

## **APPLICATION REFERRED FROM THE WEEKLY LIST**

**WEEKLY LIST NO. 1430 – 15 JUNE 2018**

**18/00318/FUL**

**LAND ADJACENT TO ST. THERESA, PUDSEY HALL LANE,  
CANEWDON**

**PROPOSED GYPSY/TRAVELLER PITCH COMPRISING  
TWO MOBILE HOMES AND SEPARATE DAY ROOM  
BUILDING, TOGETHER WITH THE SITING OF TWO  
TOURING CARAVANS AND HARD SURFACING**

### **1 DETAILS OF REFERRAL**

- 1.1 This item was referred from Weekly List No. 1430 requiring notification to the Assistant Director, Planning & Regeneration Services by 1.00 pm on Wednesday, 20 June 2018 with any applications being referred to this meeting of the Committee. Cllr G J Ioannou referred this item on the grounds that wider debate of this application is required and that there should be discussion of the conditions.
- 1.2 The item that was referred is attached at appendix 1 as it appeared in the Weekly List.
- 1.3 A plan showing the application site is attached at appendix 2.

### **2 RECOMMENDATION**

- 2.1 It is proposed that the Committee **RESOLVES**

To determine the application, having considered all the evidence.

If you would like this report in large print, Braille or another language please contact 01702 318111.

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**Appendix 1**

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Application No :	18/00318/FUL	Zoning : Metropolitan Green Belt
Case Officer	Mr Benjamin Hayter	
Parish :	Canewdon Parish Council	
Ward :	Roche North And Rural	
Location :	Land Adjacent St Theresa Pudsey Hall Lane	
Proposal :	Proposed Gypsy/ Traveller Pitch Comprising Two Mobile Homes and Separate Day Room Building Together with the Siting of Two Touring Caravans and Hardsurfacing	

**SITE AND PROPOSAL**

1. This is a retrospective application for the proposed use of land at Pudsey Hall Lane for a Gypsy/Traveller pitch comprising two mobile homes, the construction of a separate day room building, along with the siting of two touring caravans, with associated hardstanding.
2. The submitted site location plan outlines the application site in red. The proposal only relates to this area outlined in red, with the area outlined in blue to the rear remaining as land for the grazing of animals.
3. At the time that the site visit was conducted, the applicant had laid down extensive hardstanding. They had also erected a wooden close boarded fence to the front of the site with a height of approximately 1.8 metres, they had parked two mobile homes on the site, a single touring caravan and placed a porta-loo adjacent to the Southern boundary of the site. The proposed 'day room' included in this application has as yet not been constructed.
4. The proposed day room would be located to the front of the site, and would accommodate a toilet and utility area. The day room would include entrance doors to the front and rear, along with four windows. The building would have a length 9.2 metres and a width of 4.6 metres, and would be topped with a dual pitched roof with a ridge height of 4 metres.
5. To the rear of the hardstanding that the applicant has laid a grass paddock area, which the applicant has largely cleared of vegetation since they arrived on site. A derelict touring caravan and mobile home are located in this paddock area, which were present on site prior to the applicant moving onto the site (see enforcement case reference 17/00180/UTDY\_C). The applicant has stated that they plan to remove the existing derelict caravan and mobile home, and use the paddock for the grazing of horses.

6. The proposed occupants of the site are as follows: Jeremiah O'Connor (dob. 31.05.69), Kathleen O'Connor (dob. 25.06.73). And their children: Lawrence O'Connor (dob. 29.08.95), Jeremiah O'Connor (dob. 29.12.97), John O'Connor (dob. 02.02.01), James O'Connor (dob. 24.09.04), Miles O'Connor (dob. 20.01.06), Marie O'Connor (28.04.11).
7. This application is associated with enforcement enquiry 18/00038/COU\_B relating to the unauthorised change of use of land to a traveller site and the laying of hardstanding. An Enforcement Notice was issued by the Council (dated 26th April) relating to the unauthorised formation of hardstanding, which takes effect on 27th July 2018. A Stop Notice was also issued by the Council (dated 26th April), which requires the applicant to cease all activity relating to the laying of a hardstanding and any activity associated with that development including the importation of hard core, aggregate or road planning's for that purpose. The Stop Notice took effect on 1st May 2018.
8. The application site is a plot of land located on Pudsey Hall Lane, a private road located in the Metropolitan Green Belt, in an area of scattered development. There is relatively extensive vegetation located along the northern boundary of the site, beyond which are two structures which appear to be in agricultural use, associated with Pudsey Hall Farm, which is located to the North of the application site. Pudsey Hall Farm is accessed via a set of entrance gates adjacent to the application site, which run across Pudsey Hall Lane. Pudsey Hall Farm has been the subject of several enforcement cases over the years, the current one being case reference 18/00050/COU\_C relating to the use of the site for the storing and breaking of motor vehicles. Pudsey Hall Farm is in use under a number of use classes, including business (B1), light industrial (B2), storage (B8) and agricultural uses.
9. Immediately to the South of the application site is an apparently vacant plot of agricultural land. Further to the South, is St Theresa, a two storey detached dwelling, located on a sizeable plot. St Theresa is the closest dwelling to the application site, and measured from the side elevation of the main dwellinghouse, is located approximately 45 metres from the southern boundary of the application site. St Theresa has two outbuildings located adjacent to its Northern boundary.

Relevant planning history

10. 18/00038/COU\_B - Change of use of land to a traveller site, laying of hardstanding.
11. 17/00118/BLDG\_B - NOACT: Erection of a building in the green belt
12. 17/00180/UTDY\_C - NOACT: Derelict caravans on site

13. 16/00966/FUL - REFUSED: Erect one mobility accessible two bedroomed bungalow for independent living
14. 05/00161/COU\_C EN - NOACT: Siting Of Mobile Home At Land Adjacent St Theresa, Pudsey Hall Lane, Canewdon, Essex
15. 05/00083/COU\_C - Depositing of aggregates

Material Considerations

Main issues:

16. The main issues relating to this application are as follows:
  - o The potential impact of the proposal on Green Belt openness, the character of the countryside and whether the proposal would constitute inappropriate development in the Green Belt, contrary to the policies contained within the Council's Local Plan and the National Planning Policy Framework (NPPF).
  - o The potential impact of the proposal on the character of the appeal site and neighbour amenity.
  - o Other material considerations which may need to be weighed up. These would include; the need for and provision of accommodation for gypsies and travellers in the area; the personal circumstances of the proposed occupiers including the best interests of the children; and consideration of relevant duties and rights
  - o If the proposal is considered inappropriate development, whether any harm by reason of inappropriateness would be clearly outweighed by other material considerations so as to amount to the very special circumstances required to justify the scheme in the Green Belt.

Policy context

17. The NPPF states that substantial weight should be given to any harm to the Green Belt. 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. In addition, the National Planning Policy for Traveller Sites (August 2015) document, which sits alongside the NPPF, considers inappropriate development in the Green Belt to be harmful and should not be approved, except in very special circumstances. It also states that Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. In addition the document states that subject to the best interests of the child, personal circumstances and unmet need are unlikely to outweigh the harm to the Green Belt so as to establish very special circumstances.

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18. The government attaches great importance to maintaining Green Belts with the aim of preventing urban sprawl and keeping land permanently open.
19. The National Planning Policy for Traveller Sites document states the following in relation to the supply of traveller sites:
- If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. The exception is where the proposal is on land designated as Green Belt; sites protected under the Birds and Habitats Directives and / or sites designated as Sites of Special Scientific Interest; Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park (or the Broads).
20. The National Planning Policy for Traveller Sites (2015) requires that in addition to the above, when making decisions on such planning applications the following criteria are taken into account:
- a) The existing level of local provision and need for sites
  - b) The availability (or lack) of alternative accommodation for the applicants
  - c) Other personal circumstances of the applicant
  - d) That the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites.
  - e) That they should determine applications for sites from any travellers and not just those with local connections
21. Policy H7 contained within the Council's Core Strategy (2011) document states that the Council will allocate 15 pitches for gypsy and traveller accommodation by 2018. Policy GT1 of the Council's Allocations Document (2014) allocates a site of 1 hectare (removed from the Green Belt) for gypsy and traveller accommodation in the Western part of the district. Policy GB1 of the Core Strategy (2011) seeks to protect Green Belt land by directing development away from Green Belt land so far as is practicable.

Impact on the character and openness of the Green Belt

22. The submitted plans indicate that the site would be well contained, and surrounded by vegetation. The extent of the hardstanding is not considered to be particularly great, occupying an area of approximately 777 square metres, and as the plans state, would be surrounded by vegetation, it is not considered that the visual impact of the proposal on the appearance of the countryside would be overly substantial. In

addition, there is an existing derelict caravan and mobile home located on the site, that was present on site prior to the current owners purchasing the site (as evidenced by the photographs attached to enforcement cases: 05/00161/COU\_C EN, 17/00180/UTDY\_C - NOACT: Derelict caravans on site). As the applicant has stated that they plan to remove the derelict caravan and mobile home (which can be ensured by a planning condition) , the application in essence would result in a net increase of a single mobile home, a single touring caravan and the day room.. Since moving onto the site, the applicant has removed a substantial amount of vegetation. However, referring to the photographs attached to enforcement case 17/00180/UTDY\_C, the vegetation does not appear to have been of a particularly high quality. Also shown in the photos attached to this enforcement case, prior to the applicant moving to the site, there was a large number of used car tyres dumped on the site, which the applicant appears to have removed since they moved onto the site. It is considered that the above detailed factors go some way in mitigating the potential adverse impact of the proposal on the character and openness of the Green Belt.

23. Nevertheless, it remains that relatively substantial hardstanding has been laid, along with the erection of a fence with a height of approximately 1.8 metres, the stationing of two mobile homes, touring caravans and the proposed construction of a 'day room'. Although prior to the applicants moving to the site there was a derelict caravan, mobile home and a relatively substantial number of dumped used tyres, the site was undeveloped and open in character. The proposal involves the development of previously undeveloped land, and as a result, it is considered that the development would clearly have an adverse impact on Green Belt openness, despite the development being located in an area of sporadic development. The laying of hardstanding along with the other development proposed clearly constitutes encroachment into the countryside, contrary to policy GB1 of the Core Strategy (2011), the policies contained within the NPPF and Policy E of the National Planning Policy for Traveller Sites document.

Impact on the character and appearance of the area

24. Policy H of the National Planning Policy for Traveller Sites document states that potential traveller sites should be well planned and soft landscaped, that positively enhance the environment and increase openness. They should not be enclosed by hard landscaping to such a degree that a site could be seen as deliberately isolated from the rest of the community.
25. The site is located at the end of the section of Pudesy Hall Lane which is publicly accessible. Immediately adjacent to the site are three existing apparently agricultural buildings. As previously discussed, the submitted plans indicate that the site would be surrounded by planting,

potentially helping to soften its impact on the character of the area. However, it is considered that the erection of the 1.8 metre high fence to the front of the site does cause harm to the previously open character of the land at this point, contrary to policy CP1 of the Core Strategy (2011), which seeks to promote high quality design, complementary to the character of the local area, and also contrary to Policy H of the National Planning Policy for Traveller Sites document.

Impact on neighbour amenity

26. Given the nature of the proposal and the relatively substantial distance to neighbouring dwellings, it is not considered that the proposal would give rise to any unacceptable overlooking or overshadowing impact.

Evidence of nomadic habit of life

27. Gypsies and travellers are defined in Annex 1 to the government's Planning Policy for Traveller Sites document as persons of a nomadic habit of life whatever their race or origin. The letter submitted in support of this application states that Jeremiah (the applicant) travels for a living and is often away for weeks at a time undertaking landscaping work. In the absence of evidence to the contrary, it is considered reasonable to conclude that the applicants are Travellers as defined by the government.

Unauthorised development

28. The applicant has moved onto the site and undertook building operations without receiving the necessary planning permission, as government policy dictates, this should be considered as a material consideration. However, there is no evidence that the applicants have wilfully deceived the Council, and as there are no alternative sites in the district available for travellers, it could be argued that the retrospective nature of this application should be given limited weight in reaching the final decision.

Need for sites

29. Policy B of the PPTS requires local planning authorities, in preparing local plans, to set targets which address the likely permanent and transit site accommodation needs of gypsies and travellers in their area. Local planning authorities are encouraged to identify and update annually a supply of specific deliverable sites sufficient to provide five-years' worth of sites against their locally set targets whilst, amongst other things, protecting local amenity and the environment.
30. Policy H7 of the Council's Core Strategy seeks to allocate 15 pitches by 2018, and indicates these are to be provided by 2018. This commitment is reflected through an allocation of a site at Michelin's

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Farm (Ref: GT1) in the Council's Allocations Plan. However, the possible development of this site has encountered various difficulties, including tipping of waste and issues of land ownership. Development has yet to commence, and no planning permission has been sought or granted. There are no other known alternative sites available for development. There are no other allocated sites in the District and no public sites currently available for occupation. In addition, the Council has commissioned an up-to-date assessment of the District's needs. The Rochford District Council Gypsy and Traveller Accommodation Assessment Need Summary Report June 2017, by Opinion Research Services (the GTAA), has identified a total need for 19 additional pitches by 2033.

31. Paragraph 27 of the government issued Planning Policy for Traveller Sites document states the following: If a local planning authority cannot demonstrate an up-to date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. The exception is where the proposal is on land designated as Green Belt. However, appeal decisions reference APP/B1550/C/16/3162651 (relating to a proposed traveller site at the Pumping Station, Watery Lane) and APP/B1550/W/17/3174424 (relating to a traveller site at Land adjacent to Woodville, Hullbridge Road) state that as the vast majority of the district is designated Green Belt, any potential traveller site would have to be on land that is currently designated Green Belt, meaning that the application site being on Green Belt land does not necessarily mean that the application should be refused on this basis, as any other future traveller site would also have to be on land that is currently Green Belt.
32. In referring to the need for sites in the district, the Planning Inspector in appeal reference: APP/B1550/C/16/3162651 (decision date: 02 November 2017) in relation to the traveller site at the Pumping Station, Watery Lane, Rawreth; the inspector stated the following in regards to the lack of traveller site provision in the district:
33. Delay in delivery of [policy] GT1 means that currently no provision of pitches is being realised through the development plan process. The only way at the moment (and for the last 6 years following the adoption of a 15 pitch requirement) is in response to a planning application. Given the existing situation, the Council accepted at the hearing that it did not have a 5 year supply of specific deliverable sites as required by paragraph 10 of the PPTS. Neither does it have a supply of sites or broad locations for growth for years 6 to 10 also required by that same paragraph. Given the extent of Green Belt in the District, ad hoc sites coming forward are more likely than not going to be within it.
34. Although the above statement was made in November last year, the situation in terms of available traveller sites in the district has not



changed since then. Given that no other sites are currently available in the district for travellers, given the Councils statutory duty to provide traveller sites and given the above stated conclusion of a Planning Inspector, it follows that the application site should be considered for approval, despite being located on Green Belt land.

**Personal circumstances**

35. Having regard to the best interests of the children currently living on the site is a primary material consideration in this case, as stipulated in the National Planning Policy for Traveller sites document. A priority is to ensure that the children have a settled base from which to access health services and education. The applicant has submitted evidence in the form of a letter from a local school in which they applied for a place and a letter from a representative from Essex County Council Traveller unit, showing that the applicants are making steps to try and enrol their children in local schools. If the application were refused, and given the lack of available sites in the district, the applicants would likely no longer have a settled base, and would find it difficult to access health and education services. This would clearly be detrimental to the best interests of the children, and as such should be given significant weight in reaching a decision on this application.

**Highways**

36. Essex County Council Highways have raised no concerns relating to the potential traffic impact of the proposal on the road network. The proposal includes a substantial area of hardstanding, demonstrating that sufficient off-street car parking would be provided.

**Other matters**

37. Concerns have been raised over sewage at the site. Upon visiting the site, the applicant demonstrated that they have found an existing septic tank on the site which they have connected to. A condition can be attached to a potential planning consent requiring the applicant to submit details of foul water drainage for approval.

**Representations:**

38. ESSEX COUNTY COUNCIL HIGHWAYS

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:

1. The public's rights and ease of passage over footpath number 7 in Ashingdon shall be maintained free and unobstructed at all times.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11.

2. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the public right of way.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

#### NEIGHBOUR REPRESENTATIONS:

39. Fifteen letters have been received from the following addresses;

Lark Hill Road: "Homelands" "Hillside"

Pudsey Hall Lane: 1, 3, 4, 5, 7, 8, 9, 11,14,16, "St. Theresa" "Kia Ora"

and one unaddressed letter

and which in the main make the following comments and objections:

- Concerned for safety, theft and aggression from travellers.
- The proposed development has already started
- The road is not a public highway
- Not hygienic or eco friendly to have no waste collection points, nor any recyclable waste points
- No information on foul sewage disposal
- Appears to be trees and hedges on site
- Original plan dated 29th March was one less mobile home and one less caravan, does this mean that the number of dwellings is going to increase in the future?

- The site is in the Green Belt, whenever other residents along the lane have endeavoured to build new or extend their premises, a refusal has been made for the protection of the Green Belt, and it would appear entirely unfair if this proposal was entertained. They understood the Council to be a strong defender of the Green Belt and it now time to show the courage of their convictions.
- Referring to Planning Policy for Traveller Sites document:

Policy E: Traveller sites in Green Belt

'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.

- The proposed development is in the green belt, coastal protection zone and a special landscape area. The reason we purchased our property was for these very reasons as they wanted to ensure that new developments would be unlikely to be built. If this application is granted I believe this will open up a can of worms for the council and the neighbours.
- The application will cause us and the area noise and disturbance. This has been abundantly clear by the fact that they are already building on this area without planning permission. We have had a number of caravans and mobile homes visit this site, at one point a mobile home in transport caused damage to the electricity cable outside my home. I am also concerned about the safety of my child and pets, on a daily occurrence we have had a horse and trap bolt down the road at a high speed without any due care and attention.
- This will have an impact on my family's standard of living and value of my property. I have lived in this lane since September and I am not aware of any reason police attendance has been required. Unfortunately since this application has been submitted and the applicants have moved in (without authority) I am aware of three incidents, mainly theft. I don't believe this is pure coincidence.
- Object to the application as this is a development in a green belt area. Also concerned at the impact as travellers site will have on this area.
- Sympathise with the applicant wishing to make a homestead for his family and others.
- This application when/if refused will almost certainly result in many years of back and forth appeals costing taxpayers money.

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- RDC's apathy extended to New Park Road off Lower Road in Hockley is a prime example of what we can expect, plus this situation could result in other plots being sold off for the same purpose.
  - If permission is granted, surely this will set a precedent?
  - Would like the Council to confirm that they would deal with other applications exactly the same way if themselves or neighbours asked for similar permissions on their land. There should be no special permissions to be had, we should have one rule for all.
  - This application constitutes inappropriate development within the Green Belt, there are no very special circumstances for this development to be given the green light.
  - RDC has an obligation to provide a site for travellers, and this doesn't negate that.
  - The development constitutes inappropriate development in the Green Belt and would have an impact on Green Belt openness significantly greater than the small development Mr Thomas at St Theresa had refused on Green Belt grounds. The proposal will have a significant impact on the openness and character of the Green Belt.
  - RDC's Core Strategy Policy H7 - Gypsy and Traveller Accommodation says that sites will be allocated in the West of the district where transport links and access to services are better. The Council's proposals map allocates a site at Michelin's Farm in the south west of the district for Gypsy and Traveller Accommodation.
  - The supporting letter provided by the agent for the application cites DCLG Planning Policy for traveller sites. In their view, the agent has misquoted paragraph 27 of this document. It actually states the following:
    - If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. The exception is where the proposal is on land designated as green belt..
    - The planning application is not for a temporary grant of planning permission and in any event this is an exception where green belt land is involved.
    - Quotes Policy E and Policy H of the DCLG issued Planning Policy for travellers sites document. In light of these policies, the development is clearly contrary to all relevant policies.

- Quotes House of Commons Briefing Paper number 07005 dated 13th October 2017, Gypsy and Travellers: planning provisions. Pages 16 and 17 discuss the unauthorised occupation of land. It states that if a site is intentionally occupied without planning permission, this would be a material consideration in any retrospective application.
- Quotes a government consultation document from September 2014:

For the avoidance of doubt, this does not mean that retrospective applications should automatically be refused, but rather failure to seek permission in advance of occupation will count against the application. It will, the government hopes, encourage all applicants to apply through the proper planning process before occupying land and carrying out development.

In the case of this application, the works were commenced the day after the submission of the planning application and this should therefore count against the application.

- No special circumstances have been put forward in support of the application, and it therefore must be refused.
- The site is located on the Green Belt, Coastal Protection Zone and Special Landscape Area. The application should be taken in this context.
- The applicant has stated that building work has not started, this is not the case.
- The applicant did not seek pre-application advice
- Biodiversity and Geological conservation: appropriate surveys should have been conducted.
- The site was covered in small trees, hedges and shrub, the applicant has uprooted and burned these.
- The applicant submitted an incomplete application, the applicant has commenced development work, which is now largely complete.
- The applicant imported a large amount of waste to form a hardstanding, which has caused local residents loss of amenity, and has damaged the green belt.
- There is no sewage system installed on the site, with eight residents, it is inevitable that foul waste will find its way into the watercourse.

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- The applicant has not demonstrated any exceptional circumstances in support of the application.
  - The applicant has not disclosed an attempt to considered other non-green belt options.
  - The development will have a negative impact on neighbour amenity and increase traffic down the quiet cul-de-sac, increasing pressure on the junction with Pudsey Hall Lane and Lark Hill Road, an accident black spot.
  - The development would have a detrimental impact on the open aspect of the site in question and surrounding land.
  - The development would be visually damaging, out of keeping with existing development in the area and out of keeping with the character of the local area.
  - The development would result in a loss of existing views.
  - There is no evidence of vehicular right of way to the development site, and the previous owners of the site did not exercise such right of way in the past 28 years, nor contribute to the cost of repairs to the lane (which is a private road).
  - There is no sewage in the Lane or surrounding area. Any system installed at the development site would result in additional load being placed on the local watercourses, accompanied by a reduction in the quality of water draining through these watercourses.
  - The additional 8 residents would put strain on the existing infrastructure down the lane.
  - The additional population on the lane would have a negative impact on the surrounding area.
  - Quotes UK Government Policy for Traveller sites, Policy E.
  - Firstly, we would like to confirm that we do not have any personal objection to the family that have purchased this plot of land, it is our understanding that they are friendly, decent folk and we have not had any reason to complain about them as individuals since they moved onto this plot of land.
  - Our objection would be the same if the planning application was for any type of development of the green belt that surrounds Pudsey Hall Lane and we strongly object to planning permission being granted for the following reasons,

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We Object To:

- Any Development of Coastal Protection / Green Belt
- The excerpt below is taken directly from the initial WS Planning Letter Ref: J002933/BW/O dated 29/03/18
- The planning policy for Traveller sites (PPTS) makes it clear that LPA's should in producing their Local Plan identify and update annually a supply of specific deliverable sites to maintain a 5 year supply of pitches. The Development Plan fails to maintain such a supply. Paragraph 27 of the PPTS sets out that where there is such a failure of policy that temporary planning permissions should be granted if permanent permission is not appropriate.
- This excerpt does not include the exception that is in place to protect Green Belt Land:
- If a local planning authority cannot demonstrate an to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission<sup>9</sup>. The exception is where the proposal is on land designated as Green Belt; sites protected under the Birds and Habitats Directives and / or sites designated as Sites of Special Scientific Interest; Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park (or the Broads).
- There is no presumption that a temporary grant of planning permission should be granted permanently. For further guidance please see:  
<http://planningguidance.planningportal.gov.uk/blog/guidance/use-of-planningconditions/whatapproachshould-be-taken-to-imposing-conditions/> (paragraph14)
- The excerpt below is taken directly from the initial WS Planning Letter Ref: J002933/BW/O dated 29/03/18:
- Our clients have been seeking a site for many months and continue to move on from temporary sites. The application site lies in an area of scattered development. The rear of the site is to be left open for the grazing of horses.
- There are several plots of scattered development land of this nature in Pudsey Hall Lane and we are seriously concerned that if Planning Permission is granted that this will set a precedent

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and enable other plots of green belt land in Pudsey Hall Lane to be purchased and turned into traveller/gypsy sites.

- There are numerous sites around the Rochford District that are better suited to the requirements of the PPTS:
- When considering applications, local planning authorities should attach weight to the following matters:

Effective use of previously developed (brownfield), untidy or derelict land. The land in and around Pudsey Hall Lane does not meet this specification, the site land is green belt / coastal protection land which provides a natural refuge for flora and fauna, there has been no environmental assessment and there are trees and hedges on this plot and there appears to be no provision in the planning application for the removal of sewage from the site. The entrance to the site is opposite a public footpath that leads to the Roach Valley Way coastal footpath; this is an area of natural beauty and this footpath is used by many ramblers, runners and dog walkers.

- A high fence has already been erected around the site which is not in keeping with the surrounding open area, nor is the applied for development in keeping with the surrounding properties.
- Lack of Equality for current Residents
  - Several residents have had planning applications refused in the past; this includes conservatories in private back gardens that are out of site of the road. The planning application contains very little detail and there are no dimensions on the plan for the Day Room which is a permanent bricks and mortar building which will be built at the front of the site and will be visible from the road.
- Lack of Development Control by RDC
  - Our strongest objection is to the lack of action by RDC to actively control development of green belt land and we are seriously concerned that this site (and other surrounding plots in Pudsey Hall Lane) will be purchased and allowed to develop into large encampments:
  - The excerpt below is taken directly from the initial WS Planning Letter Ref: J002933/BW/O dated 29/03/18:

PROPOSED USE OF LAND FOR A SINGLE GYPSY/TRAVELLER PITCH COMPRISING OF ONE MOBILE HOME TOGETHER WITH A TOURING CARAVAN AND DAYROOM ON LAND AT PUDSEY HALL LANE, ROCHFORD.



The consultation letter received from RDC states that the application is now for:

2 mobile homes

2 Touring Caravans

- The size of the site has already increased by 50% since the initial application was submitted 6 weeks ago.
  - RDC have taken no action to date to stop this unauthorised site from being developed, this has resulted in residents having a lack of confidence in the council and concern about what the future holds for our neighbourhood.
  - Any Increase in Vehicles through Pudsey Hall Lane
    - There has already been a noticeable increase in the number of vehicles going up and down the lane since this plot has been inhabited. All site / visitor traffic will pass ALL of the properties along the lane as the site is located at the end of the lane. We already have to suffer speeding vehicles on a regular basis.
    - Pudsey Hall Lane is a quiet residential area with single lane access, we strongly object to any planning application for multiple dwellings that will lead to any increase in vehicular activity along the lane. Homeowner deeds already prohibit noise and the running of any business from all properties in Pudsey Hall Lane (apart from No.22).
    - Pudsey Hall Lane is an un-adopted, private access road and residents are required by our deeds to maintain the road directly in front of our property up to the ditch. The road is in constant disrepair and requires regular patching to fill pot holes. Any increase in vehicular activity will result in more regular repairs being required.
  - Decrease in the value of properties along Pudsey Hall Lane
    - It is a sad, but material fact that property prices and the ability for homeowners to sell their property is directly affected when permanent traveller / gypsy camps are set-up in nearby locations.
40. It is considered that the proposal for permanent use would be contrary to the Green Belt policies contained within the Council's Local Plan, it is however considered that this finding would not be out-weighed by all other material considerations, including relevant provisions of the NPPF and the PPTS. As a result, it is recommended that a permanent permission be rejected, as the proposal is contrary to the relevant Green Belt policies.

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41. Whilst a permanent occupation is not considered appropriate, there are considerations weighing in favour of the development such as the best interests of the children, and the lack of alternative traveller sites within the district. In light of these considerations and recent appeal decisions from the planning inspectorate, it is considered that a temporary five-year planning permission personal to the appellant is justified.
42. This recommendation is in accordance with recent appeal decisions relating to Green Belt Traveller sites in the district. The most recent of these appeal decisions relating to sites in the district is Appeal Ref: APP/B1550/W/17/3174424 for a traveller site at: Land south of Woodville, Hullbridge Road, Rayleigh, Essex SS6 9QS. In a decision dated 28 February 2018, the Inspector stated the following:
- "Whilst a permanent occupation is not appropriate given that the proposal is contrary to the policies contained within the development plan, there are considerations weighing in favour of the development such that, when taken together, justify a temporary five-year planning permission personal to the appellant."
43. This recommendation is also in accordance with appeal decision reference: APP/B1550/C/16/3162651, dated 02 November 2017, relating to a proposed traveller site at The Pumping Station, Watery Lane, Rawreth, Essex SS11 8TN. In this case the Inspector concluded that the failure of the Council to provide traveller sites, and the relatively sustainable location of the site outweighed any potential harm to the Green Belt.
44. This recommendation also accords with recent appeal decisions relating to travellers sites in the Green Belt in other parts of the country. In appeal decision reference: APP/X2220/C/17/3180882, dated 23 April 2018, relating to a traveller site at: Land off Westmarsh Drove, Westmarsh, Canterbury CT3 2LP, the Inspector stated the following: Appeal allowed, granted temporary consent for 3 years despite concerns over flooding and the impact on the openness and character of the green belt. Temporary consent granted due to there being no alternative sites for the travellers to go to, and in the best interests of the children living on the site.
45. In appeal decision Ref: APP/A0665/W/16/3161027, relating to a traveller site at Gethsemane Caravan Park, Chester Road, Dunham-on-the-Hill, Chester WA6 0JQ, dated 24th May, in allowing an appeal for 3 traveller pitches on Green Belt land, the Planning Inspector stated the following: "It is clear that the proposal was inappropriate development reducing openness and encroaching on countryside. However noted 5 year supply need for sites with none presently available. Significant weight given to the failure of policy. Noted the low

key development had already been present for a number of years, was not visually prominent and was quite well screened by existing vegetation and buildings. Weight given to compelling documentary evidence of an appellant's medical condition and education of children. Noted PPTS where personal circumstances and unmet need were 'unlikely' to clearly outweigh Green Belt harm; finding 'unlikely' meant that exceptions might be expected and the personal needs of the Appellant's family were of such weight and importance as to clearly outweigh the harm to Green Belt."

APPROVE: temporary permission of 5 years personal to applicant.

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.
- 2 The use hereby permitted shall be carried on only by Jeremiah O'Connor and Kathleen O'Connor and their resident dependants, and shall be for a limited period being the period of five years from the date of this decision.
- 3 When the site ceases to be occupied by those persons named in Condition 2 above, or at the end of five years, whichever shall first occur, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought on to the land, and works undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place.
- 4 No more than two visiting caravans or motor homes shall be accommodated on site at any one time and none of those shall comprise a static caravan. Visiting caravans shall not be accommodated for more than six weeks in total in any calendar year.
- 5 The development hereby permitted shall be carried out in accordance with the following approved drawings: J002933-DD01 REV A, J002933-DD02, J002933-DD03 REV B, J002933-DD04
- 6 Prior to the commencement of any further works on the site, full details of proposed landscaping shall be submitted to and been approved in writing by the Local Planning Authority. The scheme shall be based upon the general principles set out in application drawing and the submitted scheme shall include planting plans and schedules of plants (noting species, plant sizes and proposed numbers/densities) and a programme for maintenance.
- 7 Prior to the commencement of any further works on the site, details of a scheme of foul water drainage and of a programme for the works shall be submitted to and be approved in writing by the Local Planning

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Authority, and the scheme shall be implemented in accordance with the details as approved.

- 8 The public's rights and ease of passage over footpath number 7 in Ashingdon shall be maintained free and unobstructed at all times.

**Relevant Development Plan Policies and Proposals:**

Policy GT1 of the Rochford District Council Allocations Plan 2014

Policy CP1, H7 and GB1 of the Rochford District Council Core Strategy 2011

Department for Communities and Local Government: Planning policy for traveller sites (August 2015)

National Planning Policy Framework

The local Ward Member(s) for the above application are Cllr N L Cooper  
Cllr G J Ioannou Cllr Mrs L Shaw

## 18/00318/FUL

