range of compound growth rates.

Table 1
Compound Growth Rates and Time Taken for Number of Households to Double

Household Growth Rate per Annum	Time Taken for Household to Double
3.00%	23.5 years
2.75%	25.5 years
2.50%	28 years
2.25%	31 years
2.00%	35 years
1.75%	40 years
1.50%	46.5 years

14. The above analysis is vivid enough, but another illustration of how different rates of household growth impact on total numbers over time is shown in the table below – which uses a baseline of 100 households while applying different compound growth rates over time. After 5 years, the difference between a 1.5% growth rate and a 3% growth rate is only 8 households (116 minus 108); but with a 20-year projection the difference is 46 households (181 minus 135).

Table 2
Growth in Households Over time from a Baseline of 100 Households

Household Growth Rate per Annum	5 years	10 years	15 years	20 years	50 years	100 years
3.00%	116	134	156	181	438	1,922
2.75%	115	131	150	172	388	1,507
2.50%	113	128	145	164	344	1,181
2.25%	112	125	140	156	304	925
2.00%	110	122	135	149	269	724
1.75%	109	119	130	141	238	567
1.50%	108	116	125	135	211	443

15. In summary, the assumed rate of household growth is crucially important because any exaggerations are magnified when the rate is projected over time on a compound basis. As we have shown, when compounded and projected over the years, a 3% annual rate of household growth implies much larger future Gypsy and Traveller accommodation requirements than a 1.5% per annum rate.

Caravan counts

16. Those seeking to demonstrate national Gypsy and Traveller household growth rates of 3% or more per annum have, in some cases, relied on increases in the number of caravans (as reflected in caravan counts) as their evidence. For example, some planning agents have suggested using 5-year trends in the national caravan count as an indication of the general rate of Gypsy and Traveller household growth. For example, the count from July 2008 to July 2013 shows a growth of 19% in the number of caravans on-site – which is equivalent to an average annual compound growth rate of 3.5%. So, *if plausible*, this approach could justify using a 3% or higher annual household growth rate in projections of future needs.
17. However, caravan count data are unreliable and erratic. For example, the July 2013 caravan count was distorted by the inclusion of 1,000 caravans (5% of the total in England) recorded at a Christian event near Weston-Super-Mare in North Somerset. Not only was this only an estimated number, but there were no checks carried out to establish how many caravans were occupied by Gypsies and Travellers. Therefore, the resulting count overstates the Gypsy and Traveller population and also the rate of household growth.
18. ORS has applied the caravan-counting methodology hypothetically to calculate the implied national household growth rates for Gypsies and Travellers over the last 15 years, and the outcomes are shown in the table below. The January 2013 count suggests an average annual growth rate of 1.6% over five years, while the July 2013 count gives an average 5-year rate of 3.5%; likewise a study benchmarked at January 2004 would yield a growth rate of 1%, while one benchmarked at January 2008 would imply a 5% rate of growth. Clearly any model as erratic as this is not appropriate for future planning.

Table 3
National CLG Caravan Count July 1998 to July 2014 with Growth Rates (Source: CLG)

Date	Number of caravans	5 year growth in caravans	Percentage growth over 5 years	Annual over last 5 years.
Jan 2015	20,123	1,735	9.54%	1.84%
July 2014	20,035	2,598	14.90%	2.81%
Jan 2014	19,503	1,638	9.17%	1.77%
July 2013	20,911	3,339	19.00%	3.54%
Jan 2013	19,359	1,515	8.49%	1.64%
Jul 2012	19,261	2,112	12.32%	2.35%
Jan 2012	18,746	2,135	12.85%	2.45%
Jul 2011	18,571	2,258	13.84%	2.63%
Jan 2011	18,383	2,637	16.75%	3.15%
Jul 2010	18,134	2,271	14.32%	2.71%
Jan 2010	18,370	3,001	19.53%	3.63%
Jul 2009	17,437	2,318	15.33%	2.89%
Jan 2009	17,865	3,503	24.39%	4.46%
Jul 2008	17,572	2,872	19.54%	3.63%
Jan 2008	17,844	3,895	27.92%	5.05%

Jul 2007	17,149	2,948	20.76%	3.84%
Jan 2007	16,611	2,893	21.09%	3.90%
Jul 2006	16,313	2,511	18.19%	3.40%
Jan 2006	15,746	2,352	17.56%	3.29%
Jul 2005	15,863	2,098	15.24%	2.88%
Jan 2005	15,369	1,970	14.70%	2.78%
Jul 2004	15,119	2,110	16.22%	3.05%
Jan 2004	14,362	817	6.03%	1.18%
Jul 2003	14,700			
Jan 2003	13,949			
Jul 2002	14,201			
Jan 2002	13,718			
Jul 2001	13,802			
Jan 2001	13,394			
Jul 2000	13,765			
Jan 2000	13,399			
Jan 1999	13,009			
Jul 1998	13,545			

19. The annual rate of growth in the number of caravans varies from slightly over 1% to just over 5% per annum. We would note that if longer time periods are used the figures do become more stable. Over the 36 year period 1979 (the start of the caravan counts) to 2015 the compound growth rate in caravan numbers has been 2.5% per annum.
20. However, there is no reason to assume that these widely varying rates correspond with similar rates of increase in the household population. In fact, the highest rates of caravan growth occurred between 2006 and 2009, when the first wave of Gypsy and Traveller accommodation needs assessments were being undertaken – so it seems plausible that the assessments prompted the inclusion of additional sites and caravans (which may have been there, but not counted previously). Counting caravan numbers is very poor proxy for Gypsy and Traveller household growth. Caravans counted are not always occupied by Gypsy and Traveller families and numbers of caravans held by families may increase generally as affluence and economic conditions improve, (but without a growth in households)
21. There is no reason to believe that the varying rates of increase in the number of caravans are matched by similar growth rates in the household population. The caravan count is not an appropriate planning guide and the only proper way to project future population and household growth is through demographic analysis – which should consider both population and household growth rates. This approach is not appropriate to needs studies for the following reasons:

Modelling population growth

Introduction

22. The basic equation for calculating the rate of Gypsy and Traveller population growth seems simple: start with the base population and then calculate the average increase/decrease by allowing for births, deaths and in-/out-migration. Nevertheless, deriving satisfactory estimates is difficult because the evidence is often tenuous – so, in this context, ORS has modelled the growth of the national Gypsy and Traveller population based on the most likely birth and death rates, and by using PopGroup (the leading software for

population and household forecasting). To do so, we have supplemented the available national statistical sources with data derived locally (from our own surveys) and in some cases from international research. None of the supplementary data are beyond question, and none will stand alone; but, when taken together they have cumulative force. In any case the approach we adopt is more critically self-aware than simply adopting 'standard' rates on the basis of precedent.

Migration effects

23. Population growth is affected by national net migration and local migration (as Gypsies and Travellers move from one area to another). In terms of national migration, the population of Gypsies and Travellers is relatively fixed, with little international migration. It is in principle possible for Irish Travellers (based in Ireland) to move to the UK, but there is no evidence of this happening to a significant extent and the vast majority of Irish Travellers were born in the UK or are long-term residents. In relation to local migration effects, Gypsies and Travellers can and do move between local authorities – but in each case the in-migration to one area is matched by an out-migration from another area. Since it is difficult to estimate the net effect of such movements over local plan periods, ORS normally assumes that there will be nil net migration to/from an area. Nonetheless, where it is possible to estimate specific in-/out- migration effects, we take account of them, while distinguishing between migration and household formation effects.

Population profile

24. The main source for the rate of Gypsy and Traveller population growth is the UK 2011 Census. In some cases the data can be supplemented by ORS's own household survey data which is derived from more than 2,000 face-to-face interviews with Gypsies and Travellers since 2012. The ethnicity question in the 2011 census included for the first time 'Gypsy and Irish Traveller' as a specific category. While non-response bias probably means that the size of the population was underestimated, the age profile the census provides is not necessarily distorted and matches the profile derived from ORS's extensive household surveys.
25. The age profile is important, as the table below (derived from census data) shows. Even assuming zero deaths in the population, achieving an annual population growth of 3% (that is, doubling in size every 23.5 years) would require half of the "year one" population to be aged under 23.5 years. When deaths are accounted for (at a rate of 0.5% per annum), to achieve the same rate of growth, a population of Gypsies and Travellers would need about half its members to be aged under 16 years. In fact, though, the 2011 census shows that the midway age point for the national Gypsy and Traveller population is 26 years – so the population could not possibly double in 23.5 years.

Table 4

Age Profile for the Gypsy and Traveller Community in England (Source: UK Census of Population 2011)

Age Group	Number of People	Cumulative Percentage
Age 0 to 4	5,725	10.4
Age 5 to 7	3,219	16.3
Age 8 to 9	2,006	19.9
Age 10 to 14	5,431	29.8
Age 15	1,089	31.8
Age 16 to 17	2,145	35.7
Age 18 to 19	1,750	38.9

Age 20 to 24	4,464	47.1
Age 25 to 29	4,189	54.7
Age 30 to 34	3,833	61.7
Age 35 to 39	3,779	68.5
Age 40 to 44	3,828	75.5
Age 45 to 49	3,547	82.0
Age 50 to 54	2,811	87.1
Age 55 to 59	2,074	90.9
Age 60 to 64	1,758	94.1
Age 65 to 69	1,215	96.3
Age 70 to 74	905	97.9
Age 75 to 79	594	99.0
Age 80 to 84	303	99.6
Age 85 and over	230	100.0

Birth and fertility rates

26. The table above provides a way of understanding the rate of population growth through births. The table shows that surviving children aged 0-4 years comprise 10.4% of the Gypsy and Traveller population – which means that, on average, 2.1% of the total population was born each year (over the last 5 years). The same estimate is confirmed if we consider that those aged 0-14 comprise 29.8% of the Gypsy and Traveller population – which also means that almost exactly 2% of the population was born each year. (Deaths during infancy will have minimal impact within the early age groups, so the data provides the best basis for estimating of the birth rate for the Gypsy and Traveller population.)
27. The total fertility rate (TFR) for the whole UK population is just below 2 – which means that on average each woman can be expected to have just less than two children who reach adulthood. We know of only one estimate of the fertility rates of the UK Gypsy and Traveller community. This is contained in the book, ‘Ethnic identity and inequalities in Britain: The dynamics of diversity’ by Dr Stephen Jivraj and Professor Ludi Simpson published in May 2015. This draws on the 2011 Census data and provides an estimated total fertility rate of 2.75 for the Gypsy and traveller community
28. ORS’s have been able to examine our own survey data to investigate the fertility rate of Gypsy and Traveller women. The ORS data shows that, on average, Gypsy and Traveller women aged 32 years have 2.5 children (but, because the children of mothers above this age point tend to leave home progressively, full TFRs were not completed). On this basis it is reasonable to assume an average of three children per woman during her lifetime which would be consistent with the evidence from the 2011 Census of a figure of around 2.75 children per woman. In any case, the TFR for women aged 24 years is 1.5 children, which is significantly short of the number needed to double the population in 23.5 years – and therefore certainly implies a net growth rate of less than 3% per annum.

Death rates

29. Although the above data imply an annual growth rate through births of about 2%, the death rate has also to be taken into account – which means that the *net* population growth cannot conceivably achieve 2% per

annum. In England and Wales there are nearly half-a-million deaths each year – about 0.85% of the total population of 56.1 million in 2011. If this death rate is applied to the Gypsy and Traveller community then the resulting projected growth rate is in the region of 1.15%-1.25% per annum.

30. However, the Gypsy and Traveller population is significantly younger than average and may be expected to have a lower percentage death rate overall (even though a smaller than average proportion of the population lives beyond 68 to 70 years). While there can be no certainty, an assumed death rate of around 0.5% to 0.6% per annum would imply a net population growth rate of around 1.5% per annum.
31. Even though the population is younger and has a lower death rate than average, Gypsies and Travellers are less likely than average to live beyond 68 to 70 years. Whereas the average life expectancy across the whole population of the UK is currently just over 80 years, a Sheffield University study found that Gypsy and Traveller life expectancy is about 10-12 years less than average (Parry et al (2004) 'The Health Status of Gypsies and Travellers: Report of Department of Health Inequalities in Health Research Initiative', University of Sheffield). Therefore, in our population growth modelling we have used a conservative estimate of average life expectancy as 72 years – which is entirely consistent with the lower-than-average number of Gypsies and Travellers aged over 70 years in the 2011 census (and also in ORS's own survey data). On the basis of the Sheffield study, we could have supposed a life expectancy of only 68, but we have been cautious in our approach.

Modelling outputs

32. If we assume a TFR of 3 and an average life expectancy of 72 years for Gypsies and Travellers, then the modelling projects the population to increase by 66% over the next 40 years – implying a population compound growth rate of 1.25% per annum (well below the 3% per annum often assumed). If we assume that Gypsy and Traveller life expectancy increases to 77 years by 2050, then the projected population growth rate rises to nearly 1.5% per annum. To generate an 'upper range' rate of population growth, we have assumed a TFR of 4 and an average life expectancy rising to 77 over the next 40 years – which then yields an 'upper range' growth rate of 1.9% per annum. We should note, though, that national TFR rates of 4 are currently found only in sub-Saharan Africa and Afghanistan, so it is an implausible assumption.
33. There are indications that these modelling outputs are well founded. For example, in the ONS's 2012-based Sub-National Population Projections the projected population growth rate for England to 2037 is 0.6% per annum, of which 60% is due to natural change and 40% due to migration. Therefore, the natural population growth rate for England is almost exactly 0.35% per annum – meaning that our estimate of the Gypsy and Traveller population growth rate is four times greater than that of the general population of England.
34. The ORS Gypsy and Traveller findings are also supported by data for comparable populations around the world. As noted, on the basis of sophisticated analysis, Hungary is planning for its Roma population to grow at around 2.0% per annum, but the underlying demographic growth is typically closer to 1.5% per annum. The World Bank estimates that the populations of Bolivia, Cambodia, Egypt, Malaysia, Pakistan, Paraguay, Philippines and Venezuela (countries with high birth rates and improving life expectancy) all show population growth rates of around 1.7% per annum. Therefore, in the context of national data, ORS's modelling and plausible international comparisons, it is implausible to assume a net 3% annual growth rate for the Gypsy and Traveller population.

Household growth

35. In addition to population growth influencing the number of households, the size of households also affects the number. Hence, population and household growth rates do not necessarily match directly, mainly due to the current tendency for people to live in smaller (childless or single person) households (including, of course, older people (following divorce or as surviving partners)). Based on such factors, the CLG 2012-based projections convert current population data to a projected household growth rate of 0.85% per annum (compared with a population growth rate of 0.6% per annum).
36. Because the Gypsy and Traveller population is relatively young and has many single parent households, a 1.5% annual population growth could yield higher-than-average household growth rates, particularly if average household sizes fall or if younger-than-average households form. However, while there is evidence that Gypsy and Traveller households already form at an earlier age than in the general population, the scope for a more rapid rate of growth, through even earlier household formation, is limited.
37. Based on the 2011 census, the table below compares the age of household representatives in English households with those in Gypsy and Traveller households – showing that the latter has many more household representatives aged under-25 years. In the general English population 3.6% of household representatives are aged 16-24, compared with 8.7% in the Gypsy and Traveller population. Because the census includes both housed and on-site Gypsies and Travellers without differentiation, it is not possible to know if there are different formation rates on sites and in housing. However, ORS's survey data (for sites in areas such as Central Bedfordshire, Cheshire, Essex, Gloucestershire and a number of authorities in Hertfordshire) shows that about 10% of Gypsy and Traveller households have household representatives aged under-25 years.

Table 5

Age of Head of Household (Source: UK Census of Population 2011)

Age of household representative	All households in England		Gypsy and Traveller households in England	
	Number of households	Percentage of households	Number of households	Percentage of households
Age 24 and under	790,974	3.6%	1,698	8.7%
Age 25 to 34	3,158,258	14.3%	4,232	21.7%
Age 35 to 49	6,563,651	29.7%	6,899	35.5%
Age 50 to 64	5,828,761	26.4%	4,310	22.2%
Age 65 to 74	2,764,474	12.5%	1,473	7.6%
Age 75 to 84	2,097,807	9.5%	682	3.5%
Age 85 and over	859,443	3.9%	164	0.8%
Total	22,063,368	100%	19,458	100%

38. The following table shows that the proportion of single person Gypsy and Traveller households is not dissimilar to the wider population of England; but there are more lone parents, fewer couples without children, and fewer households with non-dependent children amongst Gypsies and Travellers. This data suggest that Gypsy and Traveller households form at an earlier age than the general population.

Table 6
Household Type (Source: UK Census of Population 2011)

Household Type	All households in England		Gypsy and Traveller households in England	
	Number of households	Percentage of households	Number of households	Percentage of households
Single person	6,666,493	30.3%	5,741	29.5%
Couple with no children	5,681,847	25.7%	2345	12.1%
Couple with dependent children	4,266,670	19.3%	3683	18.9%
Couple with non-dependent children	1,342,841	6.1%	822	4.2%
Lone parent: Dependent children	1,573,255	7.1%	3,949	20.3%
Lone parent: All children non-dependent	766,569	3.5%	795	4.1%
Other households	1,765,693	8.0%	2,123	10.9%
Total	22,063,368	100%	19,458	100%

39. ORS's own site survey data is broadly compatible with the data above. We have found that: around 50% of pitches have dependent children compared with 45% in the census; there is a high proportion of lone parents; and about a fifth of Gypsy and Traveller households appear to be single person households. One possible explanation for the census finding a higher proportion of single person households than the ORS surveys is that many older households are living in bricks and mortar housing (perhaps for health-related reasons).
40. ORS's on-site surveys have also found more female than male residents. It is possible that some single person households were men linked to lone parent females and unwilling to take part in the surveys. A further possible factor is that at any time about 10% of the male Gypsy and Traveller population is in prison – an inference drawn from the fact that about 5% of the male prison population identify themselves as Gypsies and Travellers ('People in Prison: Gypsies, Romany and Travellers', Her Majesty's Inspectorate of Prisons, February 2004) – which implies that around 4,000 Gypsies and Travellers are in prison. Given that almost all of the 4,000 people are male and that there are around 200,000 Gypsies and Travellers in total, this equates to about 4% of the total male population, but closer to 10% of the adult male population.
41. The key point, though, is that since 20% of Gypsy and Traveller households are lone parents, and up to 30% are single persons, there is limited potential for further reductions in average household size to increase current household formation rates significantly – and there is no reason to think that earlier household formations or increasing divorce rates will in the medium term affect household formation rates. While there are differences with the general population, a 1.5% per annum Gypsy and Traveller population

growth rate is likely to lead to a household growth rate of 1.5% per annum – more than the 0.85% for the English population as a whole, but much less than the often assumed 3% rate for Gypsies and Travellers.

Household dissolution rates

42. Finally, consideration of household dissolution rates also suggests that the net household growth rate for Gypsies and Travellers is very unlikely to reach 3% per annum (as often assumed). The table below, derived from ORS's mainstream strategic housing market assessments, shows that generally household dissolution rates are between 1.0% and 1.7% per annum. London is different because people tend to move out upon retirement, rather than remaining in London until death. To adopt a 1.0% dissolution rate as a standard guide nationally would be too low, because it means that average households will live for 70 years after formation. A 1.5% dissolution rate would be a more plausible as a national guide, implying that average households live for 47 years after formation.

Table 7
Annual Dissolution Rates (Source: SHMAs undertaken by ORS)

Area	Annual projected household dissolution	Number of households	Percentage
Greater London	25,000	3,266,173	0.77%
Blaenau Gwent	468.2	30,416	1.54%
Bradford	3,355	199,296	1.68%
Ceredigion	348	31,562	1.10%
Exeter, East Devon, Mid Devon, Teignbridge and Torbay	4,318	254,084	1.70%
Neath Port Talbot	1,352	57,609	2.34%
Norwich, South Norfolk and Broadland	1,626	166,464	0.98%
Suffolk Coastal	633	53,558	1.18%
Monmouthshire Newport Torfaen	1,420	137,929	1.03%

43. The 1.5% dissolution rate is important because the death rate is a key factor in moderating the *gross* household growth rate. Significantly, applying a 1.5% dissolution rate to a 3% *gross* household growth formation rate yields a *net* rate of 1.5% per annum – which ORS considers is a realistic figure for the Gypsy and Traveller population and which is in line with other demographic information. After all, based on the dissolution rate, a *net* household formation rate of 3% per annum would require a 4.5% per annum *gross* formation rate (which in turn would require extremely unrealistic assumptions about birth rates).

Summary conclusions

44. Future Gypsy and Traveller accommodation needs have typically been over-estimated because population and household growth rates have been projected on the basis of assumed 3% per annum net growth rates.
45. Unreliable caravan counts have been used to support the supposed growth rate, but there is no reason to suppose that the rate of increase in caravans corresponds to the annual growth of the Gypsy and Traveller population or households.

46. The growth of the national Gypsy and Traveller population may be as low as 1.25% per annum – which is still four times greater than in the settled community. Even using extreme and unrealistic assumptions, it is hard to find evidence that the net national Gypsy and Traveller population and household growth is above 2% per annum nationally. The often assumed 3% net household growth rate per annum for Gypsies and Travellers is unrealistic.
47. The best available evidence suggests that the net annual Gypsy and Traveller household growth rate is 1.5% per annum. The often assumed 3% per annum net rate is unrealistic. Some local authorities might allow for a household growth rate of up to 2.5% per annum, to provide a 'margin' if their populations are relatively youthful; but in areas where on-site surveys indicate that there are fewer children in the Gypsy and Traveller population, the lower estimate of 1.5% per annum should be used.

ITEM NO:	<u>Location:</u>	Land Development Off, Station Road, Ashwell
7	<u>Applicant:</u>	Beck Homes (UK) Ltd
	<u>Proposal:</u>	Residential development of 46 no. dwellings, children's play area, two new sports pitches, pavilion building and associated infrastructure.
	<u>Ref. No:</u>	17/01406/ 1
	<u>Officer:</u>	Joanne Cousins

Date of expiry of statutory period: 06 September 2017

Reason for Delay

Committee cycle.

Reason for Referral to Committee

The site is for residential development and exceeds 0.5ha therefore under the Council's constitution and scheme of delegation this planning application must be determined by the Planning Control Committee.

1.0 Relevant History

- 1.1 Pre-application advice given in December 2016 concluding that there would be substantial environmental harms associated with extending the village at its southern extremity, such harms would be at odds with Policy 6 and ***significantly and demonstrably*** outweigh the benefits of approval.

2.0 Policies

2.1 North Hertfordshire District Local Plan No.2 with Alterations 1996 (Saved Policies)

Policy 6 - Rural Areas beyond the Green Belt
Policy 14 - Nature Conservation
Policy 16 - Areas of Archaeological Significance and other Archaeological Areas
Policy 26 - Housing Proposals
Policy 29 - Rural Housing Needs
Policy 29A - Affordable Housing for Urban Local Needs
Policy 39 - Leisure Uses
Policy 51 - Development Effects and Planning Gain
Policy 55 - Car Parking Standards
Policy 57 - Residential Guidelines and Standards

2.2 National Planning Policy Framework:

Paragraph 14: Presumption in Favour of Sustainable Development
Paragraph 17: Core planning principles
Section 4: Promoting sustainable transport
Section 6. Delivering a wide choice of high quality homes
Section 7. Design
Section 10. Meeting the challenge of climate change, flooding and coastal change
Section 11. Conserving and enhancing the natural environment
Section 12. Conserving and enhancing the historic environment

2.3 **Supplementary planning documents:**

Design
Vehicle Parking Provision at New Developments
Planning Obligations

2.4 **North Hertfordshire Local Plan 2011 - 2031 (Proposed Submission, October 2016)**

Policy SP1 Sustainable Development in North Hertfordshire
Policy SP2 Settlement Hierarchy
Policy SP5 Countryside and Green Belt
Policy SP8 Housing
Policy SP9 Design and Sustainability
Policy SP10 Healthy Communities
Policy SP11 Natural Resources and Sustainability
Policy SP12 Green Infrastructure, Biodiversity and Landscape
Policy CGB1 Rural Areas beyond the Green Belt
Policy CGB2 Exception Sites in Rural Areas
Policy T1 Assessment of Transport Matters
Policy T2 Parking
Policy HS2 Affordable Housing
Policy HS3 Housing Mix
Policy HS5 Accessible and Adaptable Housing
Policy D1 Sustainable Design
Policy D4 Air Quality
Policy HC1 Community Facilities
Policy NE1 Landscape
Policy NE5 New and improved public open space and biodiversity
Policy NE6 Designated biodiversity and geological sites
Policy NE7 Reducing Flood Risk
Policy NE8 Sustainable Drainage Systems
Policy NE9 Water Quality and Environment
Policy NE10 Water Framework Directive and Wastewater Infrastructure
Policy HE4 Archaeology

3.0 Representations

3.1 **Ashwell Parish Council** - Raise objections to the proposal. The full comments are appended to this report - see Appendix A. The objections can be summarised as follows:-

1. The site is outside the settlement boundary (both current and in the emerging Local Plan); the community benefit does not outweigh the presumption against development.
2. The proposals do not address the housing needs identified by the Neighbourhood Plan.
3. The design is contrary to the Ashwell Village Design Statement (Supplementary Planning Guidance) re density. There are concerns re the layout; access to the sports facilities is through residential areas.
4. Sustainability/Infrastructure. The village centre is some distance; this will encourage car use and exacerbate existing problems of traffic, highway safety and parking. Transport links are not good. The school is already oversubscribed.

3.2 **Site Notice / Press Notice and Neighbour consultation** – In response to publicity the Local Planning Authority has received a number of objections to the application. For a full understanding of all comments received Members can inspect the relevant pages on the Council's website. The objections can be summarised as follows:-

- It is not a designated site in the proposed development plan
- Contrary to the NPPF principles of Sustainability
- It is outside the village boundary
- The development will significantly alter the approach to the village and its character giving more of a town feel than a rural village
- The development will not integrate with the village in terms of access to amenities leading to congestion in the village centre
- Proposed development is over-bearing and out-of-scale with surrounding area
- Development is contrary to Ashwells emerging neighbourhood plan
- Would result in an unacceptably high density of dwellings in proportion to the surrounding area, also contradicting Ashwell PC's Design Statement
- Significant adverse effect on the residential amenity of neighbouring properties and users of the surrounding area, due to noise, disturbance, loss of privacy, increased traffic
- Unacceptable extension to the village of Ashwell into farm land/loss of arable land
- Loss of habitat
- Suggests that the tree planting on this site is a 'natural' barrier and screen, whereas the trees in question were deliberately planted within the last 15-20 years. Supporting such a deliberate attempt to 'partition' agricultural fields in such a manner would create a worrying precedent for future development proposals of open farmland in the area
- Loss of view
- The number of dwellings/occupants is far too high for the village to cope
- School, Doctors and sewage facilities are over capacity
- Road area is known to flood in heavy rain
- Entrance and exit will be onto a busy/fast stretch of road
- The development will add significant additional traffic to local roads and increase danger at junctions such as the A505 at Odsey
- The additional sporting facilities will add to congestion on Station Road with issues of parking and danger to pedestrians.
- The provision of sports pitches would probably require lighting and as such would add to the urbanisation of the plan
- Could the provision of leisure facilities not be construed as bribery to encourage less opposition by local residents?
- Children's play area: Given the remote proximity of the proposed development to the centre of the village would this be of benefit to the majority of existing village residents
- Sports pitches: no demand to support a new sports pitch, let alone two of them. The existing football pitch off Small Gains Lane more than caters for current needs, and the excellent cycle track in the adjacent field more than accommodates the needs of the community and surrounding area.
- The proposal has the wrong type of houses needed for Ashwell which should include single storey dwellings for retired / disabled residents. Ashwell does not need more 5 bedroom houses
- The existing track to Small Gains does not appear to benefit from this development and it is not clear if access to the allotments will be via the new road system.
- Increased pollution.

3.3 **Hertfordshire County Council - Minerals and Waste** - advise that Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP). This could be covered by the imposition of a condition.

- 3.4 **Herts Ecology** - recommend the imposition of conditions to safeguard badgers, the timing of any tree/hedge removal to safeguard birds and the submission of a "*lighting design strategy for biodiversity*". In addition suggest that a landscaping scheme is submitted that incorporate all the recommendations made by the ecologist; including, the positions of bat and bird nesting boxes, native species planting, use of flowering and fruiting species, and the inclusion of ecological features such as log and brash piles.
- 3.5 **Herts & Middlesex Wildlife Trust** - Ecological report does not objectively demonstrate that the development will deliver no net loss or where possible net gain to biodiversity, in accordance with NPPF. Bat and bird boxes recommended by the ecological report have not been clearly marked on plans.
- 3.6 **HCC Fire & Rescue Service** - Planning obligations are sought by the County Council towards fire hydrants to minimise the impact of development on Hertfordshire County Council Services for the local community. In practice, the number and location of hydrants is determined at the time the water services for the development are planned in detail and the layout of the development is known, which is usually after planning permission is granted. If, at the water scheme design stage, adequate hydrants are already available no extra hydrants will be needed.
- 3.7 **Hertfordshire Highways** - do not wish to restrict the grant of planning permission subject to the imposition of eight conditions and two highway informatives.
- 3.8 **Herts Archaeology** - the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest. Recommend that a geophysical survey and an intrusive archaeological evaluation of the site be carried out prior to determination of the application.
- 3.9 **Lead Local Flood Authority** -confirm that the flood risk assessment carried out by Sutcliffe reference LRD28682 Issue 7 dated August 2017, raises no objection on flood risk grounds and advise that the proposed development site can be adequately drained and mitigate any potential existing surface water flood risk if carried out in accordance with the overall drainage strategy. Recommend the imposition of two conditions.
- 3.10 **Environmental Protection (Land Contamination)** - Team records the land use history of the site is such that land contamination issues would not be expected, however, the increased vulnerability of the proposed land use to the presence of any contamination is such that a condition is recommended.
- 3.11 **Environmental Protection (Air Quality)** - Application of the guidance to a development of this scale and location defines the site as being a MINOR scale development and so only the minimum local air pollution mitigation is recommended by way of one condition and an Informative.
- 3.12 **Housing Supply Officer** - Comments that within the 40% affordable housing requirement (18 affordable units based on the provision of 46 units overall) a 65% rented (12 units) / 35% intermediate affordable housing (6 units) tenure split is required, in accordance with the proposed submission Local Plan and the Councils Planning Obligations SPD, supported by the 2016 Stevenage and North Hertfordshire Strategic Housing Market Assessment (SHMA) Update.

The applicants proposals include the provision of 4 x one bed flats, 6 x two bed houses and 8 x three bed houses, which does not quite match the tenure mix to best meet housing needs as identified in the 2016 SHMA. Considering the small numbers involved, a variation to the mix could be agreed and the applicants proposed mix could be accepted. It is suggest that the rented units comprise:

4 x 1 bed flats
4 x 2 bed houses
4 x 3 bed houses

And the intermediate affordable housing units comprise:

2 x 2 bed houses
4 x 3 bed houses

The affordable housing should be owned and managed by a Registered Provider (RP). Grant funding for the provision of affordable housing is not available and the affordable housing should be delivered through planning gain alone.

On a site of mixed tenure the affordable housing units should be physically indistinguishable from the market housing.

Parking courts are not desirable as they often have limited natural surveillance. Parking provision should be in front of or adjacent properties as this is the preference of most people and offers the best natural surveillance.

Whilst the Council will accept Affordable Rents on one and two bed homes up to a maximum of 80% of market rents (including service charge, if applicable); for three bed homes the maximum is 70% (including service charge, if applicable) and four bed homes should be no more than an equivalent social rent (excluding service charges, if applicable) to ensure affordability in accordance with the SHMA Update and the Councils Tenancy Strategy. In addition all rents should be within Local Housing Allowance (LHA) rates.

As Ashwell has a population of 3,000 or less, protected area status applies. Therefore staircasing on any shared ownership properties is restricted to 80% to ensure that the homes remain affordable in perpetuity. Likewise any rented properties are excluded from the Right to Acquire.

All the affordable homes should be allocated to applicants with a local connection to Ashwell, in the first instance.

Any issues of viability should be proven using a recognised financial toolkit and will be independently tested at full expense to the applicant.

- 3.13 **HCC Infrastructure Officer** - Based on the information to date for the development of 46 dwellings we will not be seeking financial contributions for Childcare, Library and Youth at this point in time. Hertfordshire County Council has education capacity issues in this area and Assessment work has been undertaken by colleagues across several departments within Hertfordshire County Council (HCC). The result of this work identifies that Ashwell Primary School cannot expand on its existing site, the school site is slightly deficient in size at 1fe and any further expansion would increase this existing deficiency. It is therefore considered that any further developments within Ashwell could not be accommodated as the primary school has no further expansion potential, therefore we object to this application and no contributions are sought on this basis.
- 3.14 **Waste Management** - The application does not contain sufficient information regarding waste and recycling provision or access to the site for me to be satisfied that the necessary requirements can be met. The storage locations of bins are not shown and the collection locations of bins are not shown. I therefore can not determine if these are suitable and recommend that a condition be imposed to safeguard these requirements.

Any refuse collection vehicle (RCV) is required to enter the site and I note the provided swept path showing this is achievable. Further swept path information is required to demonstrate that an RCV can traverse the entire site in a forward motion and gain access to within 15m of bin collection locations in accordance with BS5906:2005. It is recommended that a condition be imposed to safeguard these details.

A number of plots do not have direct access to the carriageway and bins must be presented by residents at the kerb side on collection day. In particular plots 1, 3, 6,13,14,15,34,35,36 appear to be affected and may require additional storage points for bins on collection day to prevent them being left on the pavements.

3.15 **Sport England** - The principle of the planning application is supported as a non-statutory consultee.

The following matters are requested to be addressed through planning conditions or section 106 agreement provisions in any planning permission:

- Playing Field Construction Design
- Ball Strike Mitigation;
- Sports Facility Management;
- Sports Facility Maintenance Contribution;

The following issues require consideration and, if appropriate, addressing before a planning application is determined:

- Vehicular Access to the Sports Facilities – the access arrangements should be reviewed to ensure residential amenity impact is minimised;
- Pedestrian Access to Small Gains Lane – details of pedestrian access arrangements from the application site to the existing sports facilities off Small Gains Lane should be sought and assessed;

An informative is requested to be included on a decision notice in relation to the design of the pavilion.

4.0 Planning Considerations

4.1 Site & Surroundings

4.1.1 The application site comprises 4.13 hectares of vacant agricultural land (grade 2), roughly rectangular in shape and lying to the south-east of Ashwell village separated from the village boundary by a track leading to Small Gains Recreation Ground. The site is to the northern-eastern side of Station Road and is bounded by established hedgerows and trees to the road frontage, north and eastern sides and notably a wide tree/shelter belt to the Southern boundary established over the last 15 years or so.

The site is located within the Rural Area beyond the Green Belt and is beyond the defined village boundary. The site lies within an areas of archaeological interest.

4.2 Proposal

4.2.1 The proposal is a fully detailed application for 46 dwellings, childrens play area, two sports pitches, pavilion building and associated infrastructure. A total of 222 parking spaces and 4 cycle spaces would be provided. The site itself has a boundary to a highway with the proposed vehicular access created approximately where the where the existing speed reducing built-out closest to the village is located. Both existing build-outs would be removed and relocated together with an upgrading of the footway along the site frontage and a new bus stop on Station Road. The application is accompanied by a detailed plan with drawing no. 8120/P/002 illustrating the site layout, landscaping and recreational facilities.

4.2.2 In summary the proposed residential development comprises:

- 4 x 5-bed detached houses;
- 21 x 4-bed detached houses (...with detached garages and ... with);
- 11 x 3-bed houses (one pair of semi-detached and three terraces);
- two terraces of 2-bed houses (6 houses in total);
- 4 x 1-bed flats in two two storey buildings.

4.2.3 All the detached houses have garages and off street parking. The semi-detached houses, terraces and flats have off street parking and some benefit from garages. Each dwelling has a private garden area, including the flats. On the southern side of the site the mature belt of trees is to be retained and linked to a pedestrian and cycle path that would continue along the rear boundary with the proposed sports pitches.

4.2.4 In summary the proposed recreational development comprises:

- A grassed sports pitch suitable in size for senior football;
- A grassed sports pitch suitable in size for junior football;
- Sports pavilion building with changing rooms, toilets and ancillary facilities;
- Associated car parking area (44 spaces);
- Childrens equipped play area (LEAP);
- Cycle and pedestrian route around the site and through the shelter belt woodland.

4.2.5 The application is supported by the following documents:

- Design and Access statement
- Planning Support Statement
- Landscape and Visual Impact Appraisal
- Transport Statement
- Village Character Appraisal
- Archaeological Desk Based Assessment
- Arboricultural Survey and Plan
- Arboricultural Impact Assessment
- Desk Study Report (Geotechnical & Environmental)
- Soakage Testing (Geotechnical & Environmental)
- Utilities Report
- Extended Phase 1 Habitat Survey
- Deliverability Statement
- Affordable Housing Statement
- Statement of Community Involvement
- Flood Risk Assessment and Foul Drainage Strategy
- Air Quality Screening Assessment
- Noise Impact Statement
- Street Lighting Design Details
- Draft Head of Terms for Section 106 Agreement

These documents are available to view on the Council's website.

4.2.6 The applicants planning statement makes the following points in support of the proposed development:-

- The application has been devised following extensive assessment of the site and in the context of the village and neighbouring uses and local needs. The proposal submitted presents a mixed use scheme that seeks to deliver significant benefits to the village with limited negative impacts.

- The location and physical attributes of the site mean its development can be forthcoming with little impact on the local environment. The proposal presented provides many economic, social and environmental benefits to the location and village of Ashwell.
- The proposals are consistent with the NPPF and with policies within the saved Local Plan and emerging Local Plan.
- Policies in the saved Local Plan are considered out of date and in the context of the significant shortfall of a five-year supply of new housing and lack of weight that can be applied to emerging planning policies, the proposal should be determined positively in accordance with national guidance and the emerging policy to significantly increase the level of new housing.

4.3 Key Issues

4.3.1 The application is for outline planning permission and the key considerations relate to:

- The principle of the development;
- Sustainability;
- Character and appearance of the countryside;
- loss of agricultural land;
- highway considerations;
- archaeology;
- Section 106
- The Planning Balance

4.3.2 Principle of the development in the Rural Area beyond the Green Belt

There are three policy documents which are relevant to the consideration of this application: North Hertfordshire District Local Plan No. 2 with Alterations (adopted 1996), the emerging Local Plan 2011 - 2031 Submitted for Examination to the Secretary of State 9th June 2017, and the National Planning Policy Framework. The weight that should be attributed to these policies and documents are considered below.

4.3.3 Paragraph 49 of the NPPF states that:

'housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five -year supply of deliverable housing sites.'

4.3.4 Paragraph 14 of the NPPF defines the presumption in favour of sustainable development for decision makers as follows:

- ***approving development proposals that accord with the development plan without delay; and***
- ***where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:***

-any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

-specific policies in this Framework indicate development should be restricted.'

Under paragraphs 14 it is necessary to assess the weight that can be applied to relevant development plan policies to this application.

4.3.5 North Hertfordshire District Local Plan No. 2 with Alterations

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 215 of the NPPF states that:

' due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework.'

The submitted site is outside both the Selected Settlement boundary (Policy 7) for Ashwell and within the Rural Area Beyond the Green Belt (Policy 6) in the Saved plan and within the emerging Rural Areas Beyond the Green Belt policy area (Policy CGB1) in the Submission plan. Neither of these policies would support the proposal as a matter of principle.

The applicant is claiming that the North Hertfordshire District Local Plan No. 2 with Alterations cannot demonstrate a five year housing supply, and so policies in that plan relating to the supply of housing are out-of-date. Policy 6 - Rural Areas beyond the Green Belt, in so far as it deals with the supply of housing, is considered out of date. However, it largely seeks to operate restraint in the Rural Area for the purpose of protecting the intrinsic character and beauty of the countryside and for this purpose it is in accordance with paragraph 17 of the NPPF.

This is an important point and is supported by a very recent Supreme Court decision in 2017 (in the case of Suffolk Coastal District Council v Hopkins Homes Ltd) which held that a local plan policy to protect the countryside from development (such as NHDC Policy 6) is not 'a policy for the supply of housing' and therefore is not 'out of date' and therefore should continue to be accorded weight in planning decisions insofar as it relates to countryside protection.

- 4.3.6 The applicant considers that the local plan does not meet the requirements of paragraph 47 of the NPPF to provide objectively assessed need and therefore Policy 6 carries reduced weight. This does not take into account the decision of the Supreme Court above which considers that policies to protect the countryside from development are consistent with the NPPF. Moreover the emerging local plan makes provision to meet the District's own full objectively assessed needs for housing and additionally makes positive contributions towards the unmet housing needs of its neighbouring authorities such as Luton and Stevenage. The emerging local plan achieves all of this without the need to allocate the application site for housing.

In taking the view that material weight can still be attached to Policy 6 it is clear that the proposed development does not meet any of the exceptions for development in the Rural Area Beyond the Green Belt. The development will clearly not maintain the existing countryside and the character of the village of Ashwell by reason of its location, adverse visual impact on the landscape, scale and density of development contrary to the aims of Policy 6.

4.3.7 Emerging Local Plan 2011 - 2031

The NPPF offers guidance on the weight that can be attributed to emerging Local Plan policies which is set out in paragraph 216 of the Framework as follows:

'From the day of publication [of the NPPF, March 2012], decision takers may also give weight to relevant policies in emerging plans according to:

*** the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);**

*** the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater weight that may be given); and**

*** the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in this Framework, the greater the weight that may be given).'**

- 4.3.8 Where local planning authorities cannot demonstrate a five year land supply of deliverable housing sites, the NPPF places a further restriction on weight that can be attributed to development plan policies which seek to restrict the supply of housing (NPPF paragraph 49). The Council has recently published a Housing and Green Belt Background Paper together with the proposed submission Local Plan (2011-2031). This paper argues that from the date that Full Council decided to submit the Local Plan to the Secretary of State for examination at the meeting held on 11 April 2017, the Council can demonstrate a deliverable five year land supply of housing sites, at 5.5 years land supply. The emerging Local Plan was Submitted to the Secretary of State 9th June 2017 and this claim will of course be tested at the forthcoming Examination in Public (EiP), the dates for which have now been set and commence in November 2017. Therefore, until the plan is adopted, I consider a precautionary approach should be taken to the weight that should be given to the emerging Local Plan insofar as it argues that the Council can demonstrate a five year supply of deliverable housing sites. On this basis I assess this application on the basis that the Council cannot at this stage claim to have a five year supply of deliverable housing sites, applying the presumption in favour of sustainable development set out in paragraph 14 of the NPPF. This precautionary approach has recently been supported at appeal.
- 4.3.9 The emerging Local Plan does not allocate the site for development. Indeed, the site has not been identified for consideration as a possible housing site at any stage of the emerging Local Plan process. Policy CGB1 - Rural Areas beyond the Green Belt is a policy of general restraint in the countryside and is in accordance with paragraph 17 of the NPPF, as it seeks to retain the intrinsic character and beauty of the countryside. The proposed development at Ashwell does not meet any of the criteria to permit development as set out in CGB1. Significantly the applicant does not make reference to CGB1 as being relevant and considers that the emerging policies should not carry decisive weight at this stage. On the other hand the applicant acknowledges the emerging plan in so far as it directs additional residential growth to Category A villages such as Ashwell and seeks to justify the development as natural extension of the village.
- 4.3.10 The development is arguably not for a proven local need for community facilities as confirmed by Ashwell Parish Council who state that **'part of the proposal is for two football pitches to be given to the village. Ashwell has need of further sporting facilities as it has some very active clubs. However, the proposal only looks to assist one area and does not address other sporting needs, eg new cricket facilities'**. Indeed under saved Policy 39 I would hold that the form of development is not appropriate as a medium or low intensity leisure uses are normally permitted **'exceptionally within rural settlements in other rural areas to meet only rural community needs'**. Furthermore the development is not for a proven need for services or rural housing (in compliance with Policy 29 of NHDLP or Policy CGB2 exception sites) in the emerging Local Plan. The application refers to 40% affordable housing, but this relates to Policy HS2: Affordable Housing, of the emerging plan and not to Policy CGB2: Exemption Sites in Rural Areas.

4.3.11 National Planning Policy Framework

Although the Council considers the emerging Local Plan 2011 - 2031 to hold sufficient weight for the Council to be able to demonstrate a 5 year housing land supply, this is not a situation that can currently be afforded any certainty, as the Plan has yet to be taken through EiP and adopted. The National Planning Policy framework directs us in this instance under paragraphs 14 and 49, mentioned and quoted above. I, therefore, take a precautionary approach and shall consider the proposal under these paragraphs and consider whether the development is sustainable and whether the adverse impacts of the development would significantly outweigh the benefits.

4.3.12 Summary on the principle of the development

The development site is in the rural area beyond the Green Belt. Saved Local Plan Policy 6 can still be afforded weight in determining this application in that it seeks to protect the countryside from development which would be in conformity with the NPPF which requires decision makers to recognise the intrinsic character and beauty of the countryside. The proposed development is in open countryside and fails to meet any of the criteria set out in Policy 6.

4.3.13 Furthermore, the proposed development would be contrary to policies in the Emerging Local Plan in that the development site lies outside of the proposed defined village boundary of Ashwell in the rural area beyond the Green Belt where the Council intends to operate a policy of restraint. The development would be contrary to Policies SP5 and CGB1 of the North Hertfordshire District Council Submission Local Plan 2011 - 2031.

4.3.14 The applicants submissions concerning the Council's five year housing land supply are acknowledged. However even if the Council could not demonstrate a five year land supply I consider that the proposal would fail to provide a sustainable form of development for which there is a clear national and local imperative as set out in the NPPF, the NPPG and the emerging local plan. Therefore the presumption in favour of granting planning permission in paragraph 14 of the NPPF would not apply as in my view this harm and other harm identified below in my view clearly and demonstrably outweighs the benefits of delivering new homes on this site.

4.3.15 Sustainability

There are three roles to sustainable development set out in the NPPF, an economic, social and environmental role. All roles must be satisfied to achieve the objective of a genuine sustainable development. I briefly address each role in turn.

4.3.16 **Economic role** - it is recognised that the construction of the development would provide some employment for the duration of the work contributing to a strong responsive and competitive economy. Although the applicant describes the land as vacant (agricultural) there would be a loss of high quality agricultural land and therefore some loss to the agricultural economy. It is also recognised that there would be a potential increased expenditure in local shops and pubs and other services. Additionally there would be economic benefit from the new homes bonus which assists local authorities to maintain and provide services. The recreational use would also have some economic benefits but it is unclear how the facilities would be maintained and this would potentially be of some considerable expense.

4.3.17 **Social role** - the development would provide housing to assist in meeting the needs of existing and future generations including affordable housing. It would also support community facilities such as the school and churches as well as potentially contributing towards recreational facilities and their improvement. Additional public open space (childrens play area) and outdoor sports pitches would be provided within the site and some improvement in connectivity between Station Road and the proposed sports facilities and those existing to the north of the site. However there is a lack of justification for the sports facilities proposed. Ashwell is currently served by a number of outdoor recreation facilities which provide opportunity within the community. The sports facilities would need to be maintained properly in perpetuity for the benefits of the community to satisfy a social role here. The County Council have confirmed an objection to the proposals as the School can not accommodate any expansion as a result of the development, again failing to provide a social role. I therefore consider that social benefits of the development would be very limited.

4.3.18 **Environmental role** - the development would not be environmentally sustainable for several reasons. The facilities of Ashwell consist of a primary school, doctors surgery, three public houses, village hall, Church, recreation grounds and a range of village shops including a Pharmacy, Butchers and Bakers. There is no capacity for the school to take additional children arising from this development and doctors surgery is under pressure. There is no secondary school and employment opportunities are limited. There are no proposals in the emerging local plan to allocate any employment, retail or community facilities within the village. There are bus services to and from the village and Ashwell train station is approx 1.5 miles away. However, given the location of the development it is likely that the future occupiers would be reliant on private transport. As such I consider that the development would be contrary to Section 4 (Promoting Sustainable Transport) of the NPPF and in particular paragraph 34 which requires new development that generate significant movement to be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. The site provides a total of 222 parking spaces and just 4 cycle spaces. The inclusion of sports pitches would also encourage the use of private transport in my view.

4.3.19 The landscape impact of the development will be severe in my opinion with the urbanising of the rural environment, encroachment into open countryside and loss of rural views around the site. The site does benefit from a wide and densely planted tree belt which would screen views on approaches to the village from the south, however this in itself is a somewhat alien feature in the surrounding countryside.

Insufficient evidence has been submitted to demonstrate that the development will not affect the historic environment particularly with regard to assets of archaeological interest.

The development will result in the loss without replacement of grade 2 agricultural land.

4.3.20 Summary on sustainability

In summary I consider that given the significant environmental impacts the **overall** balance of sustainability would be against this development. The development would be contrary to Policies D1 (Sustainable Design) and SP9 (Design and Sustainability) of the North Hertfordshire District Council Submission Local Plan 2011 – 2031.

4.3.21 Character and Appearance of the Countryside

The site lies outside the village envelope and within the Steeple Morden Plain Area 226 landscape character area and on the boundary of the North Baldock Chalk Uplands Area 224 landscape character area for the purposes of identification. The site is in National Landscape Character Area 87 'East Anglian Chalk' as managed by Natural England. The applicants report states that the overall characteristics of this area indicate a settled, downland agricultural landscape with references to settlement, built form and transport infrastructure.

The approaches to the village from the south would be screened by the existing deep semi-mature planting which limiting views across the site. This is not a defensible boundary such as might be defined by a road or long established and contiguous landscape feature. It is a relatively short and contrived row of semi mature planting which could all too easily be replicated to create arbitrary 'defensible boundaries' in otherwise open landscapes elsewhere and for no other reason than to artificially and conveniently punctuate the development limits of any proposed scheme.

Station Road is linear in nature particularly at the point it leaves the village heading south. The development of this site 'in-depth' as shown, would be wholly at odds with this established grain and character and despite claims to the contrary would self evidently be highly visible and exposed. The uncharacteristic 'deep' form and scale of such development would be accentuated by this exposure. This harm would be materially significant in my view and clearly at odds with the aims of both the Saved and emerging local plans.

Paradoxically, the alien nature of development on this site as proposed would be exacerbated by the sports facilities including the necessary pavilion and car parking. What is not clear is the intention for equipment storage as well as lighting (only indicated for the residential element) which would have a further negative impact on the appearance of the area and surrounding countryside.

4.3.22 The existing hedge to the front would be maintained with an access formed through and would take on an urban and more manicured appearance offering views into the site. Existing boundary trees and hedges are retained with planting is indicated within the site the site and to the boundary with the junior sports pitch to ensure screening of a 2.4m high acoustic fence. The layout would have an urban feel with the access road passing through two shared surface areas and around a central block of eight residential units to reach a parking area to the side of the proposed pavilion. I consider this would significantly change the agricultural and thus rural character of the site and its contribution within the landscape.

4.3.23 The erection of dwellings on the site, introduction of the associated infrastructure and sports facilities would permanently alter the appearance of the site and would represent a substantial change to the character of the area. The scheme has a landscaped led approach which would break up views of the proposed dwellings, it would in itself bring about changes to the character of the area. I consider that the extent of the encroachment of the built development into the countryside in relation to the existing residential character of station Road to be very urban and this would appear incongruous in the wider views of the settlement which the landscaping would not successfully overcome, to the significant detriment of the character of the landscape.

4.3.24 Summary on character and appearance

It is considered that the proposed development would be harmful to the intrinsic beauty and character of the countryside, contrary to Policy NE1 of the emerging local plan and paragraphs 17, 109, 116, 156 of the NPPF.

4.3.25 Agricultural Land

The application site is Grade 2 agricultural land. Paragraph 112 of the NPPF states: ***"Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land, Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality."***

The best and most versatile land is defined as Grades 1, 2 and 3a and is the land which is most flexible, productive and efficient in response to inputs and which can best deliver food and non food crops for future generations. There is no evidence to demonstrate that the use of high quality agricultural land for housing and sports pitches is necessary. No evidence has been put forward to demonstrate that the provision of the Sports Pitches and associated infrastructure requires the provision of 46 dwellings.

4.3.26 Summary on loss of Agricultural land

The development would result in the loss of high grade agricultural land and would therefore be harmful to the natural environment and contrary to the NPPF, paragraph 112 and to Planning Practice Guidance - Natural Environment para 026.

4.3.27 Technical Considerations

The responses from consultees have been set out under 3.0 above. However there are a number of areas of concern which I set out below.

4.3.28 Open Spaces/recreation facilities

The proposed formal playing pitch provision is questioned in that it would only serve one sector of the community (football) and be likely to need buildings (secure maintenance equipment store for example) and lighting to be useful or compliant with advice from Sport England, particularly in this location. Once included, this provision may have a more urbanising effect on the surrounding countryside. In addition, no details are provided as to how the sports provision would impact on existing facilities in the village. It is noted that Ashwell Academics may have an identified need but this could limit the sites use for other outdoor sport activity and therefore the site may not offer sufficient public benefits to be properly weighed in the planning balance.

It is also identified that access to the two football pitches would be through the new housing estate. This would not be desirable for a number of reasons including noise and disturbance, potential on-street parking and danger to pedestrians. If matches are played against visiting teams the parking may not be not adequate.

On site open space has been shown in the form of a LEAP and should be managed by the Parish Council or a private management company as the District Council would not be likely to adopt such areas. This, and the Management of the Sports facilities would need to be considered as part of a s106 agreement.

Overall the gains to the community from the sports provision would not out weigh potential harm to the area in my view.

4.3.29 Highway issues

As there are no objections from the Highway Authority although they have expressed some concerns regarding the suitability of parking within the site in proximity to some of the dwellings, and the limits of highway adoption that the highway authority would accept given that the submitted road layout may not be to an adoptable standard. I am of the opinion that the proposed development would not cause harm that can be sustained by way of objective evidence in terms of highway impacts.

4.3.30 Affordable Housing

Affordable housing would be required in line with the provisions of emerging policy HDS2 of the Local Plan. These dwellings would be provided on plots 7 to 24 located to the northern boundary of the site and close to the childrens play area, pavilion and associated parking area. The Council's Housing Supply Officer has commented that on a site of mixed tenure the affordable housing units should be physically indistinguishable from the market housing. By clustering the dwellings in my view this may not be best achieved in my view. In addition the parking layout (as also commented on by the Highway Authority) does require some of the parking to be away from the dwellings they serve and thus not offering the best natural surveillance.

In terms of Ashwells housing need this has been documented both by the applicant and the Housing Supply Officer. Ashwell has an identified need for 32 dwellings, 22 of which have been delivered on sites at Walkdens and 61 Station Road, Ashwell. A further 12 dwellings are proposed on the site at Clay Bush, Road - a site allocated for development in the emerging Local Plan.

4.3.31 Archaeology

The proposed development site lies within an area of archaeological significance which has been documented as containing prehistoric / Roman / Anglo-Saxon remains. The County Archaeologist has advised that whilst the submitted archaeological desk-based assessment contains some useful information a geophysical survey and an intrusive archaeological evaluation of the site should be carried out prior to the determination of the application. A Neolithic henge was recently discovered through archaeological investigations at the Walkdens, circa 200m west of the proposed development area. This is one of only two such monuments in Hertfordshire, and is of very high significance. Numerous ring ditches have been identified in the area and aerial photographic evidence also suggests that there may be significant archaeology in the area. Therefore there is reason to suggest that the application is also likely to contain features of archaeological interest.

4.3.32 At present the submitted desk based archaeological assessment concludes that the site has a high potential for archaeological remains from the Bronze Age period, medium potential for Iron Age and Roman periods of low significance and a low potential from the Saxon period. The comments received from the County Council's Historic Environment Advisor would appear to place a much greater importance on the archaeological potential of the site. I conclude that at present not enough information is provided to demonstrate the archaeological significance of the site and therefore the proposed development would be contrary to Section 12 of the NPPF.

4.3.33 Section 106

The application does not include a draft Section 106 document however the applicants agents have provided a short Heads of terms document has now been submitted listing the following Heads of Terms :

- Affordable Housing
- Education
- Childrens Play Space
- Sports Pitches
- Sports Pavilion
- Management of woodland/landscape areas
- Waste collection facilities and recycling

The document is inadequate for the purposes of mitigating the impact of the development on all relevant infrastructure. As such and given the substantial planning objections to this proposal no further negotiations have been undertaken in respect of S106 matters. As a satisfactorily completed S106 obligation agreement has not been completed this forms a separate recommended reason for refusal as set out below.

4.3.34 Noise, Contamination and Air Quality

The Environmental Protection Team do not have any material issues with contamination or air quality. However, there are outstanding issues relating to noise and a lack of detail to the technical report submitted. Some of the issues are as follows:-

- 1. No noise monitoring has been undertaken.**
- 2. Identify on a plan those properties facing Station Road (and any where else on site) which require enhanced acoustic glazing / ventilation; different specifications for bedrooms / living rooms as required.**
- 3. Specify requirements for glazing and acoustically enhanced trickle ventilators in terms of R_w and $D_{n,e,w}$ respectively so that any planning condition will be enforceable.**
- 4. Proposed hours and days of use been not been specified. The report should state the days and hours of anticipated maximum usage and relate to background absolute noise levels.**
- 5. Children's playground – comments on why screening to plots 13 to 17 not considered.**
- 6. Proposed acoustic barrier. Several queries: - Provide details on a plan for inclusion in planning application submission, the precise location of the proposed barrier based on your barrier calculations (supply details). There are discrepancies in proposed position between your Report Figure 6.1 and the Landscaping master plan ref LC/00104. Master plan indicates large amount of vegetation between residential barrier and acoustic barrier – resulting in acoustic barrier being extremely close to sports pitch boundary, with absolutely minimal spectator standing area to that side of the junior pitch – apparently 2/3 metres from pitch edge. Your report implies the acoustic barrier will be 7 metres away from the sports pitch edge at the rear boundary of residential properties. Please clarify. In addition, so as to be enforceable, detail the acoustic barrier specification in terms of kg/sqm. Can you comment on whether an extension to the of length of proposed acoustic barrier and/ or a return to the northern boundary of junior sports pitch is appropriate for inclusion;**
- 7. Proposed barrier is extremely high at 2.4 metres and only marginally acceptable in planning terms due to the softening by the proposed extensive vegetation. If the vegetation is not to be incorporated due to distance constraints defined by the position of the acoustic barrier, can barrier height be reduced by increasing acoustic sound insulation properties of the acoustic barrier.**

In the absence of details requested above I consider there to be sufficient grounds to include noise as a reason for refusal.

4.3.35 Summary on Technical Considerations

The scheme presents a number of outstanding issues some of which could be resolved but given the fundamental objection to the proposal I have not sought amendments to the scheme. Notably a lack of a s106, insufficient Archaeological investigation and noise issues are significant enough to form reasons for refusal in my view.

4.3.36 **The Planning Balance**

As set above I have identified broad areas of how I consider this planning application is unacceptable in terms of the principle of development in addition to other planning considerations. As a result of these significant objections to the application no further negotiations have been undertaken with regard to a Section 106 agreement as there is no realistic prospect of such an agreement overcoming the fundamental objections to this proposal.

Whilst paragraph 187 of the NPPF requires local planning authorities to act pro-actively and seek to find solutions, in my view the substantial and compelling planning objections to this development are not capable of resolution in my judgement. At the pre-application advice stage no positive encouragement was offered for this development and I do not consider that view should now change. In the light of the progress with the emerging Local Plan and the programme of dates for the EiP I consider that the Council is now moving forward towards achieving its Housing Allocations (this site not being one of them) and thus demonstrating it has a 5 year land supply.

- 4.3.37 However, in the absence of a five year land supply where relevant policies which restrict the supply of housing can be considered out-of-date (paragraph 14 of the NPPF) the weighted planning balance is tipped in favour of granting planning permission for sustainable development. Planning permission should only be refused in such circumstances where:

'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of [of delivering new homes], when assessed against the policies in this Framework taken as a whole.'

- 4.3.38 Whilst the Council now claims to be able to demonstrate an up to date five year land supply of deliverable housing sites (since the submission of the Local Plan to the Secretary of State in June 2017) I have applied a precautionary approach and have assessed this application against paragraph 14 of the NPPF whereby any adverse impacts must significantly and demonstrably outweigh the benefits of delivering new homes.
- 4.3.39 This planning application proposes 46 new homes which would make an important contribution towards improving the five year land supply but also helping to meet the objectively assessed housing need for at least 14,000 (+ 1,950 for Luton's un-met need) new homes across the District through the plan period (2011-2031). Meeting housing need is in itself a clear benefit of the proposed development.
- 4.3.40 The applicant also offers 40% affordable housing and there are clear social and economic benefits arising from the delivery of the new homes as I have acknowledged above and the case for which has been clearly made by the applicant. In addition the proposed Sports Pitches and associated infrastructure would have social and economic benefits to the local community.
- 4.3.41 Applying the presumption in favour of sustainable development it is necessary to critically assess this planning application against the policies of the NPPF taken as a whole before judging whether any identified harm as a result of this analysis would 'significantly and demonstrably' out weigh the benefits of delivering new homes on this site.

4.3.42 I have identified however that there would be significant and demonstrable environmental harm caused by this development relating to the following:

- The development would cause harm to the intrinsic beauty of the countryside and as such would conflict with paragraph 17 of the NPPF.
- The development would be harmful to the character and appearance of the landscape
- There would be harmful urbanising impact of the development beyond the settlement boundary
- The development would be unsustainable due to its location, the lack of community infrastructure to serve the development and likely high dependence of the occupiers of the new development on the private car
- The development would result in the loss of grade 2 agricultural land
- A pre-determination archaeological survey has not been carried out
- Noise issues arising from the development have not been resolved

4.3.43 In my view the environmental harm arising from the proposed development significantly and demonstrably outweighs the benefits of delivering new homes on this site.

4.4 Conclusion

4.4.1 I conclude, even with the best case for **social** and **economic** benefits being made, that these positives would not be so telling in the planning balance such that they would so significantly and demonstrably outweigh the identified and substantial **environmental** harm - harm associated with extending the village with an estate style scheme in-depth off a road out of the village which is effectively only one dwelling deep at its southern extremity. As such, planning permission should be refused.

5.0 Legal Implications

5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

6.0 Recommendation

6.1 That permission be **REFUSED** for the following reasons:

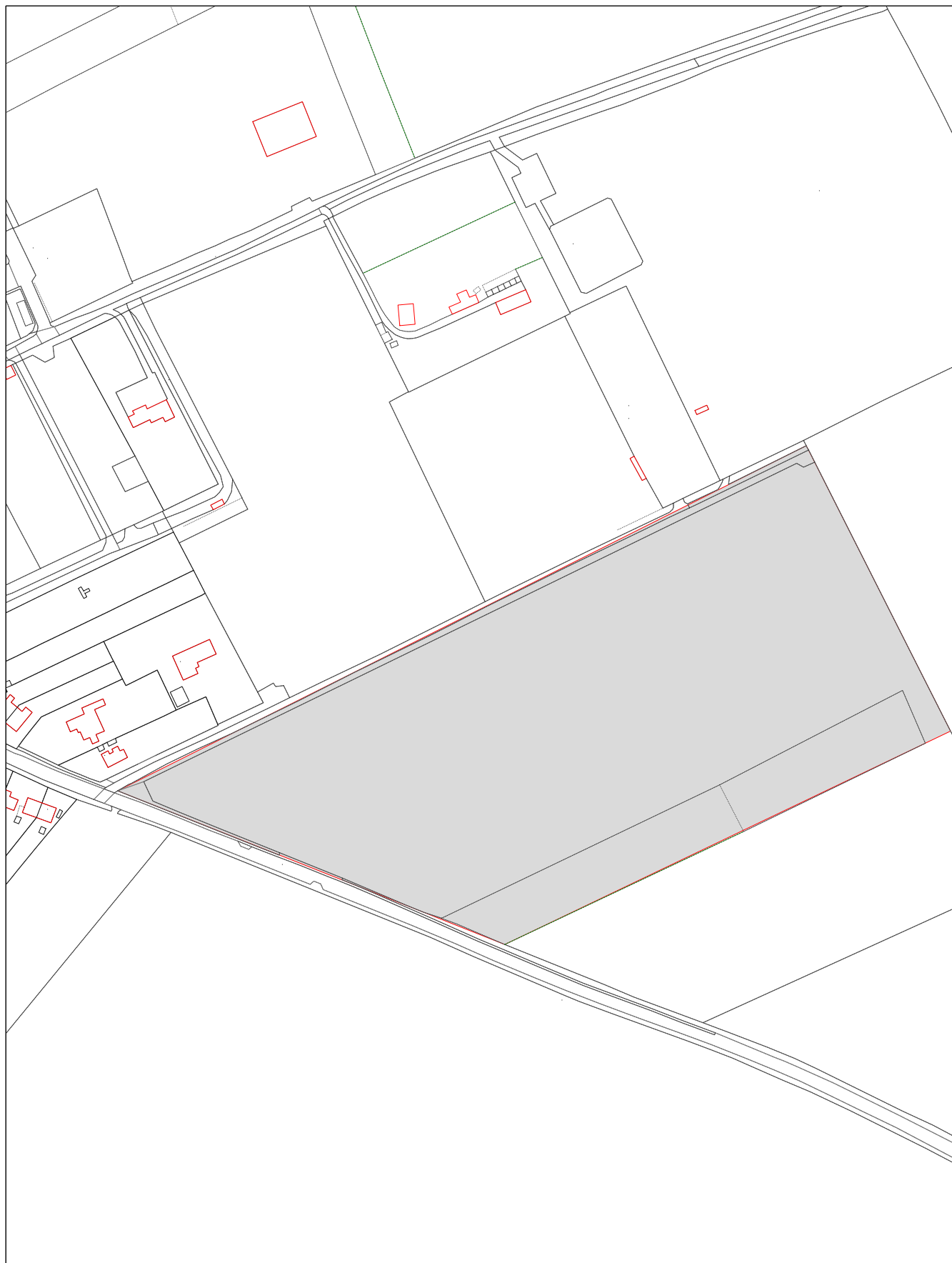
1. By reason of its siting beyond the built limits of Ashwell, the location within open farmland in landscape character area 226 - Steeple Morden Plain Area and the heavy use of planting to screen the site, the development proposal would fail to positively enhance the wider landscape setting of the village, nor would it improve the character and quality of the Rural Area and, as such, would afford significant and demonstrable harm to the intrinsic beauty of the countryside. This harm is considered to clearly outweigh the benefits of providing new dwellings on the site. The proposal is therefore contrary to the provisions of saved Policies 6 of the North Hertfordshire District Local Plan No. 2 with alterations and, Paragraph 17, 109, 116, 156 of the National Planning Policy Framework. The development would also be contrary to Policy CGB1 of the North Hertfordshire Emerging Local Plan 2011 - 2031.

2. In the opinion of the Local Planning Authority due to the location of this planning application site, separated from the main body of Ashwell village, the proposed development for 46 dwellings and sports pitches would have a heavily urbanising impact on the character and appearance of the rural area, against the pattern and grain of existing development and poorly integrated with Ashwell village. Such a piecemeal form of development would as a result harm the character and appearance of the locality. The proposal therefore conflicts with saved Policy 57 of the North Hertfordshire District Local Plan No. 2 - with Alterations, Policy D1 of North Hertfordshire Submission Local Plan (2011-2031) and paragraphs 57 and 64 of the National Planning Policy Framework.
3. Given the lack of essential services in the vicinity of the site, in particular a lack of primary education provision to serve the needs of this development, the occupiers of the proposed dwellings would be heavily dependent on services provided outside of the immediate area, giving rise to a significant reliance on private transport. In additions to this, the land on which the site is located is Grade 2 agricultural land, which constitutes the best and most versatile land. As well as being harmful to the natural environment, this would amount to development of the land which is both environmentally and economically unsustainable. In the absence of any realistic measures or other reasons which may offset this unsustainable impact, the proposal would be contrary to the objectives of the National Planning Policy Framework, generally and specifically Paragraphs 14, 49 and 112, and to Policies SP1 and SP6 of the Emerging Local Plan 2011 - 2031, and to Planning Practice Guidance - Natural Environment para. 026.
4. The submitted planning application has not been accompanied by a valid legal undertaking (in the form of a Section 106 Obligation) securing the provision of 40% affordable housing and other necessary obligations as set out in the Council's Planning Obligations Supplementary Planning Document (SPD) (adopted November 2006) and the Planning obligation guidance – toolkit for Hertfordshire: Hertfordshire County Council's requirements January 2008. The secure delivery of these obligations is required to mitigate the impact of the development on the identified services in accordance with the adopted Planning Obligations SPD, Policy 51 of the North Hertfordshire District Local Plan No. 2 - with Alterations (Saved Polices 2007) or Proposed Local Plan Policy HS2 of the Council's Proposed Submission Local Plan (2011-2031). Without this mechanism to secure these provisions the development scheme cannot be considered as sustainable form of development contrary to the requirements of the National Planning Policy Framework (NPPF).
5. The proposed development lies within an Area of Archaeological Significance. Records in close proximity to the site suggest it lies within an area of significant archaeological potential. Given this and the large scale nature of the proposal, this development should be regarded as likely to have an impact on significant heritage assets with archaeological interest, some of which may be of sufficient importance to meet NPPF para 139. This could represent a significant constraint on development. In the absence of a geophysical survey or archaeological field evaluation, there is insufficient information to determine the importance of any archaeological remains on the site. The proposal will be contrary to Section 12 of the NPPF.

6. The application fails to adequately demonstrate that there is a proven need for the proposed sports facilities. In addition the proposal fails to demonstrate that the development would not occasion harm to either existing residents in the vicinity of the site or future occupiers of the proposed dwellings in terms of noise, the impact of access arrangements on residential amenity and the management and operational arrangements for the sports pitches. As such the application would be contrary to saved Policy 57 of the North Hertfordshire District Local Plan No. 2 - with Alterations, Policy D1 & D3 of North Hertfordshire Submission Local Plan (2011-2031) and paragraphs 57 and 64 of the National Planning Policy Framework.

Proactive Statement

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted proactively through early engagement with the applicant at the pre-application stage. This positive advice has however been ignored and therefore the Council remains of the view that the proposal is unacceptable. Since the Council attempted to find solutions, the requirements of the Framework (paragraphs 186 and 187) have been met and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.



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ASHWELL PARISH COUNCIL

Office at Bear Farm 6A Back Street, Ashwell, Baldock, Herts, SG7 5PE
Mon-Thurs 08.30 -13.00 ☎ 01462 743706 ✉ clerk@ashwell.gov.uk
Clerk: Jane Porter, Deputy Clerk: Annie Clifford
Chairman: Mark White ☎ 07977 099951

25th July 2017

Ms Joanne Cousins
North Herts District Council
Gernon Road
Letchworth Garden City SG6 3JF
BY EMAIL

Dear Ms Cousins

**Re NHDC Case Ref No: 17/01406/1. Land Development Off, Station Road, Ashwell
Full Planning Permission: Residential development of 46 no. dwellings, children's
play area, two new sports pitches, pavilion building and associated infrastructure.**

This application was considered at a meeting of the Planning Committee held on Wednesday 19th July 2017.

A proposal was made to convey to the NHDC Planning Officer the Parish Council's objections to the proposed development and the recommendation that the application be REFUSED.

Specific objections include:

- The site is outside the settlement boundary (both current and in the emerging Local Plan); the community benefit does not outweigh the presumption against development.
- The proposals do not address the housing needs identified by the Neighbourhood Plan.
- The design is contrary to the *Ashwell Village Design Statement* (Supplementary Planning Guidance) re density. There are concerns re the layout; access to the sports facilities is through residential areas.
- Sustainability/Infrastructure. The village centre is some distance; this will encourage car use and exacerbate existing problems of traffic, highway safety and parking. Transport links are not good. The school is already oversubscribed.

Please see below the extract from the draft minutes giving fuller details:-

Standing orders were suspended for members of the public present to contribute.

The applicant's agent was asked to clarify and respond to some matters. Questions/matters of concern raised by members of the public included:

- (i) The need for the numbers of new dwellings identified by the new District Local Plan was disputed.
- (ii) This site was outside the settlement boundary; sites within the boundary should take precedence.
- (iii) This would be a very large development outside the village boundary.
- (iv) The existing infrastructure was inadequate and could not cope.
- (v) The village school was already oversubscribed.
- (vi) The site had been proposed some years ago for the village garage and had been deemed unsuitable.
- (vii) The location was too far from the village centre for easy walking access so traffic and parking problems would be exacerbated.
- (viii) The large number of houses proposed would result in a significant increase in traffic in Station Road; this was already a problem for access and pedestrian safety.

- (ix) The applicant had stressed the inclusion of smaller houses to meet identified local needs but the proposals also included four and five-bedroom houses.
- (x) Existing sports facilities were sufficient.
- (xi) Who would be responsible for the proposed sports facilities.
- (xii) The site layout was unsuitable; access to the sports facilities was through the residential areas.
- (xiii) The proposals would have an adverse impact on wildlife particularly badgers.
- (xiv) The applicant's Planning Obligation/Section 106 proposals were insufficient; a request for greater detail, particularly those relating to Herts County Council, was noted.

Standing orders reinstated (members of the public remained present but did not contribute).

A proposal was made to convey to the NHDC Planning Officer the Parish Council's objections to the proposed development for the following reasons:

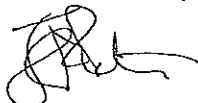
1. The application contravenes Policy 6 of the NHDC Local Plan as the site is outside the village boundary. No valid reasons have been given for granting an exception to this policy. What is proposed is almost a separate hamlet adjacent to the village.
2. The proposed density of the development is considered by the developers to be low. However, although the houses on Station Road are fairly close to each other they have long gardens thus reducing the density and creating a feeling of space. The houses in the proposed development have small gardens and appear to be tightly packed.
3. The application does not address the identified housing needs for Ashwell. Most of the proposed houses are 4/5 bedrooms. In a housing survey taken in 2015 in the preparation of the Ashwell Neighbourhood Plan the need for smaller units was identified. One, two and three-bedroom dwellings are required for those who wish to downsize and to provide for elderly people and for those who are less able. Housing for the elderly and less able needs to be in the centre of the village near the shops and services.
4. The Neighbourhood Plan Housing Survey also identified that the people of Ashwell wanted to see housing developments of not more than ten houses. The proposed development greatly exceeds this.
5. The proposed development is not sustainable; residents would choose to use cars to access the shops and facilities such as the surgery and school. This would increase the already problematic traffic and parking situation.
6. The developer has suggested that there are buses which can be used. Other than the taxibus which caters for those going to the station in the mornings and returning in the evenings there are only one or two buses a day serving the village. The feasibility of residents using public transport to access village facilities is questionable.
7. Part of the proposal is for two football pitches to be given to the village. Ashwell has need of further sporting facilities as it has some very active clubs. However, the proposal only looks to assist one area and does not address other sporting needs, eg new cricket facilities.
8. Access to the two football pitches would be through the estate. This could be a danger to children playing in the area. Matches are played most Sundays against visiting teams; the parking is not adequate.

The Parish's Council objections are probably best summed up in the report of the NHDC Planning Officer following his pre-application discussions with the applicant, 'I would be unlikely to conclude, even in the best case for *social* and *economic* benefits being made, that

[any] positives would be so telling in the planning balance such that they would not be significantly and demonstrably outweighed by the identified and substantial *environmental* harm – harm associated with extending the village with an estate style scheme in-depth off a road out of the village which is effectively only one dwelling deep at its southern extremity'

Please contact me if any clarification is required.

Yours sincerely,



Jane Porter (Mrs), Clerk
Ashwell Parish Council

Cc District Councillor Janine Paterson

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ITEM NO:	<u>Location:</u>	Former Landfill Site, Blakemore End Road, Little Wymondley
8	<u>Applicant:</u>	Miss Cassie Wymondley Power Limited
	<u>Proposal:</u>	Use of land for gas fired electricity generating station to deliver electricity during times of peak demand of up to 49.99 MW
	<u>Ref. No:</u>	17/01195/ 1
	<u>Officer:</u>	Kate Poyser

Date of expiry of statutory period: 10 August 2017

Reason for Delay (if applicable)

Delayed due to the late receipt of consultee comments, the receipt of amended plans and to the need for further information.

Reason for Referral to Committee (if applicable)

The application is referred to committee as this is a major application on land greater than 1 hectare.

1.0 Relevant History

- 1.1 The site was formerly used as an inert landfill site, relating to the construction of the Little Wymondley by-pass (A602). In 1999 eight stables were granted planning permission and the site has been used for the grazing of horses since.

2.0 Policies

2.1 North Hertfordshire District Local Plan No. 2 with Alterations

Policy 2 - Green Belt
Policy 14 - Nature conservation
Policy 21 - Landscape and open space patterns

2.2 National Planning Policy Framework

Achieving sustainable development
Core planning considerations
Section 4 - Promoting sustainable transport
Section 9 - Protecting Green Belt land
Section 10 - Meeting the challenge of climate change, flooding and coastal change
Section 11 - Conserving and enhancing the natural environment

2.3 Emerging Local Plan 2011 - 2031 approved by Full Council 11th April and Submitted for Examination 9th June 2017.

Policy SP5 - Countryside and Green Belt
Policy SP6 - Sustainable transport
Policy SP11 - Natural resources and sustainability
Policy SP12 - Green infrastructure, biodiversity and landscape

3.0 Representations

- 3.1 **Environmental Health (land contamination & air quality)** - recommends 3 conditions requiring an intrusive site investigation to assess the risk of landfill gas; to ensure that the flue stacks are a minimum of 15 metres high; and a written guarantee relating to the make and model of the gas engines.
- 3.2 **Environmental Health (noise & other nuisance)** - considers that with the mitigation measures and the noise impact on nearby residents would be negligible. A condition is recommended to ensure that the mitigation measures are implemented as proposed.
- 3.3 **Health & Safety Executive** - no comments received.
- 3.4 **HCC Rights of Way** - no comments received.
- 3.5 **HCC Highway Authority** - raises no objections, subject to conditions relating to the width of the access and kerb radii; submission of a Construction Traffic Management Plan and Statement; surface materials; restrictions to heavy goods vehicle movements in terms of numbers per day and delivery times.
- 3.6 **Hertfordshire Ecology** - recommends a condition requiring a breeding bird and reptile survey and mitigation strategy prior to commencement and; measures to protect badgers against being trapped in excavations, pipes or culverts.
- 3.7 **Environment Agency** - initially objected to the development, due to insufficient information being submitted to enable the risk to controlled waters to be assessed and the cost of potential remediation could make the development unviable. However, the applicant has submitted further information and the Environment Agency have withdrawn their objection, subject to the several conditions.
- 3.8 **National Grid** - has no objections
- 3.9 **Landscape & Urban Design Officer** - raises no objections subject to effective landscape screening.
- 3.10 **Wymondley Parish Council** - object strongly for the following reasons, which are summarised below. The full list of objections is copied as an appendix to this report.
- it would provide power to boost the National Grid beyond the local area;
 - contrary to Green belt policy;
 - a blot on the landscape;
 - adverse environmental impact;
 - could eventually be used continuously, exacerbating the poor air quality in this area;
 - the 15 metre high chimneys would fail to maintain the openness of the Green Belt;
 - due to deciduous trees here it would be more unsightly during winter;
 - output from chimneys could be hazardous to aircraft;
 - vibration, noise and pollution levels have not been adequately assessed;
 - inadequate information relating to the contents of the landfill;
 - unsuitable site to build the power station, due to soil instability;
 - concern about flood risk to residents of Lt Wymondley;

- 3.11 **Local Residents** - At least 31 letters of objection have been received from local residents at the time of writing. These are available to read on the Council's website. However, I briefly summarise the main areas of objection below.
- contrary to Green Belt policy;
 - unsightly appearance;
 - would cause air pollution;
 - would cause noise and vibration;
 - another power station is not necessary;
 - increase risk of flooding Stevenage Road;
 - increase in traffic.

4.0 Planning Considerations

4.1 Site & Surroundings

4.1.1 The application site is currently used for the grazing of horses and is located adjacent to the existing electricity substation in Blakemore End, near Little Wymondley. It lies within the Green Belt. The site is land that was used as landfill relating to the construction of the adjacent bypass. It has since been grassed over and accommodates stables and related buildings. The site measures 3.39 hectares.

4.2 Proposal

- 4.2.1 The proposal is for a 49.99MW gas peaking plant. The purpose of the peaking plant is to provide electricity at peak demand when existing electricity supply is inadequate. It is not expected to run continuously, but to 'kick in' at times of particularly high demand and this is mostly likely to be during winter evenings. The proposed development is for a temporary period of 20 years.
- 4.2.2 The applicant advises that the UK is currently experiencing changes in electricity supply, due to the decommissioning of carbon intensive plants and their replacement with nuclear and low carbon wind and solar farms. The applicant advises that the gas peaking plant would support the low carbon generators, as wind and solar energy is inherently inconsistent.
- 4.2.3 The development would consist of 11 gas engines within casements, each with a 15 metre high chimney and an array of cooling fans. There would also be a transforming station and gas connection kiosk. Surrounding the site would be a 2.5 metre high palisade security fence. It is proposed to reduce the ground level of the site by up to 1.5 metres in the location of the gas engines and transformer station. The left-over soil would be used on-site in the creation of a swale to the north end of the site. The stables and associated buildings would remain and a track constructed around the gas peaking plant to allow horses access to an adjacent field. The existing vehicular access from Blakemore End Road would remain, although it would need to be widened. A vehicular access track, 5 parking spaces and a basic landscaping scheme are included in the proposal. Supporting information submitted with the application include reports on noise, air quality, ecology, construction management, SUDS, landscape appraisal, flood risk, and a Design and Access statement which includes information on 'need' and 'sequential test'.

4.3 Key Issues

4.3.1 The key planning considerations relate to:

- whether the development is appropriate in the Green Belt;
- whether there are any very special circumstances and any harm to the openness of the Green Belt;
- effect upon the landscape;
- highway and traffic matters;
- water pollution and flood risk;
- effects upon the environment inc: noise, air quality and ecology;
- other matters.

4.3.2 Whether the development is appropriate in the Green Belt

The construction of new buildings is inappropriate in the Green Belt. The gas engines are housed within structures accessed by a door. I consider these to fit the definition of buildings. The transforming station and gas connection kiosk also involve buildings. The National Planning Policy Framework (NPPF) lists exceptions to this in paragraph 89. The proposed development is not included on this list. For clarification, one exception is for the redevelopment of brownfield land, whether redundant or in continuing use. The use of the site for landfill does not meet the definition of previously developed land. Paragraph 90 of the NPPF also lists development which is not inappropriate in the Green Belt provided they preserve the openness of the Green Belt. The proposed development is not on this list either. **The proposal is, therefore, inappropriate development in the Green Belt.**

4.3.3 Whether there are any very special circumstances and any harm to the openness of the Green Belt

The applicant puts forward a case for very special circumstances. The case is that there is a need for peaking plants and the site was chosen following a sequential test.

4.3.4 Need

Peaking plants are required to support the generation of electricity in the UK, which is going through a time of reform. The energy balance is becoming increasingly reliant on renewable energy sources, such as wind and solar, which, being weather dependant, are intermittent and unpredictable. In tandem with this, coal power stations are being phased out and their replacement with nuclear is not yet complete. The National Infrastructure Commission and the Department of Energy and Climate Change, support low carbon energy and reliable energy supplies and it is acknowledged that there is a need for a "flexible generation: plants that have low minimum stable generation levels, high ramping rates and increased capability for ancillary service provision." It is noted that a peaking plant has recently been constructed near a substation between Baldock and Letchworth and applications are currently under consideration for a further two here. **I am satisfied that there is sufficient evidence to support the need for peaking plants in the UK.**

4.3.5 There are different forms of peaking plant. The standby small scale embedded STOR power plant off Baldock Road, Letchworth is a diesel fired system. There are also battery storage systems. Both of these have far less visual impact than the gas peaking plant, as chimneys are not required. However, the applicant advises that these have a far smaller energy output and slower response time. The diesel is also associated with bad emissions, where as the gas is highly efficient and extremely clean.

4.3.6 Site Selection

The applicant advises in the Design and Access Statement, para 3.34 that:

"This scale of generator is most practical, feasible, affordable and deliverable when located close to major substations where there is sufficient gas supply nearby, spare grid capacity, satisfactory fault levels, voltage resilience and critically is in a location where it can take advantage of embedded benefits (essentially the electricity generated is very close to demand so doesn't need to use the transmission system)."

4.3.7 The applicant seeks to demonstrate how difficult it is to find a site that can work. Paragraph 3.37 advises that a large proportion of the large substations are necessarily close to conurbations if not in urban locations and approximately 20% to 30% are within the Green Belt. The applicant has looked at the eastern region that includes Norfolk, Suffolk, Cambridgeshire, Essex, and parts of Bedfordshire, Buckinghamshire, Hertfordshire and Oxfordshire. In this region there are 166 major substations. Applying the criteria in the previous paragraph, the applicant advises that there are only 6 candidates. Detailed information relating to how each of the 160 sites have been discounted has not been provided.

4.3.8 Upon request, the applicant has provided information relating to the 6 remaining sites. One is the application site. The other five fail due to:

1. too far from a gas supply;
2. the Grid Supply Point has been decommissioned;
3. electrical connection would have to be made into a 132KV tower and not an existing substation, which is less efficient and of high capital cost. Also too far from gas supply;
4. too close to housing;
5. the site was originally discounted by the applicant, but is now being progressed by the applicant.

4.3.9 Unfortunately, the reasons for discounting four of these sites do not follow the logical process that the applicant has described in selecting a site. If they are too far from a gas supply or there is no substation connection, they should surely have not been included on the list of 6 candidate sites in the first place. Furthermore, if one site was originally discounted, but is now the subject of a planning application, this does further devalue the site selection process. It, perhaps, also calls into question the consideration of the other 160 substation sites.

4.3.10 I feel that the applicant has not provided sufficient evidence to demonstrate that a satisfactory sequential test for the selection of the site has been carried out. Indeed, the process appears conflicting and confused. For this reason, I consider the applicant has not satisfactorily demonstrated there to be very special circumstances to set aside the fundamental Green Belt objection.

4.3.11 Harm to the openness of the Green Belt

The application site measures 3.39 hectares. It is located on the top of a hill and is laid to grass. To the west lies the existing Wymondley Substation; to the east is the A 602; to the north the land slopes down to agricultural fields, Ashbrook Lane and the village of St Ippolyts; to the south is Blakemore End Road.

4.3.12 The gas engines have individual casements attached to form a continuous structure. Overall, the casements and plant, excluding the chimneys, would measure up to 7 metres high, 170 metres long and 33.5 metres wide. The 11 chimneys would be 15 metres high and 0.7 metres wide. An access road 6 metres wide for maintenance vehicles run around the block of engines. The transformer station is a compound 36 metres by 20 metres, with a 2.5 metre high fence, a control room 3.4 metres high. The transformer itself would measure 5.9 metres high. The Gas Connection Kiosk measures 9.1 metres by 4.7 metres by 3 metres high. A new access road 3.5 metres wide would link the peaking plant to the existing access road.

- 4.3.13 The site is largely screened from the west by the substation site, even though it is at a slightly lower ground level. This is partly due to the mature trees that surround the substation. The A602 lies in a deep cutting at the point at which it passes the site. Trees occupy the slope of the cutting and from this point would largely screen the site. There are points further north along the A602 and on Stevenage Road leading into Little Wymondley where the proposed peaking plant would be glimpsed.
- 4.3.14 The site forms a small plateau on the top of a hill. From here, the land slopes steeply down to the north. At the bottom of the hill is definitive bridleway 16 and a small water course. Beyond this lie agricultural fields and Ashbrook Lane. The site is clearly visible, in an elevated position, from this road. Trees on the slopes below the site would not be sufficient to screen the site from here. The site is also clearly visible from the end of East View in St Ippolyts, the playing field in Folly Lane and from Footpath 14.
- 4.3.15 The site is quite open to Blakemore End Road, which is the entrance into the site. The Gas Connection Kiosk would be 120 metres from the road; the transforming station 135 metres away and the gas engines with chimneys 200 metres away. Although the buildings would sit on land at a reduced level, they would still be visible from the road. A basic landscaping scheme forms part of the application. However, there is limited amount of land within the site, between the road and the proposed buildings for additional planting. A hedgerow and a handful of trees are proposed. I consider this would not form a very substantial screen.
- 4.3.16 **Overall, I consider the proposed development would present a very substantial built form in both area and height. It would be publicly visible from several locations and would cause significant harm to the openness of the Green Belt.**
- 4.3.17 Effect upon the landscape
The Council's Landscape and Urban Design officer has commented on the scheme and, whilst raising areas of concern relating to the effect of the development on the landscape, concludes, on balance, that there are no objections to raise.
- 4.3.18 The application has been amended to re-orientate the row of 11 chimneys to reduce their impact when seen from Ashbrook Lane. Some additional planting is proposed that would help to reduce the visual impact of the 2.4 metre high palisade fencing. Concerns are raised about the visual impact as seen from some locations. It is noted that some of the proposed tree planting would be at a lower ground level than the gas engines, reducing their effectiveness to screen. It is noted that at 15 metres high, the chimneys would introduce an artificial element into the landscape. However, it is considered that there are relatively few roads and footpaths where the development would be visible, particularly from longer distances. For some views there would be the backdrop of the nearby pylons. Providing a detailed and effective planting scheme is submitted (by condition), the Council's landscape officer raises no objections to the proposal.
- 4.3.19 Highway and traffic matters
Once up and running, the peaking plant would generate little traffic, mostly relating to maintenance. This is likely to be one vehicle every 4 weeks. There would be no permanent staff on site and no need for frequent deliveries. The main traffic issue, therefore, relates to the construction of the development. It is noted that the total construction period is 12-15 months with up to 50 deliveries per day. The Highway Authority have recommended a condition requesting a Construction Traffic Management Plan to be submitted. The following points are matters that should be met:

- Working hours will be restricted to Monday – Friday 7am to 7pm and on a Saturday 7am – 3pm
- During the construction phase the traffic movements will be as follows:

Monday – Friday

- It is anticipated the delivery times will be 09:15 – 15:15 Monday to Friday.
- Deliveries should be scheduled to avoid peak travelling periods thus avoiding the ‘school run’ traffic.
- There will be no deliveries on Saturdays, Sundays, and School Holidays. There will be no construction work or deliveries taking place on Sundays or Bank Holidays.
- The numbers of deliveries expected in total are;

Throughout the life of this planning permission, the total number of heavy goods (HGV) vehicle movements at the site shall be no more than 100 per day (50 in and 50 out) on Mondays to Fridays and 40 per day (20 in and 20 out) on Saturdays. For the purpose of any permission a HGV is defined as any vehicle over 7.5 tonnes.

- The haulage route from the north direction shall avoid the villages of Gt Wymondley and Little Wymondley which the through roads are very narrow (prohibition signage should be erected at these junctions) and directional signage would regulate the route of construction vehicles to and from the A1 (M).
- The haulage routes from the north would avoid the village of Little Wymondley and use the Wymondley Bypass to connect to Blakemore End Road via the Stevenage Road construction vehicles approaching from the south would route through the A1 (M) junction via the Wymondley Bypass then connect onto the Stevenage road which would be the most direct route for vehicle arriving from the both directions.

4.3.20 There would need to be alterations to the width and radii of the existing vehicular access to accommodate the large vehicles. The visibility from the site access to the west is inadequate, due to trees and general vegetation in front of the electricity substation. This could be overcome by the signalisation of the access during the construction phase.

4.3.21 The Highway Authority has considered a highway capacity assessment at the site and that the highway network could accommodate the amount of HGV's likely to be generated by the proposal. It is recognised that there could be slight congestion caused on the junction of Stevenage Road and the Wymondley Bypass if the deliveries were undertaken at peak travelling periods, consequently, for this reason, the amount of vehicle movements are recommended to be restricted to be 50 throughout the day, between the hours of 09:15 – 15:15. This equates to around a vehicle every 7 minutes entering the site. This is considered reasonable for a temporary period of a maximum of 15 months.

4.3.22 **Subject to the conditions recommended by the Highway Authority, I consider there are no sustainable highway objections to the proposed development.**

4.3.23 Water pollution and flood risk

The site is located on a principle aquifer. It also overlies a former landfill previously used for the disposal of inert, industrial, commercial household and special waste. The Environment Agency advise that the site is considered to be of high sensitivity and the development could present potential pollutant linkages to controlled waters. The documents submitted with the original application failed to recognise the principle aquifer and the recommendation of the Environment Agency was originally one of refusal. However, the applicant has submitted further information and the Environment Agency have now withdrawn their recommendation for refusal. However, this is subject to a number of conditions. These require:

- a Preliminary Risk Assessment,
- remediation measures,
- a verification report,
- a plan for long term monitoring and
- a further remediation report in the event of unsuspected contamination,
- a scheme for surface water disposal.
- Piling or any other foundation designs and investigation boreholes using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority,

4.3.24 As the Environment Agency have withdrawn their objection, I can see no sustainable planning objections relating to pollution and flood risk, subject to the recommended conditions.

4.3.25 Effects upon the environment inc: noise, air quality and ecology

The Council's Environmental Health Officer has considered the potential for landfill gas to escape into the environment and recommends a condition asking for a phase 2 site risk assessment to be carried out, together with any remediation work. With regard to the generation of air pollutants, two conditions are requested to ensure the chimney stacks are a minimum of 15 metres high and for a written guarantee relating to the make and models of the gas engines.

4.3.26 A noise assessment report has been submitted. The generating station would be in use intermittently, daytime, evening or night time, according to demand. Noise modelling of the proposed development was undertaken for night time, with all equipment operational (100% load), to produce a 'worst case' assessment. Noise mitigation measures would be required and those proposed would minimise noise to as low as possible. It is considered that the proposed mitigation measures are satisfactory and the development should not have an adverse impact on any residents.

4.3.27 Although the site has no statutory designation itself, it does lie next to Wymondley Transforming Station Local Wildlife Site. A Preliminary Ecological Survey has been carried out. The site is known to have contained several butterfly species and breeding birds. The grassland has the potential for reptiles. There is a known badger set within 30 metres of the site. Should permission be granted, Hertfordshire Ecology recommend conditions requiring a reptile and breeding bird survey and protection for badgers from becoming entrapped in excavations and pipework during building work.

4.3.28 I can see no sustainable planning objections relating to noise, air quality and ecology.

4.3.29 Other matters

The proposed development is for a temporary period of 20 years, after which the site would be cleared and returned to its current state. There is a risk that, in the event of the applicant becoming bankrupt, the site would not be cleared. The land would become an eyesore over time. It would also be costly for the Council to seek the reinstatement of the land by enforcement or through a Section 215 site tidy notice. The applicant has therefore been required to demonstrate that a bond exists between the applicant and landowner to ensure that there will be sufficient funds to remove the peaking plant. The applicant has submitted a small extract of a bond, but there is no reference to the site or who the bond is between. The applicant has, therefore, failed to satisfactorily demonstrate that such a bond exists. **I consider this to amount to a reason for refusal.**

4.4 **Conclusion**

4.4.1 In conclusion, I consider that the application fails to demonstrate special circumstances to justify the development within the Green Belt; furthermore, due to the scale and appearance of the development, demonstrable harm would be caused to the openness of the Green Belt. The proposal also lack sufficient assurances that the site will be cleared after the proposed temporary period of 20 years.

5.0 Legal Implications

5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

6.0 Recommendation

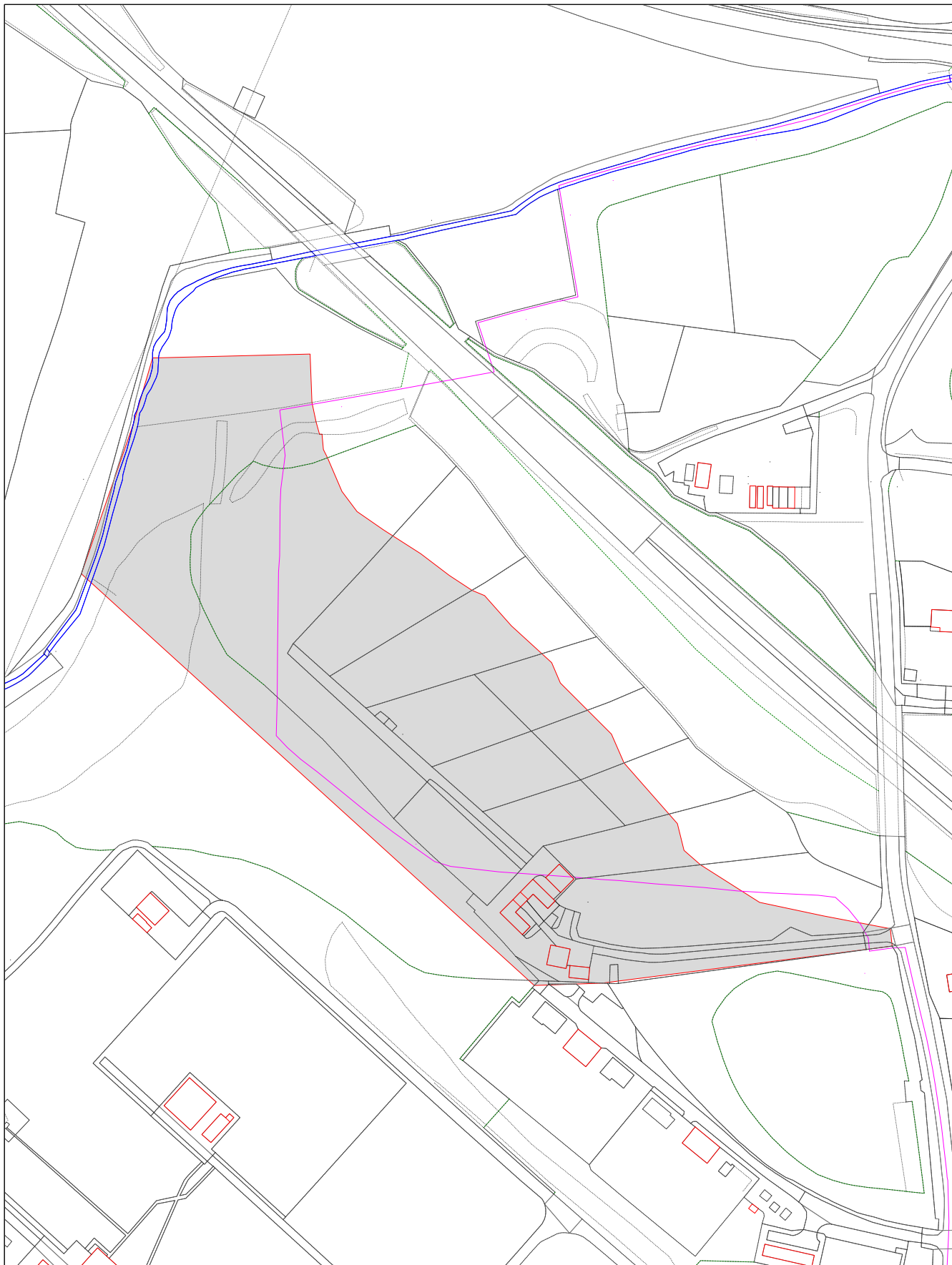
6.1 That planning permission be **REFUSED** for the following reasons:

1. The application site is located within an area designated in the North Hertfordshire District Local Plan no. 2 - with Alterations proposals map as Green Belt, within which there is a presumption against inappropriate development unless very special circumstances can be demonstrated. In the opinion of the Local Planning Authority this planning application proposes inappropriate development in the Green Belt, which would harm the Green Belt by reason of inappropriateness and cause harm to the purposes of the Green Belt as defined in paragraph 80 of the National Planning Policy Framework (NPPF) as follows. The proposal would cause harm to the purpose of safeguarding the countryside from encroachment. In the opinion of the Local Planning Authority the applicant has not demonstrated Very Special Circumstances which are sufficient to outweigh the substantial weight that should be given to any harm to the Green Belt that is required under paragraph 88 of the NPPF. Furthermore, due to the scale, appearance of the development and its prominent location, demonstrable harm would be caused to the openness of the Green Belt. The proposal therefore conflicts with saved Policy 2 'Green Belt' of the North Hertfordshire District Local Plan No. 2 - with Alterations and Section 9 'Protecting Green Belt Land' of the NPPF.

2. The application lacks assurance that the site would be satisfactory cleared following the proposed temporary period of 20 years in the event of the applicant becoming bankrupt. This could lead to the land becoming dilapidated and increasingly more unsightly and could result in unreasonable cost upon the Council to rectify. The development would, therefore, be contrary to Section 215 of the Town and Country Planning Act 1990 and paragraph 17 of the National Planning Policy Framework.

Proactive Statement

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted proactively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.



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WYMONDLEY PARISH COUNCIL

4 Tower Close, Little Wymondley, Hitchin, Hertfordshire, SG4 7JG
Tel: 07733 853263

Kate Poyser
North Hertfordshire District Council
PO BOX 10613
Nottingham
NG6 6DH

2 June 2017

Dear Kate,

Re: Case Ref No: 17/01195/1 - Full Planning Permission Application for Use of Land for a Gas-fired Electricity Generating Station on the Former Landfill Site, Blakemore End Road, Little Wymondley

I am writing on behalf of Wymondley Parish Council to object strongly to the above application for full planning permission to build an electricity generating station on Green Belt land.

The Council's objections to this application are many and varied, and reflect the views of residents as expressed at a Full Council meeting held in Little Wymondley on 22 May 2017, and at earlier meetings in the Parish, including the presentation given by representatives of the developers and District Council in June 2016.

We have repeatedly aired our concerns regarding the way in which development of the land in and around our Parish is being taken forward by NHDC, (and by neighbouring local authorities such as Stevenage Borough Council), i.e. without due regard to the Government's Green Belt policy, or the detrimental impact on the local environment and residents' health of inappropriate proposals to locate industrial and large-scale residential developments in an area which lacks the infrastructure to support them, would have its character and identity destroyed by their creation, and its inhabitants quality of life downgraded due to increased traffic, noise, flood risk and air pollution.

We are creeping towards an undesirable coalescence with Stevenage and Hitchin via the destruction of our Green Belt, with the potential doubling in size of our main settlement along the way. A glance at our Wymondley Parish Neighbourhood Plan, (which awaits progression by NHDC) or our recent response to the public consultation on the pre-submission draft of the NHDC Local Plan, would therefore certainly clarify the reasons for our objections to planning permission for a gas-fired electricity generator on Green Belt land being granted. However, for ease of reference and the avoidance of doubt, our key objections are summarised below:

- 1) The site has a potential capacity of 50mw, which is sufficient capacity to power over 100,000 homes, and scarcely the requirement of a "peaking plant". An electricity generating station of the size and scale proposed is not needed in the suggested locality as its capacity far exceeds that required to satisfactorily supply the number of dwellings and business premises currently in existence. If it is needed to boost the

National Grid supply to other areas, we suggest that it should be located at another site, where it would be more in keeping with the surrounding area, and have a less detrimental impact on its character and landscape – and on nearby residents. (The fact that some 340+ houses and a new school are also proposed in the vicinity should not be overlooked.)

- 2) The very nature and design of the generator render it totally inappropriate for the suggested site, not only because it is on Green Belt land – and therefore not permissible – but because it would be a blot on the landscape, with an undoubted adverse environmental impact.
- 3) Hertfordshire is recognised to hold the poorest Air Quality measurement in the East of England. The area around Stevenage Road in Little Wymondley, particularly, is well known to be one of the worst areas for pollution, and it abuts the area of the proposed Power Station. Whilst the suggestion is that the Power Station is intended to support peak loading it is our opinion that it will eventually be used continuously, and therefore greatly exacerbate the poor Air Quality in this area.
- 4) The plant incorporates five blue chimneys, some 15 metres above the tree-line – on a former landfill site five metres above an existing borehole site. It will therefore be unsightly, with these chimney stacks rising out of the countryside, and certainly fail to comply with NHDC's proposals for maintaining the openness of the Green Belt. Also, the comparative Sightline document shows the deciduous trees in full summer foliage, but any amelioration that this growth provides would be largely lost in winter, when the likelihood of the plant running would be at the highest probability.
- 5) Aside from this, given the Luton Airport flightpath, it is not beyond the bounds of possibility that the output from the chimneys may be hazardous to aircraft.
- 6) Given NHDC's current focus on noise nuisance, (i.e. its support for Noise Action Week 22-28 May, which highlighted the impact noise has on our health and well-being), we would urge NHDC to consider carefully the significant effect on the health and well-being of our residents that noise from the proposed generator is likely to have; and ensure that realistic figures regarding the generator's likely noise levels are presented and examined closely by the planning authority. This is particularly important, given the nature of the application, i.e. involving 50 x 1mw compression ignition (diesel) gas fuelled engines, and the fact that previously the company involved has used Cummins engines from the USA. Vibration, noise and pollution levels have not been adequately assessed.
- 7) The proposed format for power generation will undoubtedly create noise and resonance that will both be heard and felt by the residents of Wymondley Parish, not least because the slab on which the engines would be built will probably have to be mounted on piled foundations. This will transmit the sonic and vibratory oscillations to the underlying bedrock where the piles will need to be founded.
- 8) As you know, the proposed site is a former landfill site, which was previously a quarry until it became exhausted, and was then used for landfill. When the A602 Wymondley By-pass was constructed, (through part of the landfill site), the arisings and spoil were deposited on top of the remains of the quarry/ landfill site - resulting in a 5 metre increase in the height of the site. We have concerns about the nature of the material used to fill in the top 5 metres, and the application provides no evidence regarding these, as the borehole logs referred to in the application pre-date construction of the Bypass.

- 9) Soil instability, resulting in possible subsidence, has already been highlighted as a potential issue – which adds to our concerns about the environmental impact and the unsuitability of this site and the overall proposal for construction of a generator.
- 10) Flood risk is a real and ongoing concern, particularly for residents of Little Wymondley, due to its geological landscape and recent occurrences of flooding. Herts County Council (HCC) has itself recognised the problems in Flood Risk reports commissioned two years ago, and is taking steps this year to mitigate the risk of flooding to houses along Stevenage Road, by adjustments to traffic calming measures and regular and better maintenance of drains/gulleys and culverts.
- 11) As far as this application is concerned, flooding considerations have been undertaken based on a risk level of 1 in 100 years. However, the reports commissioned by HCC, (which are also mentioned in our Neighbourhood Plan), identify the land below the site (Ash Brook) as having a risk event level of 1 in 3 to 1 in 5 years. We would suggest that if HCC has accepted, and is acting on, its commissioned reports it would be inappropriate for NHDC to disregard them when considering this planning application.
- 12) Furthermore, although the site is on top of a hill in Flood Zone 1, with water run-off intended for Ash Brook, (and supposedly leaving Little Wymondley unaffected), no account has been taken of back pressure and we remain unconvinced that construction of a generator at the proposed site would not exacerbate the flood risk to Little Wymondley.

In conclusion, we see no reason or benefit in using this wholly unsuitable former landfill site as a location on which to construct an unnecessary and environmentally unfriendly gas-powered electricity generating station; and we strongly object to the proposal.

Cathy Kerby (Ms)
Clerk to Wymondley Parish Council

Email: wymondleyparish.clerk@gmail.com

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*PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No. 9
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TITLE OF REPORT: PLANNING APPEALS

REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Five planning appeals have been lodged and one planning appeal decision has been received.

Details are attached.

PLANNING APPEALS LODGED

APPELLANT	Appeal Start Date	DESCRIPTION	ADDRESS	Reference	PROCEDURE
Roy A Rowe	31 August 2017	First floor rear extension	148 High Street, Barkway, Royston, SG8 8EG	16/03125/1HH	Written Representations
Roy A Rowe	31 August 2017	First floor rear extension and internal alterations.	148 High Street, Barkway, Royston, SG8 8EG	16/03126/1LB	Written Representations
Mr & Mrs Profit	4 September 2017	Three bedroom detached dwelling with basement garage/room following demolition of existing dwelling and garage. Additional access off Church End. (Amended plans received 17/02/17).	Kestrels, Church End, Barley, Royston, SG8 8JN	16/02141/1	Written Representations
Mr & Mrs Andrews	11 September 2017	Four 4 x bedroom detached dwellings, associated car parking, access road and 'Wildlife Garden' with public footpath adjacent to Danesbury Park Road.	Land between Gragil And 29, Danesbury Park Road, Welwyn	17/00320/1	Written Representations
Mr and Mrs T Camp	19 September 2017	Change of use of annexe to one bedroom dwelling with associated parking spaces.	1 Coronation Row, Crow Lane, Reed, Royston, SG8 8AD	17/00217/1	Written Representations

PLANNING APPEAL DECISIONS

APPELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APPEAL DECISION	COMMITTEE/ DELEGATED	COMMENTS
c/o Rumball Sedgwick	Erection of 3 x 2 bed terrace dwellings with associated access, parking and landscaping.	Land Adjacent To Ash Mill, High Street, Barkway	16/02588/1	Appeal Dismissed on 11 September 2017	Delegated	The Inspector concluded that the living conditions of future occupiers would be significantly affected by odours as a result of the proximity to the existing poultry farm. The development would therefore be in conflict with Policies 6 (Rural area beyond the green belt), 26 (Housing proposals) and 57 (Residential Guidelines and standards) of the North Hertfordshire District Local Plan No. 2 and Section 6 of the Framework which seek to ensure that development proposals take into account the site and are acceptable in that location with regard to the environment and its surroundings.

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Appeal Decision

Site visit made on 8 August 2017

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11th September 2017

Appeal Ref: APP/X1925/W/17/3173257

Land South of Ash Mill, Barkway SG8 8HB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Angela Rigg against the decision of North Hertfordshire District Council.
 - The application Ref 16/02588/1, dated 11 October 2016, was refused by notice dated 12 December 2016.
 - The development proposed is the construction of a terrace of 3 two-bedroom houses together with associated access, parking and landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The planning application was refused on the grounds that, as a result of the proximity to the adjacent poultry farm, the living conditions of future occupiers of the dwellings would be affected through both noise and odour. Following the submission of further evidence from the appellant, the Council have now withdrawn their objection on the grounds of noise.

Main Issue

3. The main issue is whether the location is suitable for residential development, having particular regard to the relationship with the nearby poultry farm.

Reasons

4. The appeal site is a parcel of land that is accessed via a cul-de-sac and is bounded by a belt of established conifers which separates the site from the poultry farm to the west. Immediately to the east and north of the site are other properties that form a small cluster of dwellings developed to the rear of the High Street.
5. The poultry farm is part of a larger operation and is formed by three sheds that have the capacity to hold some 60,000 birds between them. The birds are raised for meat as opposed to eggs and have a growing cycle of around 49 days. During the growing cycle a percentage of the birds are removed to allow greater space within the sheds for the birds to grow. At the end of the cycle, the birds are removed and the sheds cleaned and disinfected for the cycle to begin again. It is common ground that bird droppings are the main source of odour from the site.

6. The appellant provided an 'Odour Impact Assessment' (OIA) whereby three site visits¹ and odour assessments were carried out at various locations around the site. The OIA clarifies that the Environment Agency's (EA) Environmental Permit for the poultry farm has an approved Odour Management Plan in place which has been prepared in accordance with the EA's Odour Guidance Note. Moreover, the environmental permit includes a specific condition to control off-site odour impacts. However, in spite of these controls and whilst I am mindful of paragraph 122 of the National Planning Policy Framework (the Framework) , it is clear from the representations received that off-site odours continue to be experienced in the immediate locality.
7. The OIA concluded that, "small odour exposures were identified during both the first and second visits, which at most equated to "slight adverse" odour impacts. During the third visit there were no odours detected..." The proprietor of the poultry farm confirmed that on the dates of the OIA, the birds within the sheds were at 11 days when high heat and low ventilation is required, at 33 days when 40% of the birds had been removed and at the last assessment the sheds had been empty for 6 days.
8. Thus, although the OIA was carried out in accordance with the relevant professional guidelines, the timing of the visits would not necessarily have coincided with those stages in the rearing process when odour emissions are likely to be at their strongest. In this respect, I note the observations of the EHO that emissions are intermittent. It seems to me, therefore, that the 5 minute assessment periods used would not fully reflect the experience of future residents, who could be expected to be on site for extended periods of time. Moreover, although the EHO has provided only limited details of the conditions at the time of her visit, I note that she recorded a strong odour at times. This again points to the intermittent nature of the odours and reinforces my concerns as to the limitations of the OIA.
9. I accept that the OIA was carried out in accordance with IAQM guidelines. However, I do not find that the assessments are an example of typical odour conditions at the poultry farm as no assessment was undertaken when odour from the sheds are likely to be at their peak, much nearer to the end of the 49 day growing cycle or when the sheds are emptied.
10. I acknowledge the appellant's argument that as a result of the basic approach that was used in the assessment of odour by the EHO very little weight should be attributed to this evidence. However, the EHO has visited the site on a number of occasions over recent years and provided an example of a recent visit using terminology from the OIA and with reference to IAQM guidelines. Although this evidence is limited in that weather conditions and exact location were not identified, it nevertheless provided opposing evidence that the poultry sheds can produce odours over and above the OIA findings. This is also supported by the proprietor of the poultry farm who confirms that odours from the sheds increase during the growing cycle.
11. Therefore, despite the findings of the OIA, given the closeness of the proposed dwellings to the poultry farm, with unit 1 some 4.5 m from the boundary, it is likely that future residents would be affected by odours which, even though they may be of varying strength and intermittent in nature, would nonetheless result in the living conditions of future occupiers of the dwellings being adversely affected by odours originating from the poultry farm.

¹ 15 June, 7 July and 14 July 2016

12. Moreover, I am conscious that the poultry sheds are the subject of an Environmental Permit issued by the EA and the introduction of dwellings close to the sheds could result in additional complaints, to the possible detriment of the poultry farm.
13. On this basis, I conclude that the living conditions of future occupiers would be significantly affected by odours as a result of the proximity to the existing poultry farm. The development would therefore be in conflict with Policies 6, 26 and 57 of the North Hertfordshire District Local Plan No. 2 and Section 6 of the Framework which seek to ensure that development proposals take into account the site and are acceptable in that location with regard to the environment and its surroundings.

The Planning Balance

14. At the time of determining the planning application, the Council could not demonstrate a 5 year supply of deliverable housing sites. Following the recent submission of the North Hertfordshire Local Plan 2011 – 2031 for examination, the Council contends that it can now demonstrate a 5 year supply of deliverable housing sites. However, the examination is still at an early stage so that, in the absence of further evidence to support the Council's claim, I consider that the provisions of para 49 of the Framework should continue to apply.
15. Therefore, I have determined this appeal on the basis that the Council cannot demonstrate a 5 year supply of deliverable housing sites. As a result, bullet point 4 of paragraph 14 of the Framework comes into play which states that for decision-taking this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the Framework taken as a whole.
16. The Council state that, "Officers remain of the view that the proposed development would represent a sustainable form of development" and no objections are raised regarding the principle of the development, its potential impact on highway safety or the living conditions of adjoining occupiers. I also recognise that the proposal would contribute to the overall provision of dwellings in the district, and would therefore have a small beneficial effect in terms of the social and economic strands of sustainability. However, against this I have found that the proposed development would have an unacceptable impact on the living conditions of future occupiers of the dwellings through odours from the adjoining poultry farm. Therefore, on balance and in my view the adverse effects I have identified above, significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As such, the proposal would not amount to sustainable development in the terms of the Framework.

Conclusion

17. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Graham Wyatt

INSPECTOR

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*PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No. 10
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TITLE OF REPORT: EXCLUSION OF PUBLIC AND PRESS

To consider passing the following resolution:

That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 5 of Part 1 of Schedule 12A of the said Act.

[Note: The definition of Paragraph 5 referred to above is as follows:

5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.]

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