

13/00429/FUL**THE PEAR TREE, 750 NEW PARK ROAD, HOCKLEY****CHANGE USE OF LAND FOR SITING OF CARAVANS FOR
RESIDENTIAL OCCUPATION AS TRAVELLER SITE
COMPRISING ONE STATIC MOBILE HOME AND TWO
TOURING CARAVANS WITH HARD STANDING AND CESS
POOL****APPLICANT: MR AND MRS F AND H DORAN****ZONING: METROPOLITAN GREEN BELT****PARISH: ASHINGDON****WARD: ASHINGDON AND CANEWDON****1 PLANNING APPLICATION DETAILS****THE SITE**

- 1.1 This application is to a site on the western side of New Park Road 85m south of the junction made with Lower Road. The site is rectangular in shape having a frontage of some 12m and depth of approximately 50m. The site is fully covered in a hard core and chippings surface. The site is contained within wall and fencing to the side and rear boundaries with a wall and gates to the front. A former stable building exists across the back of the site, which is occupied as a day room.
- 1.2 New Park Road is unmade. The area is generally part of sporadic plotland development located within the Green Belt. The site is adjoined on both sides by existing dwellings set a good distance back from the road in generous frontages. The site is opposite a meadow.
- 1.3 Three touring caravans are currently sited alongside the northern boundary of the site, together with a former stable at the back of the site used as a day room for the site occupiers.

THE PROPOSAL

- 1.4 The site to which this application relates is currently in use for residential occupation by a gypsy family. Following a lengthy site history (set out in section 3 below) permission was granted by the Secretary of State for the occupation of the site on a personal basis by Felix and Hanna Doran, Kizzy Connors and their resident dependants; for three caravans to include not

more than one static or mobile home and for a limited period of two years expiring on 8 December 2012. That use continues unauthorised. The stable building (used as a day room), the fencing and front gates are lawful.

- 1.5 The current application is submitted retrospectively to regularise the current use, including the retention of the foul drainage system previously installed. Consent is sought for a permanent permission but failing that for a further temporary period.
- 1.6 The current application seeks authorisation for the use of the site on behalf of Felix and Hanna Doran and their five children, Alfie aged 17, Roseanne aged 11, Tommy aged 9, Rhianna aged 2 and Felix aged 1.
- 1.7 Authorisation is also sought for Kizzy Connors (sister of Hanna Doran) and her three children Tommy aged 9, Chardonney aged 5 and Gerry aged 17 months. Kizzy is also expecting another child.
- 1.8 Authorisation is also sought for Miley Doran (son of Felix and Hanna Doran) and his wife Margaret.
- 1.9 In comparison to the previous application permitted, the current proposal would not increase the number of caravans from the three previously approved and apart from an increase in dependant children, there would also be one additional adult residing on the site. In support of the application the applicants set out that there have been a number of changes since the grant of permission in December 2010 and set out below.

Change in the Applicants' Personal Circumstances

- 1.10 The applicant, Mrs Hanna Doran, has had another child, Rhianna, now aged 2 years old.
- 1.11 The applicants' son, Miley, has married.
- 1.12 Kizzy Cooper (officers understand to be also known as Kizzy Connors) has a son, Gerry aged 17 months, and who is awaiting an operation at Southend Hospital.
- 1.13 Mrs Cooper has also been diagnosed with epilepsy and diabetes.
- 1.14 Chardonney Cooper aged 5 continues to be monitored at Southend Hospital for a heart problem.
- 1.15 There are 5 adults and 8 children living on the site with another child expected. The site would therefore provide a home for fourteen persons.

Prematurity

- 1.16 The applicants state that the Council has struggled to find alternative sites. The site being considered will also be taken from the Green Belt and as such

definitional harm and loss of openness will be no less. The applicants state that the shortage of housing land has not prevented the Secretary of State from granting permission for an extensive housing development on Green Belt in Thurrock and which raises significant issues of equality due to inconsistent decision making.

Policy

- 1.17 The provision of traveller sites has been brought more in line with that for housing. Whilst the option for a temporary permission remains, Councils are now expected to make their own assessments of need and to have a five year supply of available land. Unless the Council can claim that a site allocation document will be prepared and adopted by March 2013, the applicants argue that significant weight should be attached now to unmet need and the failure to have a five year supply of deliverable sites. The applicants argue that the figures for the provision of sites confirm that few new sites/pitches have been delivered.
- 1.18 Policy H7 to the Council's adopted Core Strategy (adopted December 2011) recognises the need for a minimum of 15 more pitches by 2018, but the applicants argue this was not informed by an up to date district based needs assessment. Instead Policy H7 is a criteria based policy, which fails to explain where sites should be located.
- 1.19 The pre-submission allocations document (November 2012) has been drafted, but the site included is on degraded land unsuited for housing and next to a proposed employment area and proposed waste transfer station. The applicants question how this site would comply with the requirements of policy H7 to the Core Strategy or aims of policy set out in Planning Policy for Traveller sites (Department for Communities and Local Government March 2012).

Primacy of the child

- 1.20 The applicants enclose a copy of the Supreme Court decision *ZH Tanzania v SOS for the Home Department* (2011), whilst concerning an immigration case, emphasises the substantial weight to be given by decision makers and public authorities in particular, to the needs of the child, which has since been given weight in the *Sedgemoor DC v M Hughes and others* case (2012). The applicants state that the duty on any public authority to give consideration to the best interests of children is equal to the substantial weight to be given to definitional harm to inappropriate development in the Green Belt.

Ministerial Statement 1 July 2013

- 1.21 A ministerial statement issued by Brandon Lewis MP stated that the single issue of unmet demand for housing is unlikely to outweigh the harm to the Green Belt and other harm to constitute the very special circumstances justifying inappropriate development in the Green Belt. For this reason, the

Secretary of State argues for particular scrutiny to traveller appeals. Whilst this statement is a material consideration, the applicants consider it should only be given limited weight until there is greater clarity as to the Government's application of Government policy and that appeals should be recovered to be considered by the Secretary of State only where Ministers are unhappy with an inspector's application of policy.

Planning Issues

- 1.22 The applicants argue that the balancing exercise differs little to that in 2010. Guidance on temporary consents in circular 11/95 stresses that a second temporary permission should not normally be granted and is only justified where highway or re-development proposals have been postponed or in cases of hardship where temporary instead of personal permission has been granted for a change of use. There is the added cost to families in having to renew consent and perhaps having to undertake makeshift arrangements.
- 1.23 The applicants argue that in the previous appeal the inspector recommended approval on a permanent basis and that, given the pressing need for sites, including small private sites such as that to which this application relates, there is strong justification for the permanent permission sought.

Material Considerations

- 1.24 The applicants rely on the following material considerations:-
- The gypsy-traveller status of the applicants and their family and their personal need to be settled.
 - Unmet need for sites in this district and elsewhere in Essex.
 - Main aims of national policy set out in Planning Policy for Traveller Sites to encourage self provision and address the need to provide more sites in suitable places.
 - Failure of policy to identify sites that are developable and deliverable. Families should not be put to the trouble and expense of renewing permissions and that in this case the applicants had good reason to believe the issue would have been addressed by now. This failure is a matter capable of carrying significant weight especially when all sites are in the Green Belt.
- 1.25 The applicants consider that there is very good justification to renew consent either on a permanent basis or for another temporary period. Whilst the needs of the family have increased since the consideration of the previous appeal, the applicants consider there exists space on the site for all the caravans required although some households would be living in small touring caravans making use of shared facilities.

2 RELEVANT PLANNING HISTORY

- 2.1 Prior to the current applicants moving onto the site around January 2008, the site had since June 2003 been occupied by a previous gypsy family resulting in the following history and enforcement background.
- 2.2 Application no. 03/00621/COU sought permission for the change of use of land to residential and stationing of one mobile home and was refused permission on August 2003 for Green Belt reasons.
- 2.3 Appeals against the refused planning permission and enforcement notice were dismissed as such but the ground (g) appeal that the period of compliance for the enforcement notice falls short of what should reasonably be permitted was allowed, with the period for compliance extended to two years. This was due to uncertainty at the arrangements for providing gypsy and traveller sites within the district.
- 2.4 On the expiry of the enforcement period application no. 06/00338/FUL was made for the continuing use of the land for the stationing of a caravan for residential use, together with storage of a second caravan and the retention of hardstanding, stables and existing ancillary buildings and fences. This application was refused permission on 14 June 2006 for Green Belt reasons and failure to demonstrate that alternative sites had been considered outside of the Green Belt. Permission was granted on appeal on 21 March 2007 on a permanent but personal basis to the then applicant.
- 2.5 In allowing the appeal, the Inspector agreed the proposal to be inappropriate development within the Green Belt. The Inspector also noted that the wording of policy HP20 to the Council's adopted Local Plan accepted that if applicants have first given consideration to non-Green Belt sites as required, a possibility of the loss of some openness would be implied from the consideration of Green Belt sites.
- 2.6 The site was cleared and vacated by the previous owner in March 2007 and in doing so the permission allowed in the appeal had lapsed.
- 2.7 The current applicant, also a gypsy, moved onto the site around January 2008 and submitted an application to site on a permanent basis one mobile home and two touring caravans. This application reference 08/00275/FUL was granted planning permission on 20 November 2008, subject to conditions requiring details to be provided for the foul and surface water drainage of the site, limitation to the proposed one mobile home and two touring caravans and the clearance of the site following the cessation of occupation.
- 2.8 Condition 1 of the permission limited the site use to the applicant and her resident dependants and for a temporary period as set out below:-
 1. The occupation of the site hereby permitted shall be limited to the family of the applicant, Mrs Hanna Doran, and her resident dependants and for a temporary period expiring on 28 October 2011.

REASON: In view of the very special circumstances of the applicant and the shortage of sites available to provide for the unmet demand for gypsy site provision within the district, the review of site provision in the Council's emerging Local Development Framework and given the restricted size of the site.

- 2.9 An application was made (application reference 09/00173/FUL) to vary that permission by removing condition 1, which limited the site personally to the applicant, her resident dependants and for a temporary period. The effect would have been to grant permanent permission for the use of the site for residential purposes for one mobile home and two touring caravans. The application was refused permission on 28 May 2009 for Green Belt reasons.
- 2.10 In the subsequent appeal the inspector recommended that the appeal be allowed, subject to conditions that the site be occupied by no other persons other than gypsies and travellers, only by the applicant and limitations upon the size of vehicles and the number of caravans being limited to three, including one static mobile home.
- 2.11 The Secretary of State, however, partially disagreed with the Inspector's findings and instead granted planning permission on a further temporary and personal basis. A high court challenge by the applicant against the Secretary of State's decision was dismissed on 8 May 2012.
- 2.12 An application was made in December 2012, reference no. 12/00748/FUL, to vary the permission then extant as follows:-
- Application to vary conditions 2, 3 and 6 of appeal decision 09/00173/FUL as follows:-
- Condition 2: The occupation of the site hereby permitted shall be carried on only by Lillian Adams, Felix, Hanna, Miley and Margaret Doran and Kizzy Connors and their resident dependants.
- Condition 3: Notwithstanding the description of development, no more than five caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, (of which no more than one shall be a static caravan or mobile home) shall be stationed on the site at any time.
- Condition 6: That condition 6 be removed and permanent permission granted or that the permission be renewed for a further temporary period.
- 2.13 That application was refused permission on 6 March 2013 because the increase in the number of caravans was considered to be over-development of this limited site and detrimental to the character of the Green Belt.
- 2.14 A further application was made to vary those same conditions under application reference 13/00266/FUL, but which was turned away because it

was no longer possible to vary the temporary consent allowed under application 098/00173/FUL, which lapsed on 9 December 2012.

- 2.15 The current use of the site is therefore unauthorised.

3 CONSULTATIONS AND REPRESENTATIONS

Ashingdon Parish Council

- 3.1 Object. The proposal is not suitable in the Green Belt. The proposal would have a negative environmental impact on the neighbouring properties. There are also concerns for noise pollution.

Essex County Council Highways

- 3.2 No objection to raise.

Environment Agency

- 3.3 Have no objection. However, have the following comments on the proposed method of foul water disposal.
- 3.4 A private means of foul effluent disposal is only acceptable when foul mains drainage is unavailable. According to our maps the site is approximately 300m away from the main sewer network. If our maps are correct, the use of non-mains drainage, given the scale of the proposed use, would therefore appear to be appropriate in this case. That said, the method of non-mains disposal should be the most appropriate to minimise the risk to the water environment.
- 3.5 According to DETR Circular 03/99, if connection to the public sewer is not feasible, a package treatment plant incorporating a combination of treatment processes should be considered. If this is also shown not to be feasible, a system incorporating septic tanks should be proposed. The submitted application form indicates that a cess pit is proposed to dispose of foul water. A cesspool or cesspit is a covered watertight tank used for storing sewage. It has no outlet and relies on road transport for the removal of raw sewage. It is the least sustainable option for sewage disposal. You should consider a cesspool as a temporary measure, pending a more satisfactory solution.

Rochford District Council Head of Environmental Services

- 3.6 No adverse comments to raise.

Replies to Neighbour Notification

- 3.7 70 letters have been received from residents within the district and a further 9 letters have been received from residents outside the district from the following addresses:-
- 3.8 Ashcombe: 15

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- 3.9 Ashingdon Road: Norwich House No. 17
 - 3.10 The Bramleys: 10 (two letters)
 - 3.11 Broadwalk: 59
 - 3.12 Burnham Road: 6
 - 3.13 Buckingham Road: 72
 - 3.14 Cavendish Road: “Janina” (two letters)
 - 3.15 Canewdon Road: “Highsteppers”
 - 3.16 The Chase: “Hilltop Cottage”
 - 3.17 Clarendon Road: “The Brambles”
 - 3.18 Clifton Road: 75
 - 3.19 Cornhill Avenue: 30
 - 3.20 Golden Cross Road: 74 d
 - 3.21 Granville Road: “Woodside”
 - 3.22 Greensward Lane: 102, 308 (three letters)
 - 3.23 Lower Road: “New Hall Farm” (four letters), “New Hall House” (two letters), Gate 3 (Alpha Engineering Services), Hockley Market Garden Centre (two letters), “Linden Lea” Riverside Nursery, “St Thomas,” “Belle Lodge” 106 (two letters), “Beckney Lodge” (two letters), “The Grange,” “Victoria Cottage,” “Rochelles” (two letters), “Dormers” (four letters)
 - 3.24 New Hall Road: “Budleigh,” “Kildare”
 - 3.25 New Park Road: “Abbey Grove” (three letters), “Alernpaul” Unit 1, Unit 2, “Northcroft,” “Oaklands”
 - 3.26 Newton Hall Gardens: 15
 - 3.27 Park Gardens: 23 (two letters)
 - 3.28 Rectory Avenue: 5 (two letters),
 - 3.29 Southend Road, Hockley: 41
 - 3.30 Stanley Road: 9 (two letters), 11, 36, 38 (two letters)
 - 3.31 The Walk: 9 (two letters)

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- 3.32 Wellington Road: “Sunny side”
- 3.33 Hockley and Hawkwell Residents Associations
- 3.34 Beverly Gardens Southend-On-Sea: 10 (two letters)
- 3.35 Churchfields, Shoebury: 84,
- 3.36 Elm Grove, Thorpe Bay: 42,
- 3.37 Eton Walk, Shoeburyness: 20,
- 3.38 Scrub Lane, Hadleigh: 84,
- 3.39 South Avenue Southend-on-Sea: 349,
- 3.40 And two anonymous letters
- 3.41 And which in the main make the following comments and objections:-
- Once again there has been a fire at the site on 16 October 2013 causing our trees and fence to be burnt. The fire caught the overhead electricity and telephone cables. The electricity company has now disconnected cables and found plug sockets fixed to the fence behind our gas tank. Something needs to be done about this site as it has cost the services an enormous amount of money and time and could have cost lives if we had not warned the fire service not to spray water as the cables were lying live in my garden in the dark where they could not see.
 - The current application follows the refusal of permission on 6 March 2013 for five caravans and six adults and their families.
 - Inappropriate development in the Green Belt. The large expanse of white caravans and vehicles totally detract from the character and appearance of the area comprising much larger long established plots with accommodation set back in well maintained gardens.
 - The site has no future as a permanent travellers’ site and as soon as any temporary permission that might be given expires should be returned to its original Green Belt usage.
 - The site has suffered from considerable over-use in the past with extra caravans, vehicles and people living on the site far in excess of that being proposed. This small site clearly cannot support the level of occupancy that has been on it.
 - Understand the pressures upon Councils until proper sites are made available. Temporary consent should be made clear that the permission is solely for this family’s own occupation and that the site will not be allowed to be used as a general travellers’ site.

- The site does not have adequate sewerage or drainage facilities installed. The neighbouring residents at “Abbey Grove” have continually complained about septic tank overflow problems. The current small septic tank would appear completely inadequate. Problem is minimised when the residents are away travelling but much worse when there are a lot of extra people on the site. If a new system is to be installed will it be inspected?
- The 2009 site drainage plan shows a 2800 L cesspit in the centre of the site and a nearby 600 L inspection chamber leading to another inspection chamber by the utility block. However, as this does not show on the new plan it does not appear to have been installed and is probably why the adjacent site has flooded. This situation has been allowed to continue for years and even if new facilities are installed it is highly unlikely that it would stop all of the problems. The adjacent land is much lower and there is just nowhere else for the overflow water to go.
- Object to the use of the stables as a utility block as this structure will need to be converted back to a stable when the site reverts back to its original Green Belt useage.
- There is a vent pipe close to the fence with “Abbey Grove,” which suggests that a tank might be situated in that area. The large LPG tank in “Abbey Grove” is sited near to where one of the caravans has been positioned.
- Previous petition to the earlier application stated that permanent permission should not ever be given for this site and these 106 signatures should be taken into account.
- The use of this location as a travellers’ caravan site is completely wrong and will encourage illegal parking of travellers’ caravans in an area that does not provide the necessary facilities required. Having an illegal travellers’ site will lead to our own Dale Farm with all its consequences. This also goes against the latest Government requirements and recommendations for travellers’ sites. Please provide a suitable official travellers’ site and refuse approval of this planning application.
- This proposal may be the thin end of the wedge, and an excuse for more caravans and people. No residential hardcore should be larger than the driveway for a house. No residence should be without essential services, i.e., sewage and water; the landscape around the lower road will be lost and the proposed development will not be within the keeping of the existing property and surrounding areas.
- Yet again the residents of New Park Road have to write another letter against the use of Pear Tree by travellers; we have done this at least twice a year for the last 8 years and still nothing is done to stop them appealing. When will this end. Mr and Mrs Doran do not reside at Pear Tree; they let it out to other families.

- My main objection is that the Council has done nothing to stop the urine being emptied onto my land from the portaloo; it is never emptied any other way. Despite asking the Council to make them remove it at every appeal to stop the urine coming onto my land, which surely is a very easy solution. The small septic tank is very rarely emptied.
- A couple of months ago I noticed a strong smell of gas from my tank and all around it were cigarette ends. I immediately rang the emergency gas line and they came out to confirm there was a big leak and I had lost 500 litres of gas. They repaired the leak and said the tank plinth had tilted 4 inches forward due to the continued water pouring out from the adjacent site and washing away the sub soil. This will cost me a fortune to put right as firstly the tank will have to be craned off. They also commented on the caravan 4ft behind the tank which they say should be at least 15ft away. It has also cost me thousands to have the driveway redone because the continued flow of water caused the driveway to collapse which had only been laid 5 years. How come they are allowed to continue flushing water onto my land which is costing me a fortune to put right.
- I went to mow the grass and it was strewn with parcels of kitchen roll filled with food which had been thrown over the fence, together with various other items. I felt quite sick at having to pick up the many parcels and throw them back, plus the fact at my age it is backbreaking to keep bending down to pick them up.
- A few weeks ago when the weather first turned warm they completely flooded my garden from a standby tap which had been left on and was running down the driveway like a river; a kind neighbour asked them to turn it off.
- They still continue to pipe all their waste water directly onto the lawn where my fruit trees are.
- Another family (who had 5 children) stayed there for a couple of weeks but were of no nuisance whatsoever.
- We had a traveller family there for 3 years before they came and never once did they flood our land, dispose their rubbish or urine onto us.
- No details submitted for the cess pool. Question adequacy of the previous drainage approved. The contamination of the neighbouring site means this site is not suitable for the use proposed.

4 MATERIAL PLANNING CONSIDERATIONS

Green Belt Issue and Very Special Circumstances

- 4.1 The site is located within an area of Metropolitan Green Belt as identified in the Council's saved Local Plan (2006). The Council accepts the applicants to have gypsy status.

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- 4.2 The previous application lapsed on 9 December 2012. The effect of refusing permission for the current application will make the applicants homeless.
- 4.3 Paragraph 14 to “Planning Policy for Traveller Sites” (DCLG March 2012) states the provision of gypsy and traveller sites, whether temporary or permanent, are inappropriate development within the Green Belt. The provision of traveller sites are not listed amongst the exceptions at paragraphs 89 and 90 to the National Planning Policy Framework. Paragraph 15 to “Planning Policy for Traveller Sites” (DCLG March 2012) generally argues for specific allocation of sites through the plan making process.
- 4.4 The applicants must therefore demonstrate that very special circumstances exist to outweigh the harm to the Green Belt and any other harm, for permission to be granted.
- 4.5 In the previous appeal the Inspector noted that there were eight children then living on the site, including those with special educational needs, together with the health care needs of both the children and Kizzy Connors. However, the Inspector concluded these circumstances did not necessitate continued occupation of the site, but rather favoured the need for a permanent and settled base which the site would provide.
- 4.6 The Secretary of State disagreed with the Inspector on this issue arguing that permission for a permanent site should not be granted ahead of the consideration of site allocations and instead granted permission for a further temporary period. The Secretary of State did not share the Inspector’s pessimism with regard to a delay by the Council in its ability to bring forward a permanent site, but considered that in any case, that matter could be more appropriately considered towards the end of the temporary consent period then under consideration.
- 4.7 Since the appeal, two young children have been born into the extended family on the site. These infants are dependant on their mothers to the extent that the refusal of permission would make them and their siblings homeless. However, Miley Doran and his wife who, unlike younger children, are no longer dependant on the applicant.
- 4.8 The need for a settled base would favour the granting of a further temporary consent under the terms of the previous application to allow for the siting of three caravans as currently existing on the site. Both the Inspector and the Secretary of State agreed previously that the circumstances were such that they did not necessitate continued occupation of the site. Both agreed that the absence of sites was the significant issue, but disagreeing over whether the current application site as a consequence of no sites being available, should be made permanent.
- 4.9 The Council’s Local Development Framework Allocations Submission Document (April 2013) is at examination stage and carries greater weight than the circumstances around the discussion document taken into account in

2010. Policy GT1 allocates a site to the west of Rayleigh of 1ha and in excess of the minimum 0.75ha considered necessary to provide the 15 pitches to which the Council is committed under Policy H7 to the adopted Core Strategy. It is part of the wider release of a greater site included for employment uses under Policy NEL2. The Council's preference is for a municipal site so that pitches can be offered in a simple and straightforward way through municipal site management.

- 4.10 The western Rayleigh site is not yet available and has yet to be agreed, receive planning permission and be laid out ready for occupation. It is required to be in place by 2018, some five years time. Since the previous appeal, the consideration of sites as part of the Local Development Framework process has been the subject of examination. The preliminary findings of the inspector on the need for modifications to the plan have made no reference to the western Rayleigh site. As such there is now increased certainty that there will be no change to that planned allocation to the site coming forward as part of the planned release of the site from the Green Belt within the timescale of 2018.
- 4.11 The lack of sites being available continues to be a material consideration to be given substantial weight. These circumstances favour the granting of permission for a further temporary period of five years until such time as the site in West Rayleigh would be available. A permission for five years would allow the family to continue residence at the site until better accommodation is available.
- 4.12 The previous inspector considered the presence of three caravans to be small in scale with limited harm to the Green Belt. The reduction to three caravans is consistent with the previous temporary consent allowed on appeal and overcomes the concerns in the more recent application to increase the number of caravans and persons living on the site.

Other Matters

- 4.13 A number of representations have been made by third parties and the Ashingdon Parish Council. Both the previous Inspector and the Secretary of State agreed that matters of noise and nuisance are matters for which there are other powers available to address these issues. Furthermore, the increase in traffic and vehicle movements would not be material given the various uses also in the site vicinity.
- 4.14 The site would provide a degree of peaceful co-existence with neighbours and would provide wider benefits of providing a settled base for the schooling of children and easier and regular access to doctors and other health services. The site is also located within flood zone 1 at the least risk of flooding. In this respect the proposal complies with Policy H7 to the Core Strategy (2011).
- 4.15 The site is completely surfaced in loose stone/planings with no obstructions. The provision of three caravans can be accommodated within the site with

remaining space available for vehicles to park and manoeuvre. The site has not given rise to issues of obstruction or on-street parking to the unmade road serving the site. There is no objection raised to the proposal by the County Highway Authority.

- 4.16 The applicants have previously provided a septic tank to serve the site. The Council's Head of Environmental Services is aware that overflow liquor has flowed from time to time onto the neighbouring front garden area to "Abbey Grove". The 2,800 litre septic tank installed in 2009 is designed to serve the needs of only four persons and is clearly inadequate for the current site needs. The confirmation of the installation by the applicants states that a septic tank of 3800 litres was installed, but this this would only have a capacity for six persons.
- 4.17 The Council's building control officers advise that it would appear that the septic tank has been installed without the necessary drainage field that would provide secondary treatment and therefore result in the need for being emptied at regular intervals. No application for consent under the Building Regulations was made for the installation.
- 4.18 If permission were granted there would need to be total capacity septic tank or cess pit equivalent to 7,000 litres capacity for fourteen persons to be living on the site. The existing tank could be used in conjunction with a further tank of 4,200 litres in size based upon the 2,800 litre tank believed to be installed. The requirement for this increased capacity could be the subject of a condition to the grant of permission.

5 CONCLUSION

- 5.1 The site is located within the Metropolitan Green Belt and has a long history associated with use for the purposes of a traveller site, including the present use being unauthorised. The site is restricted in size. Given the absence of alternative sites being currently available the site occupiers, including children, would become homeless, if permission were refused.

The Council's Local Development Framework Allocations Submission Document (April 2013) is at examination stage and there is greater certainty that a site will become available though the planned release of sites in a planned way. Accordingly the applicants should be given a further temporary and personal permission to reflect the availability of a site being available through the planned process.

6 RECOMMENDATION

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

That planning permission be approved, subject to the following conditions:-

- (1) The occupation of the site hereby permitted shall be limited to the family of the applicants, Felix and Hanna Doran, and their resident

dependants, Kizzy Connors and her resident dependants and Miley and Margaret Doran and their resident dependants and for a temporary period expiring on 31 December 2018.

- (2) No more than one mobile home and two touring caravans or alternatively no more than three touring caravans and as defined in the Caravan Sites and Control of Development Act 1960, shall be stationed on the site.
- (3) At the expiry of the occupation of the site in accordance with condition 1 above, the use hereby permitted shall cease and within 2 months of that time, all caravan structures, materials and equipment brought onto the land in connection with the use (excluding the shed, stable block, fencing wall and gates) shall be removed.
- (4) Details shall be submitted to the Local Planning Authority for the further increased capacity of the foul drainage of the site. Such details shall include the provision of a capacity combined with the existing drainage or otherwise for a total of not less than 7,000 litres by way of septic tank and/or cess pit to be provided on the site. Such details shall be submitted within 3 months of the date of this permission. Such drainage details as may be agreed by the Local Planning Authority shall be implemented within 6 months of the date of this permission.

REASON FOR DECISION AND STATEMENT

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against the adopted Development Plan and all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The proposal is considered not to cause significant demonstrable harm to any development plan interests, other material considerations, to the character and appearance of the area, to the street scene or residential amenity such as to justify refusing the application; nor to surrounding occupiers in neighbouring streets.



Shaun Scrutton

Head of Planning and Transportation

Relevant Development Plan Policies and Proposals

Rochford District Council Local Development Framework Core Strategy Adopted
Version December 2011

H7, GB1.

Rochford District Council Local Development Framework Allocations Submission
Document (November 2012)

GT1, NEL2.

Rochford District Replacement Local Plan (2006) as saved by Direction of the
Secretary of State for Communities and Local Government and dated 5 June 2009 in
exercise of the power conferred by paragraph 1(3) of schedule 8 to the Planning and
Compulsory Purchase Act 2004.

HP6.

Parking Standards: Design and Good Practice Supplementary Planning Document
adopted December 2010.

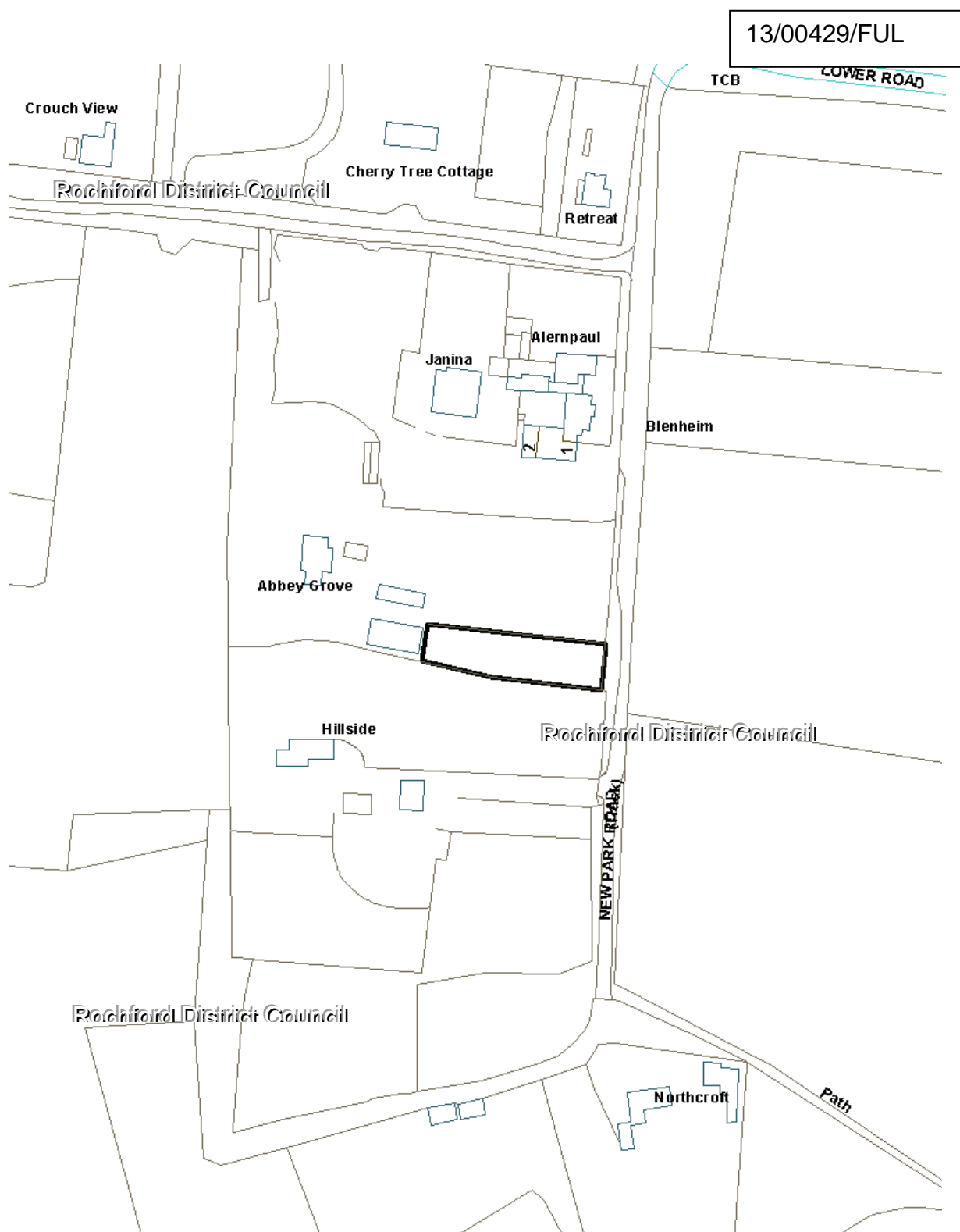
Standard C3

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