



Ashfield
DISTRICT COUNCIL
MAP SCALE 1: 1250
CREATED DATE: 07/10/2022

COMMITTEE DATE 26/10/2022 **WARD** Kirkby Cross and Portland

APP REF V/2022/0584

APPLICANT Mrs Katieann Ashcroft and Sharn and Lloyd Barwick.

PROPOSAL Outline Application With Some Matters Reserved For Construction of 2 Dwellings, To Be Occupied By Travelling Showperson Families

LOCATION Land at, Spring Meadow, Park Lane, Kirkby in Ashfield, Notts, NG17 9LE

WEB-LINK <https://www.google.co.uk/maps/@53.092026,-1.2751798,19z?hl=en-GB>

BACKGROUND PAPERS A, B, D, E, F

App Registered 02/08/2022

Expiry Date 26/09/2022

Consideration has been given to the Equalities Act 2010 in processing this application. An Equalities Impact Assessment has been carried out as part of the application process.

This application has been referred to Planning Committee by Cllr Madden to discuss Highway Safety, Impact on the neighbouring area and Impact on the Street Scene.

The Application

This is an outline application with some matters reserved for the construction of two dwellings to be occupied by travelling showperson families. The two dwellings will replace two existing static caravans. Access is a matter to be considered as part of the outline application whilst all other matters are reserved.

Consultations

A site notice has been posted together with individual notification of surrounding residents. No comments have been received.

NCC Highways

- Existing access to the yards which will be unaffected
- Two dwellings will replace existing caravans so there will not be an intensification of the access

- Parking provision for these three-bedroom dwellings is acceptable
- Proposal is unlikely to result in an unacceptable risk to highway safety therefore no objections.

Nottinghamshire Wildlife Trust

- Have provided no bespoke comments on this proposal.

Severn Trent Water

- Disposal of surface water by means of soakaways should be considered as the primary method, If this is not practical and there is no watercourse is available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.
- For the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the company under section 106 of the Water Industry Act 1991.
- Informative suggested

ADC Environmental Health

- No comments to offer

Policy

Having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 the main policy considerations are as follows:

Ashfield Local Plan Review (ALPR) (2002)

ST1 – Development

ST4 – Remainder of the District

EV2 – Countryside

HG9 – Gypsy Caravan Sites and Site for Travelling Show People

National Planning Policy Framework (NPPF) (2021)

Part 2 – Achieving sustainable development

Part 5 – Delivering a sufficient supply of homes

Part 6 – Building a strong, competitive economy

Part 9 – Promoting sustainable transport

Part 12 – Achieving well designed places

Part 15 – Conserving and enhancing the natural environment

Greater Nottingham and Ashfield District Council Gypsy and Traveller Accommodation Assessment (March 2021)

Planning Policy for Traveller Sites (PPTS) (2015)

Relevant Planning History

V/2000/0515 - Showman's Permanent Quarters – Conditional

V/2006/0579 - Extension to Showman's Permanent Quarters Site – Conditional

V/2012/0119 – Vary Condition 4 of V/2000/0515 to Allow the Storage, Repair and Maintenance of Fairground and Ancillary Equipment – Conditional

V/2020/0677 - Change of Use of Land to Travelling Show people Yards Together with Drainage and Highway Infrastructure – Conditional

V/2021/0471 – Outline Application with Some Matters Reserved for One Dwelling – Refusal

Comment :

The Site

The application site comprises of two plots located on the Springmeadows site, which is an established travelling showpeople site, located off Park Lane in Kirkby in Ashfield.

Main Considerations

The main issues to consider in the determination of this application are:

- Principle of development
- Highway Safety

Principle of Development

The application site is within designated countryside located outside of the Districts main urban areas and named settlements. Policy ST4 of the ALPR (2002) states that permission will only be granted for development which is appropriate within the countryside, as set out within policy EV2 of the ALPR (2002).

Planning permission was granted in 2001 for the construction of a Showman's Permanent Quarters under application ref V/2000/0515. In 2006 permission was granted for an extension to the showman's permanent quarters under application ref V/2006/0579. In 2020 permission was granted for a further change of use of land to travelling showpeople yard together with drainage and highway infrastructure under application V/2020/0677 which provided a further extension to the travelling showperson's yard.

Policy HG9 of the ALPR states that sites for travelling showpeople outside of the Green Belt will be permitted for travelling showpeople within the countryside, provided a number of criteria can be met, which includes amongst other things that

the need for this site is established and where the site is reasonably accessible to community services and facilities.

Paragraph 62 of the NPPF (2021) outlines that Local Planning Authorities are required to provide the size, type and tenure of housing needed for different groups in the community. Within this context, this includes finding appropriate provisions for travelling showpeople.

In 2021 a Gypsy and Traveller Accommodation Assessment (GTAA) report was produced for Greater Nottingham and the Ashfield District. The assessment covers a period of 2020-2038 and identifies that during this period Ashfield has a need for 14 plots to come forward. Within the first 5 year period between 2020-2038 there is a need for 9 plots to come forward. In 2020 permission was granted for an extension to the Springmeadows site allowing an additional 7 plots therefore taking the total need for the first 5 year period down to 2 plots.

Having regard to the above the proposal to replace two existing static caravans each with its own plot with two permanent dwellings raises significant concerns in relation to the loss of 2 existing travelling showpeople's plots within the District. This would further exacerbate the Council's deficit in available plots for members of the travelling showpeople community.

Within the submitted design and access statement the agent has stated that the emerging local plan shows a further potential extension to the site and allocates a further 14 plots. Whilst this may be the case, at this time the emerging local plan has not been adopted and there have been no applications submitted and/or approved for further plots to this site as stated. Therefore, the application cannot be assessed against a proposal that may never materialise, when assessing need and deficit.

The application site is established as a travelling showpersons site with the approved permissions granting the siting of caravans and mobile homes. The proposed development seeks consent for the removal of two existing static caravans and the erection of two dwellings. As the proposal will be a permanent dwelling it must be considered against policy EV2 of the ALPR (2002) and whether the proposal amounts to appropriate development in the countryside.

Policy EV2 states that permission will only be given for appropriate development within the countryside. Development must be located and designed so as not to adversely affect the character of the countryside, in particular its openness. It goes on to set out the forms of development which are considered appropriate.

It is considered that the proposed development does not accord with sections a), b), c), e), g) or h) of policy EV2.

Section d) allows new buildings which are essential for uses appropriate for the countryside and the need for the proposed location has been established. It is acknowledged that the use of the site for travelling showpeople has been established, however the use granted refers to the siting of static caravans and mobile homes, not the construction of permanent dwellings. Similarly, whilst policy EV2 allows for the siting of caravans/mobile homes used in association with the travelling showpeople community it does not allow for the construction of permanent dwellings.

Section f) allows for replacement, alteration, or extension of existing buildings. The original permission for the site relates to the siting of caravans/mobile homes only. As both of the structures to be replaced are caravans it cannot be classed as a building. Therefore, in relation to section f) the proposal cannot be considered a replacement building.

Due to the above it is considered that the proposal does not constitute appropriate development in the countryside as set out in policy EV2 of the ALPR (2002). It is acknowledged that there is currently a static caravan on each plot however the submitted block plan appears to indicate that the proposed dwellings would have a greater footprint than the caravans and although it has been indicated in the submitted Design and Access Statement that the dwellings will be dormer bungalows, they are also likely to be higher than the existing caravans. It is noted that within the submitted application it is stated that the site can no longer be described as open countryside due to the established use and various permissions on the land. Whilst it is acknowledged that the area has changed in appearance over time the countryside still has worth in the planning balance. The current static caravans, touring caravans and vehicles associated with the travelling showpersons are not permanent and the vehicles especially are often moved when used. It is considered that although the area may not represent countryside in a traditional sense it should still be given worth within the determination of this application and two permanent dwellings are considered to have a detrimental impact on the openness and give the impression of additional urbanisation within the countryside given that the proposed dwellings would likely be a greater scale than what is already present.

Within the design and access statement it has been set out that lifestyles have changed for travelling showpeople. Their children attend local schools so rarely travel and the applicants tend to work locally. Whilst it is acknowledged that the application has outlined that the applicants need a brick-built dwelling this does not outweigh the deficit in plots that the application would cause or the harm on the countryside by way of inappropriate development.

Access

Access is a matter to be considered within this application. It has been shown on the site location plan and detailed in the design and access statement that access is gained via the southern access into the site and that will continue. Nottinghamshire County Council highways have commented that there are no objections to the access proposed and parking provision for the two three bedroomed dwellings is acceptable.

Other Matters

As this is an outline application with all matters reserved except for access limited information has been provided in respect of the proposed design and appearance of the dwellings. Matters in relation to appearance, layout, landscaping and scale are all reserved matters. As such, no details have been provided regarding the design of the dwellings and the overall layout of each plot. Consideration of these matters and an assessment of the impact on visual amenity and residential amenity would be considered at reserved matters stage.

Conclusion :

The Council are presently unable to demonstrate a five year housing land supply, and as such, the presumption in favour of sustainable development applies unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Whilst it is acknowledged that the applicants wish to live a more modern lifestyle and the proposal would provide a small contribution to the Districts Housing supply it would also result in a loss of two travelling showpeople pitches which would increase the existing deficit within the District. The proposal would also have a detrimental impact on the countryside setting allowing additional urbanisation therefore having a detrimental impact on the character and appearance of the wider environment.

On balance it is considered that the proposal does not constitute an appropriate form of development within the countryside and would further exacerbate the Council's deficit in available plots for members of the travelling showpeople community. Therefore the application is recommended for refusal for the reasons outlined below.

Recommendation: - Refuse Outline Permission

REASONS

1. The proposal amounts to two new build dwellings in the Countryside which represents an inappropriate form of development. The scheme will result in the impression of addition urbanisation within a Countryside setting. The proposal is subsequently considered to be contrary to saved policies ST1 (a), ST4 (b) and EV2 of the Ashfield Local Plan Review (2002) and Part 15 – Conserving and Enhancing the Natural Environment of the National Planning Policy Framework (2021).
2. The application site comprises of a plot/pitch within an established Travelling Showpeople site. The removal of a static caravan and the construction of a permanent dwelling is considered to result in the loss of Travelling Showpeople Plot/Pitches within the District exacerbating and existing deficit of available pitches for such purposes. The proposal is subsequently considered to be in conflict with paragraph 62 of the National Planning Policy Framework (2021), which requires the Authority to provide housing needed for different groups in the community.