

13/00118/COU**CHANGE USE OF LAND TO FORM SITE FOR TRAVELLING
SHOW PEOPLE****LAND OPPOSITE 2 GOLDSMITH DRIVE, RAYLEIGH**

APPLICANT: MR G WHITE
ZONING: METROPOLITAN GREEN BELT
PARISH: RAYLEIGH
WARD: DOWNHALL AND RAWRETH

1 PLANNING APPLICATION DETAILS**The Site and Location**

- 1.1 This application is to a site on the southern side of Goldsmith Drive 117m west of the junction made with Hullbridge Road. Goldsmith Drive is an unmade plotland road of some 5m in width at the site frontage.
- 1.2 The site is 'L' shaped having a frontage to Goldsmith Drive of 30m, but widening to 42m over an average depth of 106m. The site is overgrown with weeds and grasses to approximately 1m in height. The site is some 0.34ha in area.
- 1.3 The boundary to Goldsmith Drive comprises partly a hedge and partly post and rail fencing. The boundary to the east comprises partly concrete posts and partly post and wire fencing. A post and wire fence exists to the western boundary with the adjoining horticultural use. The rear boundary of the site is defined by deciduous hedge some 4.5m in height with a small number of larger oak trees to around 9 - 10m in height.
- 1.4 The site is located within an area allocated Metropolitan Green Belt in the Council's saved Local Plan (2006). This designation is maintained on the proposals map accompanying the emerging Allocations Development Plan Document.

2 THE PROPOSAL

- 2.1 The proposal is to change the use of the site to a site for travelling show people. The submitted layout shows the site access road and middle part of the site would be laid out to form a permeable hardstanding incorporating space for three residential mobile homes each with a touring caravan. The wider rear part of the site at the rear would provide a storage and maintenance area.
- 2.2 The front part of the site to the west of the access road would provide a recreational area with refuse and recycling storage at the site entrance.
- 2.3 Access into the site and to the storage and maintenance area would be via an 18m wide opening, which would reduce down to a width of 10m alongside the recreation area and reduce down further to a width of over 5m alongside the residential part of the site to the maintenance and storage area. The submitted layout shows a swept path movement for an articulated vehicle to leave the site.
- 2.4 The boundaries of the site would be adjoined by a landscaped buffer strip formed inside the site perimeter predominantly 3m in width, but widening at the rear of the site and around the storage and maintenance area proposed to a width of 5m but for a small length of the eastern return boundary showing a narrow buffer strip of 1m width for a length of approximately 10m.
- 2.5 The applicants state that the site is within the area of a circuit of fairs served by showmen based at a site in Hassenbrook, Chelmsford, which is overcrowded. The applicants state they have been looking for an additional site for a number of years and that this site is suitable and sustainable. The site would provide residence for four adults aged 40 - 45 and three adults aged 69 - 75 and five children aged 7 - 14.
- 2.6 In contrast to the previous application the application particulars state the applicants specialise in smaller children's rides and do not therefore regularly use the larger articulated lorry vehicles.
- 2.7 The application was revised with the inclusion of a planning statement received on 2 April in support of the proposal.
- 2.8 The application follows pre-application advice with officers.

3 RELEVANT PLANNING HISTORY

3.1 Application No. 05/00610/OUT

Demolish existing buildings and construct one dwelling on part of site.

Permission refused on 27 September 2005 for Green Belt reasons.

Appeal dismissed on 27 April 2006.

3.2 Application No. 11/00741/COU

Change Use of Land to Form Site for Travelling Show People.

Permission refused for the following reasons:-

1. The saved Rochford District Replacement Local Plan (2006) shows the site to be within the Metropolitan Green Belt. Within the Green Belt planning permission will not be given, except in very special circumstances, for the construction of new buildings or for the change of use or extension of existing buildings (other than reasonable extensions to existing buildings, as defined in Policies R2 and R5 of the saved Local Plan). The proposal is considered to be inappropriate development contrary to Green Belt policy. Any development that is permitted shall be of a scale, design and siting such that the appearance of the countryside is not impaired.

The proposal does not come into any of the excepted categories and, if allowed, would develop an existing open and undeveloped site with an existing tall grass covering with development in the form of touring caravans, mobile homes, commercial vehicle storage and maintenance and a hardstanding area to some 56% of the site coverage, which, taking all these features together, would detract visually from the relative undeveloped plotland appearance and character of that part of the Green Belt in which the site would be situated and would introduce noise and commercial repairs to showmen's equipment detracting from the amenity enjoyed to this location.

2. The proposal would be served by a 117m length of unmade plotland road to a width of 5m without footway and a poor surface. As such the site would not enjoy a direct access onto a metalled highway surface and the proposal would instead encourage further commercial traffic onto the sub-standard highway network to the detriment of the safety to pedestrians and other highway users and the flow of traffic.

4 CONSULTATIONS AND REPRESENTATIONS**Rayleigh Town Council**

- 4.1 Object due to inadequate access to and from the site and it is an inappropriate development on Green Belt land. Also contravenes the Core Strategy/ PPG 2 (National Policy Plan).

Rawreth Parish Council

- 4.2 Make the following observations and comments as a neighbouring Council with a parish boundary bordering and including parts of Goldsmith Drive.
- 4.3 Having considered the application Council believes there is no change from the applicants previous application 11/00741/COU and therefore stands by its comments in a letter dated 30 December 2011, a copy of which is also attached for reference.
- 4.4 Council still believes that to change the use of this agricultural land to provide a site for travelling show people is inappropriate use of Green Belt land (PPG2). The extra caravans for residential use and the buildings and storage required to maintain and repair show ground equipment on this site would be detrimental to the scene within the Green Belt and any special circumstances quoted in the Planning, Design and Access Statement do not in anyway outweigh the harm and damage to the Green Belt.
- 4.5 Furthermore, Council has noted that there still does not appear to be any risk assessment or waste management plan accompanying this further application. Council considers that, given the potential pollution threat from the maintenance of vehicles and plant equipment on the site and potential waste such as oil and fats from any catering vans, both an assessment and management plan should have been undertaken. In addition, Council would also enquire if an appropriate wildlife survey has been undertaken? The site in question lies in close proximity to neighbouring fishing lakes; and in addition Council would raise concerns about the threat of potential pollution to those lakes and the water courses.
- 4.6 Council also considers that there can be no greater harm to the Green Belt and surrounding area than covering this entire area of agricultural land with hard standing.
- 4.7 Council also considers the access to and from the site from Goldsmith Drive and Hullbridge Road to be totally inadequate and unsuitable and, given the nature of the vehicles that will be using the site, the entry onto Hullbridge Road is extremely dangerous.
- 4.8 Council would also like to refer back to the applicant's previous application where it was noted by Council that reference was made in the Planning Statement 5.8 to 5.10 about the site that was then currently being used by the

families proposing to move to the application site. From the Planning Portal section of Chelmsford Borough Council's website Council noted at the time that the site known as Hassenbrook Victoria Road Chelmsford only had permission for what would appear to be winter period only; this was shown under reference 83/1920 or Alternative Reference: CHL/1920/83 Address: Hassenbrook Victoria Road Writtle Chelmsford Essex CM1 3PB Proposal: CONTINUATION OF USE FOR CARAVAN AND EQUIPMENT FOR WINTER PERIOD Status: Application Permitted. Both the previous application and the new application 13/00118/COU are seeking permanent use of the land at Goldsmith Drive for travelling show people. Council would therefore question again "the needs" for the application site: is it because Hassenbrook is overcrowded, or in addition is it because Hassenbrook only provides residence over the winter period, or is it because the applicant no longer resides at Hassenbrook, and if it is the latter, what site is the family currently using and what permission has been granted for use of that site?

- 4.9 Council would request that Rochford District Council looks at the applicant's current arrangements as, clearly, in the previous application and this application there is a material difference between the Hassenbrook site and the proposed site at Goldsmith Drive. This is further demonstrated in the documents that supported the original application as Council noted at the time that not all planning permission that had been granted following appeals on other sites across the country had been for permanent use, however the applicant is still seeking permanent use of the land at Goldsmith Drive.
- 4.10 Lastly Council would like to question the third paragraph of the Planning, Design and Access Statement, "Need for Sites within Rochford District". The applicants' agent states that "there is a need for permanent authorised plots for travelling show people within Rochford District Council" and that "this application land has also been promoted to identify the land as a permanent site for travelling show people through the Council's emerging Allocation Development Plan" it further states that: "So far, no other sites are put forward for permanent pitches for travelling show people and allowing this site for a permanent travelling show people's site would meet the need that is identified within Rochford District. The LDF and Allocations DPD identified a need for traveller pitches within the District but Council is not aware that there was a specific reference to a need for pitches for travelling show people, therefore Council would ask is there evidence to support the agent's statement, and if so where?"

Previous comments to application 11/00741/COU

- 4.11 Consider the application is an inappropriate use of Green Belt land. The extra caravans for residential use and the buildings and storage required to maintain and repair show ground equipment on this site would be detrimental to the scene within the Green Belt.

-
- 4.12 The very special circumstances quoted at paragraph 5.14 of the planning statement do not in any way outweigh the harm and damage to the Green Belt.
- 4.13 There does not appear to be any risk assessment or waste management plan accompanying the application. Given the potential pollution threat from the maintenance of vehicles and plant equipment on the site and potential waste such as oil and fats from catering vans, both an assessment and management plan should have been undertaken. The site in question lies in close proximity to neighbouring fishing lakes and, in addition, raises concern about the potential threat of pollution to those lakes.
- 4.14 Considers that there can be no greater harm to the Green Belt and surrounding area than covering this entire area or agricultural land with hardstanding.
- 4.15 Notes that reference is made to families proposing to occupy this site from Hassenbrook, Victoria Road, Writtle, Chelmsford, currently have permission for what would be a winter period only, whereas the current application would be for a site for permanent use. Therefore question the need for this site. Is it because Hassenbrook is overcrowded or only for winter use? There is therefore a material difference between the two sites. Note that not all planning permissions granted following appeals on other sites have been for permanent use. A proposal for a pitch for a temporary period of one year was refused. No appeal was made and permission was not granted on an established site.
- 4.16 The supporting planning statement refers to appeal decisions where the suitability of a site and the lack of alternative provision have been concluded to constitute very special circumstances. Having looked at the example quoted by the applicants, Council notes that, although four appeals were made, only one was against the decision of the Guildford Borough Council. The three remaining appeals were against the failure of the Council to issue a decision and not as suggested against the refusal of permission. Therefore these three examples are irrelevant.
- 4.17 Other sites across the country differ enormously in location, permitted use, the type of planning permission and the permitted size of sites and should not be used as a benchmark for this application.
- 4.18 **Essex County Council Highways**
- 4.19 No objection to raise, subject to the following heads of conditions:-
1. Prior to the commencement of the development the applicants to indicate turning movements within the site to demonstrate that vehicles can enter and leave the site in forward gear.

2. The public's rights and ease of passage over public bridleway Nos. 8 and 75 (Rayleigh) shall be maintained free and unobstructed at all times.
3. Prior to the commencement of works on the site the applicants shall submit details for the provision of an area within the curtilage of the site for the reception and storage of building materials clear of the highway.

4.20 Environment Agency

- 4.21 The nearest mains sewer is located on Hullbridge Road, approximately 125m from the site. It would therefore seem appropriate for non-mains options to be considered. As detailed in our Foul Water Assessment form and our Pollution Prevention Guide (PPG) 4), there is a hierarchy for private disposal. We would therefore suggest the applicants install a Package Treatment Plant as a first preference, if this is not appropriate then a septic tank.

Rochford District Council Engineer

- 4.22 Advise that the application shows no indication regarding sewage disposal. There is no public foul sewer in Goldsmith Drive.
- 4.23 Construction details of the permeable hard standing area will be required.

The Showmens Guild Of Great Britain

- 4.24 Advises that the Council's response to the previous application completely misstates the current position regarding both the need and also the current planning policies on travelling show people. Government policy recognises that where there is a need for sites demonstrated, local authorities should provide options for sites to meet that need. The policy document gave 12 months for local authorities to make such provision and states that where no provision has been made within the period, temporary consent should be granted for applications. The Secretary of State has said that where people play by the rules they should be rewarded within the planning system.
- 4.25 The Council has stated that there will be an accommodation assessment carried out in Essex in the future. It has not stated that at this stage the tender has not even been awarded to undertake this work and that at this time bids are being considered. Even the more optimistic timetable would state that no GTAA will be complete within two years, even if at the end of the period the local authorities in Essex actually agree the figures. Last time that exercise was carried out the Councils argued for years and would not sign the document off. In 2009 the Secretary of State did agree the outcome of the GTAA's following examination in Public of the East of England partial review. Whilst the policy decisions as to how this should be met for gypsies, travellers and travelling show people may not be valid at this time, the figures for need are, and therefore are the baseline for an assessment of need for our members.

- 4.26 The figure given for travelling show people in that document was 103 plots for show people in Essex and this was recognised as an issue that should be met by all Boroughs in the county including Unitary Boroughs. This principle has been continued in the new guidance, which refers to the “duty to cooperate”. However, since the publication of those figures there have been no new sites approved in the county.
- 4.27 Despite the requirement for local authorities to have made provision for new plots for at least eight years, Rochford District Council has indicated in its reply, that this is something that should be done later and that there is no need in the district to make provision. However, the need for 103 pitches is for Essex and Rochford. The Secretary of State, an Essex MP, has said the new policy document will produce results of new sites being granted consent. If this is to be the case, authorities such as Rochford will have to implement the duty to co-operate and take on part of the need themselves.
- 4.28 The Council’s suggestion that our members apply only through the LDF process when they are homeless is wrong as the Council surely does not say to homeless families that their solution to their housing needs will be met at some vague and unspecified time in the future and that families should apply for homes through the LDF process. The Council has had years to make provision and has failed and it is now past the Secretary of State’s 12 month period to do something positive.
- 4.29 The Council has the ability to take the area concerned out of the Green Belt specifically for use by show people and in this case it clearly should. The need has been proven since 2009 but nothing done since that time. It should have been and the Guild fully supports this application.

Neighbour Representations

- 4.30 11 **letters** have been received from the following addresses:-

Goldsmith Drive: “The Nest” “Glenross”

Hullbridge Road: “Woodville”

London Road, Rawreth: “Claremont”

McCalmont Drive: ” McCalmont Manor” (2 letters)

Montefiore Avenue: (Unaddressed) “Southview” (2 letters)

Rawreth Lane: 180.

Windermere Ave: 102.

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

- This is completely inappropriate for a Green Belt area. There are threats to the Green Belt from so many areas now. The Council should be doing all it can to protect the Green Belt, and to allow this development would be another little bit of erosion of a rapidly diminishing resource.
- I would like to mention that I do not believe this application is any more than a repeat of the earlier application 11/99741/COU. As such, I do not believe this has any further merit than the earlier application, as it is an unsuitable use of the Green Belt, and frankly a further waste of people's time.
- This is Green Belt land - road not suitable for heavier vehicles - will generate more traffic adding to current traffic problems.
- Socially not a suitable area for travellers.
- Will cause confrontation with local residents - repairs to equipment will result in oil waste - within 20 metres of a water ditch.
- Flooding due to unmade road and flooding already experienced on the Hullbridge Road.
- People will be working here as well as living.
- Hazardous waste problems.
- Obscure site, not obvious to public pedestrians and vehicles.
- Parking problems.
- Foul sewage, how is this being disposed of?
- There are many suitable sites nearer major roads that do not impose on protected Green Belt land.
- They have not addressed the Green Belt issue from their earlier plans, so this should be thrown out and no more time wasted on this application.
- Who would ever be able to keep an eye on the amount of travellers and vehicles that would actually be present?
- Having a travellers' site next to the houses would severely impact on anyone trying to sell their home in Goldsmith Drive.
- Totally opposed to this planning application.
- The applicant states that:

- “There is a need for permanent authorised plots for travelling show people within Rochford District Council. This application land has also been promoted to identify the land as a permanent site for travelling show people through the Councils emerging Allocations Development Plan: Discussion and Consultation Document as part of the Local Development Framework. So far no other sites are put forward for permanent pitches for travelling show people and allowing this site for a permanent travelling show people’s site would meet the need that is identified within Rochford District.”
- The last sentence is now clearly incorrect, as RDC has announced that the Michelin Farm site is its preferred location for a gypsy/traveller site. Have the applicants been made aware of the current situation and can refusal be applied on these grounds?
- Totally disagree with applicants’ claims that the access and site are the most suitable.
- I regularly use Goldsmith Drive to visit relatives and I have experienced the dangers. Only last week I was travelling north along Hullbridge Road and indicating to turn left into Goldsmith Drive. I always slow down to about 3mph before turning due to the fact that the corner is blind and other vehicles could be leaving. Goldsmith Drive is very narrow with no pavement and pedestrians could be in the road and lastly, turning onto an unmade gravel road at speed could cause loss of grip and skidding. I am making this point as behind me at the time was a white van travelling at high speed with a driver who obviously felt inconvenienced by my slow approach. He slammed on his brakes and sounded his horn as if to indicate that I was in the wrong.
- This is the type of danger County Highways seems to ignore when considering the suitability of access and egress from side roads onto country roads with a 40 mph speed limit.
- The application fails to address the problem of land contamination. Will the applicants be required to control and contain contaminants resulting from the maintenance and repair of vehicles and show equipment and the disposal of sewage?
- The plan shows three static caravans and three touring caravans but parking for just two cars. I do not believe this to be a realistic assessment.
- The area shown on the plan as a Recreation Space is very close to the road and adjacent to residential properties. I question what exactly is proposed and what nuisances it will create for the immediate neighbours.
- This document compiled by Mr Mike Stranks, dated 11 January 2013, and issued to applicant Mr G. White, clearly states the reasons why this

application should be refused.

- There are too many negatives attached to this proposal and it is clearly not appropriate for the Green Belt.
- In my opinion this application does not in any way fulfil any of the requirements for this change of use within the Green Belt.
- Not only will this be a blot on the landscape, from my property, it will undoubtedly devalue my property by huge amounts.
- This is a single track (privately owned road) which is unmade and without street lighting, pavement, or drainage. Goldsmith drive also does not have a water main, (water pressure is always a problem to the residents), nor does it have a public sewage.
- Two young boys have been killed at the junction of Goldsmith Drive and Hullbridge Road; there have been frequent accidents, and more recently a car was left on its side in the ditch after losing control on the Hullbridge Road.
- Goldsmith Drive and its adjoining roads are designated bridle paths, and are busy all the time with horse riders. Any increased use of this unmade road, by totally unsuitable vehicles, will be a recipe for disaster.
- Access into and out of Goldsmith Drive would become highly problematic, being a single track road . A lorry, or similar, will take up the whole width of Hullbridge Road to gain access.
- Once access had being gained, a large vehicle would have no place to turn, for others to be able to pass. The result would involve lorries reversing onto a main road.
- Noted that RDC was threatening to stop refuse disposal lorries coming down Goldsmith Drive, because of its narrowness, poor visibility and problems caused then to health and safety.
- A new bus stop has been installed outside my property, and while I note that this may be helpful for people waiting for a bus, it has not helped the visibility from Goldsmith Drive, as people now tend to stand further out to the edge of the road whilst waiting for a bus.
- There is also a crossing site here which will become much more dangerous if lorries designated to the application use Goldsmith Drive.
- Application of the proposed site states that 7/8 of the site will be hard standing WHY?

- We are led to believe that this will be a storage area, or will they become bases for extra mobile homes (DALE FARM?)
- Many other bonafide businesses would love to be able to buy cheap Green Belt land and effectively turn it into a brown field site. Surely you are not permitted to do this except agricultural/horticultural or suitable use?
- As such, all other businesses rent or buy in areas designated for industrial purposes, as they do not have a justifiable reason to use the Green Belt in such a manner. This in itself must surely constitute discrimination against these businesses, should this application be allowed.
- If this application is allowed, is RDC suggesting that all Green Belt land should be turned over to business use, and it is acceptable?
- Present vehicle use in Goldsmith Drive is at saturation point already with various users.
- There are already 9 residential dwellings in Goldsmith Drive. This proposal would bring another 3+3 dwellings and thus increase the number of residences by 2/3.
- The current supply of electricity is currently not sufficient for the area. Even EDF has stated that the current system is not suitable for present usage. The lines are archaic. They have also stated that the whole area is in requirement of an update, but due to the current economic climate this will NOT be forthcoming in the foreseeable future. This area suffers regular and prolonged power-cuts. The last power cut was on Monday 26 December 2011. If this application is granted another six dwellings will be hooked up to an already outdated system. This can only have dire consequences for the current domestic users of electricity, after all this will be a industrial site?
- Along with the existing 9 residential dwellings there is a very busy fishing club; other users include horse stables, a sheep farm and a garden nursery. Whilst I accept these are all perfectly acceptable uses of the Green Belt, it is a little over populated.
- It is clear that both Hullbridge Road and Goldsmith Drive are busy at the best of times; additional traffic, especially lorries or large vehicles, would be intolerable for the current bona fide users and residents.
- Within the local vicinity there are plenty of residential mobile home sites, with the owners looking for people to rent or buy. Why is it not feasible for the applicants to use this option, together with an industrial park, (like others) for his various business activities?

- All local residents have had, in one way or another, bona fide planning applications turned down constantly on the Green Belt, visual impact, etc. We expect that this has many more reasons to be refused.
- Goldsmiths Drive locality already has a travelling persons pitch at Meadow View.
- Noise pollution from a yard and the increased traffic would be extremely unfair to the houses in close vicinity of this land.
- In respect of the repairs to plant and lorries, where will this pollution go? What procedure has been put in place to deal with the toxic waste products from this facility? All of the local ditches around this site eventually discharge into various lakes and the River Crouch. Therefore any pollution produced on this site will need to be checked and their legal disposal rigorously enforced.
- This area is currently home to a lot of wildlife - badgers, owls bats, great crested newts, etc.
- Hassenbrook - site of Chelmsford/Writtle.
- Industrial use on the Green Belt is unacceptable.
- This site, by its nature, is not remotely central to claimed business, only local fairs are one in Rayleigh, one in Chalkwell, Southend. both for only 1 week in a year hardly a reason for settlement here?
- Site being screened is irrelevant as a passing vehicle on the Hullbridge road, would only need a second to pass. The issue is more worrying to the residents who will need to look at this blot on the Green Belt 'lorry park' all the time!
- Screening mentioned is not currently sited on the applicants' field, therefore this hedgerow could be removed or die at any time. Any screening put around this would need to be at least 9m so as to be seen by neighbouring residents. This in itself would cause light issues to the neighbours who live only metres away.
- Chelmsford travelling show person site is far more central than Rayleigh, as on a map it is clear to see Rayleigh is not central to anything other than the estuary!
- The supporting documentation mentions Rayleigh as the nearest settlement being some 4.5 kilometres away. Did the author of the application choose to miss all of the occupants of the parks estate, i.e. Rawreth Lane estate, where there are three industrial parks, which are

only 600 metres from where this application is based?

- I cannot see any feasible or reasonable reason to change the use of this 'Green Belt ' land.
- Objections and reasons for refusal the same as for the previous application.
- This application proposes to virtually double the population of Goldsmith Drive overnight.
- Visibility at the entrance is hazardous to say the least. With a bus stop on (west) this side of the road immediately adjacent to the entrance, and one on the other side of Hullbridge Road opposite the entrance.
- Only one vehicle is able to enter or exit Goldsmith Drive/Hullbridge Road at a time.
- Due to the width of the entrance into the narrow single track road one or other of the vehicles have to reverse to allow access to the other.
- RDC only last year instructed existing residents of Goldsmith Drive to keep the bushes trimmed back either side of the road as a requirement by their refuse collection contractor, for health and safety reasons. This has to be carried out by existing residents at regular intervals.
- Goldsmith Drive is a designated lawful bridleway, used by horse riders daily as is their right. Any increase in traffic of any kind, not least large vehicles, would have a significant adverse effect on the safety of both riders and horses.
- As it is a virgin Green Field site with no history of any buildings, habitable or otherwise, being located on it at anytime. Add to that the proposal is to construct hard standing on 87.5% of the site. Again, which contravenes the guidelines. Plus we believe in the recent past this site was the subject of an injunction to remove minimal hard standing to the entrance gates to the field.
- The application is for three permanent residences, sited touring caravans and an industrial site for maintenance and repairs. Mr White states in his supporting evidence on page 3 that he does not want to live next door to an industrial site as it is detrimental, giving rise to poor living conditions. One would assume this would not apply to living on his own industrial site and obviously has no regard for his adjacent neighbours as he is quite prepared for them to live next door to his various industrial activities leading his adjacent neighbours to suffer poor living conditions - Mr White's supporting evidence phrase.

- As with the previous planning application there is no mention of how any toxic waste items from his industrial activities will be contained and disposed of properly. Also there are no details for sewage disposal, which will be considerable from three static mobile homes, 3 touring caravans, and workmen.
- Planning application document - we have concerns regarding some answers in this document: No 10 - agent has answered zero to proposed parking spaces for cars, lorries, etc. Mr White's application states the use of cars and lorries; on the plans parking spaces are shown.
- No 13 - Mr White has not submitted any biodiversity or priority protected species studies from specialised qualified organisations. Because of this I believe Mr White's agent has wrongly answered submission document question (13 a,b,c).
- No 15 - Trees and Hedges - agent has answered no, but the site is surrounded by trees and hedgerow.
- No 16 - Trade effluent - answer should be yes. Mr White states that he will be maintaining vehicles and fairground rides, which by nature involve diesel, petrol, various oils, and grease. Also, welding equipment, etc. How will this be policed, contained and disposed of properly.
- My three fishing lakes and fish farm, which have successfully served thousands of local residents over the last 25 years and have kept myself and my family in employment, would now be put at risk by the proposed development. The lakes are fed by various water courses and land drainage. The lakes in question are all downhill from the proposed site, and any pollution incidents could and probably would find their way into my fishery from the local water courses. There are many documented pollution incidents from nearby industrial use, which have led to the complete annihilation of lakes and fisheries and the recovery of which usually takes many, many years.
- To evidence my concerns, Mr White states he is from a travelling show person's site at Writtle, which apparently already has breaches of planning taking place. I would therefore find any guarantees over pollution and anything else very unconvincing.
- Mr White states that he works in the local area. Has Mr White furnished any supporting evidence, i.e. Inland Revenue accounts showing invoices, receipts, etc. from customers and businesses in the local area supporting this statement? Also, these accounts should show a sustainable profit over the years to financially support this development, now and in the future?
- If the proposed site is connected to the existing electrical grid the extra usage from industrial use and 6 new homes will very likely lead to more

blackouts and misery for existing residents and also the proposed site. This would also affect my business as aerators are used to oxygenate the lakes and fish farm. Although we have backup generators continued power cuts will be an additional cost and usage being detrimental to my business.

- The lane has no lighting, no designated footpath, no drainage and a loose unsubstantial surface which is just about adequate for cars and light commercials but not for continual use of large lorries. It will not be fair to subject the 9 local residents to have their lane totally destroyed on a regular basis as they are the ones at present trying to keep it in good repair, plus paying the cost of that.
- A further concern is access for emergency vehicles. The only access is from Hullbridge Road; if the lane was blocked by totally unsuitable lorries trying to manoeuvre vital time could be lost with unnecessary results.
- Noise from the proposed site. We understand repairs to lorries and fairground rides, etc, will be carried out at the proposed site. As 1 and 2 Goldsmith houses are only a few metres from the site what assurances can be given to them against being constantly disturbed from repairs to lorries etc? I contend this would be a breach of the Human Right to peaceful enjoyment of your property therefore their Human Rights are being violated.
- From the plans given of the proposed site 7/8ths will be hard standing, well over 1acre. Why? Nothing on the application states what this will be used for. Why is it so huge?
- The lane already has a travelling persons pitch, Meadowview. Surely the one existing traveller pitch to the 9 dwellings is an acceptable percentage, whereas another 6 travelling show people families takes the acceptable percentage far too high, i.e., 7 traveller pitches to 9 residential dwellings, is unreasonable. This is a gross over development on an area which is already struggling to sustain its infrastructure.
- I contend the site is not central to their activities. A map shows Rayleigh is not central to any major roads. To be central surely they should be sited just inside or outside the M25 corridor.
- Agent's visual impact statement: people using Hullbridge Road take just seconds to pass Goldsmith Drive - why would the agent mention the site is screened from Hullbridge Road - it is irrelevant. However, it is not screened from 1 and 2 Goldsmith Drive and Woodville. If the site is given approval there is no effective screening that would hide the ugliness of the development from these properties and all members of the public passing the site. Why should these homes be subjected to losing their Green Belt view and replaced with a Brown Field industrial site? Leading to

considerable loss of property re-sale value. There is evidence of this from other sites, such as Dale Farm, etc.

- The agent also mentions Rayleigh as the nearest settlement being 4.5 kilometres away. This is incorrect. The agent has missed all the houses around the Parks Estate, i.e. Rawreth Lane Estate with three industrial parks the nearest industrial park is less than 200 metres from where this application is sited and the nearest housing estate is about 500 metres away which is then built up with houses all the way to Rayleigh town centre.
- Extracts from the Fordham Research on Essex Gypsy and Traveller Assessment including Travelling Show People: state there are at the moment 20 travelling show people sites in Essex. The largest of which is Wickford, Writtle, Tolleshunt Knights (which is more than 5 acres in size).
- On the Fordham Research Survey which asked the travelling show people various questions, 2/3rds live on the plots all year and also a proportion of travelling show people prefer to live in bricks and mortar to give their children a better future and get jobs. Therefore there are already sufficient sites in the local area and therefore no further sites are required or are justifiable.
- I contend the provisions of the European Convention on Human Rights should be considered as an integral part of local planning authorities' decision-making, including their approach to the question of what are material considerations in planning cases. Local planning authorities should consider the consequences of refusing or granting planning permission, or taking enforcement action, on the rights of the individuals concerned, both travelling show people and local residents, and whether the action is necessary and proportionate in the circumstances. If there is any doubt about the application of provisions of the Convention in particular cases, legal advice should be sought. The obligation on public authorities to act compatibly with Convention rights does not give travelling show people a right to establish sites in contravention of planning control.
- The residents do not wish to be forced to take legal action to protect their Human Rights, but approving this application may force them to do so.
- I therefore urge the Council to refuse this application as it is a totally unacceptable use of the Green Belt in question. This area has had many planning applications refused on Green Belt issues far less intrusive and environmentally unfriendly than this current application. The implications of this application for the residents, wildlife and businesses are catastrophic and unjustifiable. This is not an appropriate site and more appropriate ones with full planning rights and more central to Mr White's industrial activities are available and should be used, especially as some have vacant plots.

- A number of replies in the application would appear to be contradictory or false, i.e. it is stated there will be no residential gain, no disposal of trade effluent, no trees or shrubs on the land.....and as such the application can surely not even be considered.
- The 10 points raised in our letter of objection (dated 10/01/12) to application No.II/0741/COU still stand and we do not believe any "very special circumstances" exist.
- Note that one of the changes to this application is that the applicants specialise in children's rides and that any vehicles used by them would only be transit size or small lorries...come on! What fairground only has children's rides and it's not just the vehicles, how about the petrol and diesel generators and the heavy machinery for these rides.

5 MATERIAL PLANNING CONSIDERATIONS

Green Belt issues

- 5.1 Show people are members of a community that consist of self employed business people who travel the country, often with their families, holding fairs. Many of these families have taken part in this lifestyle for generations. Although their work is of a mobile nature, show people nevertheless require a permanent base for the storage of their equipment and more particularly for residential purposes that, whilst traditionally serving as winter quarters, now provide a settled home for elderly family members and children, giving regular access to services, health care and education.
- 5.2 The nature of a site for show people is unusual in planning terms in that the sites often combine residential, storage and maintenance uses. The requirement for sites to be suitable for both accommodation and business use is very important to the way of life adopted by travelling show people as they find the principle of site splitting unacceptable. This difficulty has led to some travelling show people having to leave traditional sites, to overcrowding, and difficulty in obtaining permission elsewhere. As the traditional pattern of travelling is changing with fewer large scale traditional fairs and more localised travelling, the community has generally become more settled.
- 5.3 Travelling show people do not in general share the same culture or traditions as gypsies and travellers. The Government recognises that many travelling show people wish to find and buy their own sites to develop and manage. There is a distinction made between a 'plot' for travelling show people reflecting the mixed residential and business use and the residential "pitch" associated with gypsy and traveller residential need.
- 5.4 Paragraph 89 to the National Planning Policy Framework (2012) states that the construction of new buildings **within** the Green Belt is inappropriate development. Annex 1 to *Planning Policy for traveller sites* (March 2012) states that for the purposes of central government planning policy, travellers

means “gypsies and travellers” **and** “travelling show people”. Paragraph 14 to *Planning Policy for traveller sites* (March 2012) states that traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Paragraph 15 makes clear that if a local planning authority wishes an exceptional limited alteration to the defined Green Belt boundary to meet a specific identified need for a traveller site, it should do so only through the plan making process and not in response to a planning application. This policy weighs heavily against the current proposal, though it should also be borne in mind that the application is located centrally in Green Belt and that an alteration to the boundary would not therefore be a practical possibility.

5.5 Policy H7 to the Council’s adopted Core Strategy (2011) requires the Council to allocate 15 pitches by 2015 for gypsies and travellers. The more recent allocations submission document (November 2011) identifies a site on part of Michellins Farm in western Rayleigh. The applicants have also been engaged in the plan making process for some three years having made representations in favour of the application site.

5.6 The development of the site is inappropriate. It is therefore for the applicants to demonstrate that very special circumstances exist to outweigh the harm by way of inappropriateness and any other harm arising from the application. A fundamental aim of national Green Belt policy is to keep land permanently open. This aim is not contingent with that openness being visible to the general public.

Very Special Circumstances

5.7 The applicants state that very special circumstances exist in that the proposal would not conflict with the five purposes of including the land within the Green Belt. They argue as follows:-

- i) That the small scale nature of the site would not weaken the role of Green Belt policy in restricting the sprawl of Rayleigh, the nearest large built up area;
- ii) That similarly the development would not weaken the role of the Green Belt in checking the separation of Hullbridge, Rayleigh and Hockley;
- iii) That the nature of show men’s use is that they require rural or semi rural locations;
- iv) That allowing the development would not damage the setting or special character of surrounding towns, namely Rayleigh, Hullbridge and Hockley; and
- v) That show men’s sites cannot realistically play a role in urban regeneration due to their mixed nature and low land value.

- 5.8 The applicants argue that the locality comprises a mixture of residential, business and leisure uses and that, as such, to grant permission for a permanent site for show people would not cause harm to the Green Belt.
- 5.9 Officers advise that the Rayleigh Golf club fronting Hullbridge Road, the horticultural nursery business adjoining the application site and the fishery further down Goldsmith Drive, are all examples of leisure uses or horticultural uses that have long been considered appropriate to the Green Belt. The proposed site for travelling show people is not such an exception.
- 5.10 The proposal would cause harm to the Green Belt by way of inappropriateness. The use of the site as proposed would develop what is at present an undeveloped field. It is important that a defensible Green Belt boundary can be maintained. Although the site follows a natural boundary hedge line to the south and is contained by the unmade road (Goldsmith Drive) to the north, it does not follow strong boundaries to the east and west and would create a small piece of allocated land weakening the Green Belt boundary.
- 5.11 The proposal would clearly have an urbanising impact. Contrary to the applicants' viewpoint, officers consider that if the site were allowed the development would contribute to ad hoc piecemeal development between Hullbridge and Rayleigh that would add to urban sprawl in direct conflict with the five purposes of including the site within the Green Belt to prevent the towns and residential settlement areas from merging. If allowed, the development would completely transform the appearance of the site from being undeveloped and in no particular use with a grassland and weed covering, into a site predominantly hard surfaced in appearance with three mobile homes, three touring caravans and significant storage and maintenance area. This visual harm to openness would not be offset by the provision of screening and planting to the site margins as proposed.

The Need for Sites

- 5.12 The applicant has submitted a number of appeal decisions for consideration.
- 5.13 A) "Whitegates" and land adjoining, Lower park Road, Wickford.(2001)
- 5.14 This appeal was allowed on a personal basis for an unauthorised site in the Basildon District. The inspector, whilst finding the development harmful to openness, acknowledged that whilst the combined nature of business use and residential would make show peoples' sites unsuitable for built up areas, in the district of Basildon all land outside these areas is Green Belt. The inspector concluded that despite the harm by way of inappropriateness, that site was contained within an existing line of development extending no further into the countryside than its neighbours. On that basis the impact was not significant as required by the council's policy which specifically allowed for travelling show peoples quarters to be located in Green Belt areas.

-
- 5.15 The inspector went on to consider that given the considerable screening around the site, the visual impact of the proposal was limited.
- 5.16 The inspector went on to consider that the appellant's ties with the locality and that it would be unreasonable to expect the appellants to move out of the area and the traditional fair circuit attended by the appellant.
- 5.17 The site provided homes for 10 young children, eight of whom were then of school age. Weight was given to the continuity in their education.
- 5.18 The appellant had presented substantial evidence to demonstrate a thorough and extensive search over a wide area for sites. The inspector gave weight to this aspect of the appeal distinct from a previous inspector's findings who had not been presented with this information and who had found no very special circumstances to exist. Consequently the inspector allowed the appeal with costs against the Council. The Council had refused planning permission against the advice of officers and had been unable to substantiate with evidence their reasons for so doing.
- 5.19 B) Land east of Grassy piece copse, Aldershot Road, Normandy, Surrey. (4 appeals) (2005)
- 5.20 The Secretary of State recovered all four appeals because they related to significant development in the Green Belt and allowed all four appeals for a temporary period of 3 years.
- 5.21 In reaching his decision the Secretary of State had regard to the lack of sites, the need for sites, the evolving policy framework for travelling show people and the personal needs of the applicants.
- 5.22 C) Copy of officer report Land East of The Plantation, West Park Road, Newchapel, Tandridge District Council.(2010)
- 5.23 An application for a change of use from agricultural land to a site for travelling show people (4 plots) together with formation of hardstanding in the Tandridge Green Belt. This report from 2010 is not accompanied by the Council's decision or that of the Secretary of State if approved. Planning permission has now been granted on 23 January 2012.
- 5.24 The site previously benefitted from permission for show men's quarters granted in 1992 for 28 plots. The Council had also adopted the requirements of the gypsy and traveller and travelling show men requirements of the South East Plan and which identified a need for six plots in the Tandridge District and based upon the East Surrey GTAA. This requirement amounted to very special circumstances in favour of the application.

Officer comment:

- 5.25 These appeals are of less relevance because they predate circular 04/2007 and are reliant also on more specific very special circumstances including infilling allocations and previous site history, which lead to justification for the Basildon District to provide a site for travelling show people.
- 5.26 These appeal decisions are distinct in that they are reliant on an evidence base that has shown the need for sites at the relevant district level. Whilst the EGTAAs have identified a wider countywide need, the application has not presented a local need within the Rochford District. In the case of the Basildon Decision (appeal A above) the site had a history and local policy acceptance of the provision of travelling show men's sites being met from the Green Belt. This is not the case for the Rochford District.
- 5.27 Historically, policy H4 of the now revoked East of England Plan required the delivery of 184 net additional plots for travelling show people within a period of 2006 – 2011. 103 of these plots were proposed within the Essex, Southend and Thurrock policy areas.
- 5.28 The Essex Gypsy and Traveller Accommodation Assessment (EGTAA) published in 2009, which is part of the evidence base for the Council's adopted Core Strategy, shows a need for at least 27 additional permanent residential plots for show people across Essex between 2008 and 2021. The study also highlights a concern about lack of space on existing yards and the difficulty in obtaining planning permission whether for new yards or the expansion of existing yards.
- 5.29 The EGTAA survey undertaken in 2008 expressed no requirement for sites within the Rochford District. Nevertheless, the applicants suggest that it makes sense for housing sub-regions to plan to meet need jointly given that travelling show people expressed flexibility about where in Essex they could live.
- 5.30 The applicants state that the current application is associated with families currently living on a site at Hassenbrook, Victoria Road, Chelmsford. The site has been used since 1965 and is described to have 20 pitches (note this reference departs from the convention which describes show people's sites in terms of individual plots). These families have close business and family ties with the Southend, Rayleigh, Wickford, Billericay, Basildon, Chelmsford, Maldon, Brentwood, Ilford, Grays, Barking, Colchester and Witham areas. The Hassenbrook site has become increasingly overcrowded. The proposed site is considered to be within the circuit of the fairs served by the showmen based at Hassenbrook. The grant of permission would allow three families to relocate. The applicants therefore conclude on this point that there is a need for permanent authorised plots for travelling show people within the Rochford District.

- 5.31 The EGTA identifies a need for 27 additional plots between 2008 and 2021 in Essex. It did not raise a specific need for a site for travelling show people in the Rochford District. This point is acknowledged by the applicants. Consequently Policy H7 to the adopted Core Strategy does not set out a separate requirement for a site to be found for travelling show people. Indeed, whilst the Core Strategy acknowledges, subject to evidence of need, for release of Green Belt land for gypsy and traveller sites, it provides no policy support for the development of a site specifically for travelling show people in the Green Belt. The Rochford District Core Strategy has been found sound and legally compliant following Examination in Public, and is an up-to-date policy document having been adopted on 13 December 2011.
- 5.32 Whilst it is the case that gypsy and traveller site provision will be met from land in the Green Belt, unlike residential pitches for gypsies and travellers, sites for travelling show people have a higher visual impact given the need to store and maintain equipment as well as consequent noise from maintenance activity which makes the use less easily accommodated in rural areas. Furthermore, the grant of permission would prevent the Council from being able to provide a defensible Green Belt boundary and would thus undermine the open character of the Green Belt.
- 5.33 The site would provide accommodation for seven adults, three of pensionable age and five children aged between seven and fourteen.
- 5.34 The Rochford District has not historically seen the location of sites for travelling show people. Whilst the need for a settled base for the families is understood, that need not be restricted to the Rochford District given the south Essex sub-regional area within which the applicants operate. As such there may be sites elsewhere and not within the Green Belt which could also be considered. That being said, the Council is in the process of bringing a site forward through the plan making process with a view to that site being available to meet the need for sites in a planned way.

Highway Issues

- 5.35 The application site is located 117m west of the junction with Hullbridge Road. Whilst giving good access to transport alternatives and the highway network more generally, the plotland road serving the site is unmade and to a width of around 5m making it difficult for vehicles to pass. The access road would not directly front onto the major highway network and giving access to a metalled surface.
- 5.36 The previous application included details showing the use of larger articulated lorry type vehicles. In discussion with officers following the decision on that previous application, the applicants advised they specialise in rides for children using smaller three tonne vehicles and vans. These vehicles compare with those used in the nearby nursery and commercial/leisure uses in the locality.

- 5.37 The application particulars set out that the applicants own the following funfair equipment:-

2 No. Cup and Saucer Rides

1 No. Balloon Ride

1 No. Toy Sets

1 No. Bouncy Castle

- 5.38 No details of the precise size of these vehicles and machines have been submitted but following from the post application discussion officers understand the nature of these rides to be transported by small lorries and vans.

- 5.39 As with the previous application, the County Highway Authority has no objection to raise to the proposal provided the bridleway network can be kept free from obstruction. It is likely that smaller lorries and vans would be able to enter the site easily as proven by those vehicles associated with the horticultural nursery adjoining the site. Whilst a condition to the grant of permission could limit the size of vehicle used, it is likely that the five or so rides would need to enter the site regularly from time to time between shows or for maintenance. Goldsmith Drive is unmade and would suffer deterioration in surface with frequent use by commercial vehicles and would not provide a suitable surface even for the smaller heavy goods vehicles and equipment needing to be stored on the site for maintenance. Furthermore, there is no footway to segregate pedestrian traffic from the commercial vehicles associated with the use proposed. Despite the clarification of the smaller specialist rides being likely on the site, Goldsmith Drive would constitute a poor access to serve the development.

6 CONCLUSION

- 6.1 The Rochford District does not have a tradition of existing sites for travelling show people. There are no unauthorised sites in the District for travelling show people indicating such development pressure. There are therefore no levels of occupancy or turnover on which to rely other than the conditions on other sites outside the District acknowledged to be overcrowded. The show men's guild has not responded to a direct consultation on this application.
- 6.2 The site is relatively small and detached from other settlements such that it would not have a positive impact on achieving a balanced community integrating the show people with the settled community. Whilst not being located close to services, the site is, however, a short walk from a regular bus service giving access to schools and other services available in Hullbridge or Rayleigh without reliance upon car borne transport. The small scale nature of the site and use would not, however, be likely to encourage public transport improvements.

- 6.3 The proposed site for travelling show people is inappropriate in the Green Belt. Very special circumstances have not been demonstrated to outweigh the harm the openness of the Green Belt that would result from the proposal.
- 6.4 Whilst the applicants have clarified that the site occupiers would be using smaller commercial vehicles, the plotland nature of the unmade road serving the site would lack segregation for pedestrians and would not have a durable surface proving unsuitable to a more intense use of the site as proposed.

7 RECOMMENDATION

- 7.1 It is proposed that the Committee **RESOLVES** To **REFUSE** planning permission for the following reasons:-

- (1) The saved Rochford District Replacement Local Plan (2006) shows the site to be within the Metropolitan Green Belt. Within the Green Belt planning permission will not be given except in very special circumstances for the construction of new buildings or for the change of use or extension of existing buildings (other than reasonable extensions to existing buildings, as defined in Policies R2 and R5 of the saved Local Plan). The proposal is considered to be inappropriate development contrary to Green Belt Policy. Any development that is permitted shall be of a scale, design and siting such that the appearance of the countryside is not impaired.

The proposal does not come into any of the excepted categories and, if allowed, would develop an existing open and undeveloped site with an existing tall grass covering with development in the form of touring caravans, mobile homes, commercial vehicle storage and maintenance and a hardstanding area to some 56% of the site coverage, which taking all these features together, would detract visually from the relative undeveloped plotland appearance and character of that part of the Green Belt in which the site would be situated and would introduce noise and commercial repairs to show men's equipment, detracting from the amenity enjoyed to this location.

- (2) The proposal would be served by a 117m length of unmade plotland road to a width of 5m without footway and a poor surface. As such, the site would not enjoy a direct access onto a metalled highway surface and the proposal would instead encourage further commercial traffic onto the sub standard highway network to the detriment of the safety to pedestrians and other highway users and the flow of traffic.



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)

GB1 H7.

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

None.

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

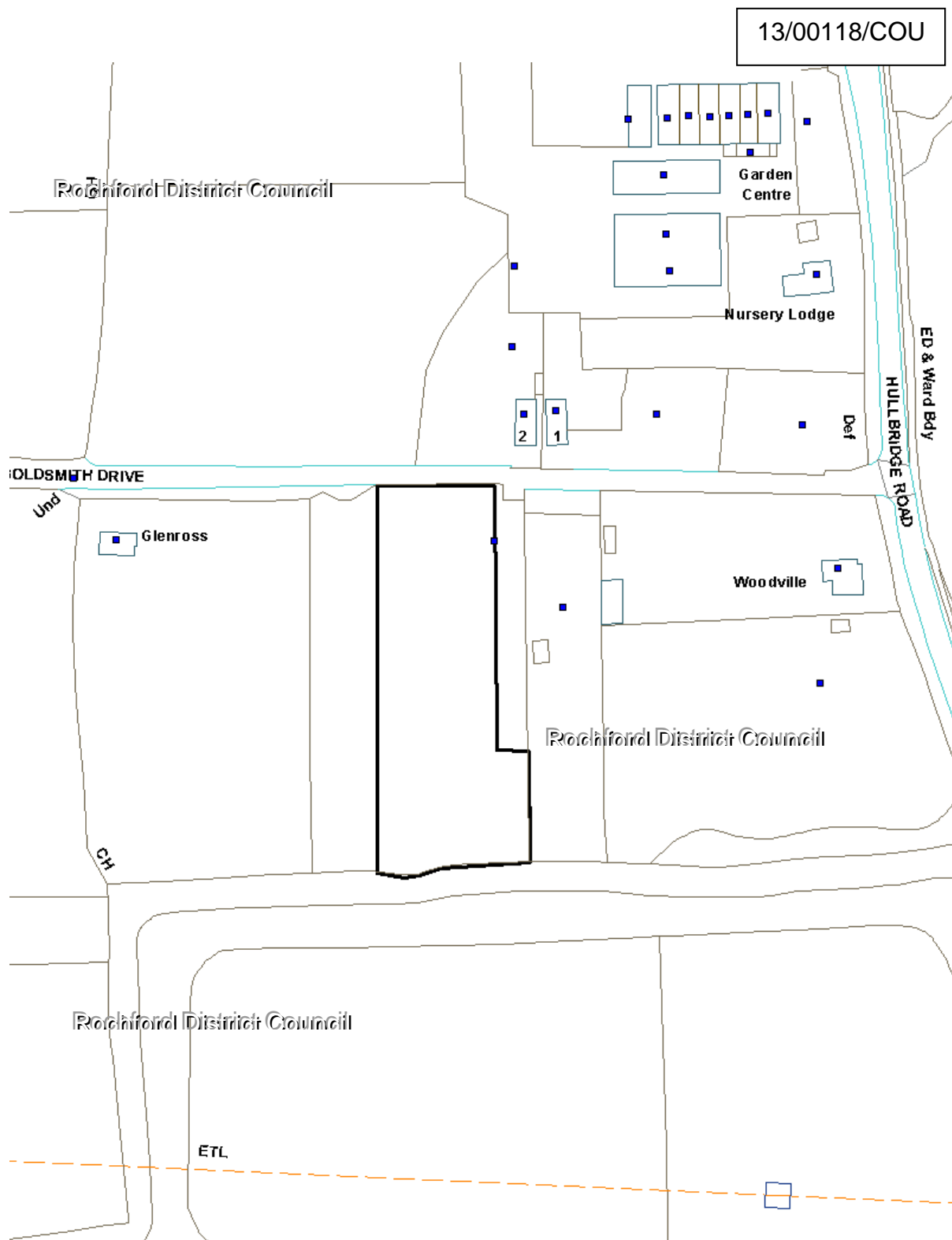
None.

For further information please contact Mike Stranks on:-

Phone: (01702) 318092

Email: mike.stranks@rochford.gov.uk

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



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. This copy is believed to be correct.

Nevertheless Rochford District Council can accept no responsibility for any errors or omissions, changes in the details given or for any expense or loss thereby caused.

Rochford District Council, licence No.LA079138

5.27

NTS

