

# Coberley Parish Council

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**17/03441/FUL: Application for the use of land for the stationing of caravans for residential purposes for 1 no. gypsy pitch together with the formation of additional hard standing and utility/dayrooms ancillary to that use. Formation of a dayroom for an existing gypsy pitch at Hillside View, Hartley Lane, Seven Springs, Gloucestershire**

**Coberley Parish Council opposes this application on the grounds that it would cause considerable and permanent harm to the AONB, the Cotswold Way National Trail and allow unacceptable increased urbanisation of the countryside.**

**No need has been justified or even stated for the extra pitch, nor for the additional development of a dayroom on the existing pitch.**

## **Harm to the AONB**

Paragraph 115 of the National Planning Policy Framework states: "Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty."

Furthermore, the Planning Policy for Traveller Sites, August 2015, is clear that as part of the Government's aim to ensure fair and equal treatment for Travellers local authorities have due regard to the protection of local amenity and local environment. Additionally, it is clear that if a local planning authority cannot demonstrate an up-to-date 5-year supply of deliverable sites, then this should be a significant material consideration when considering temporary planning permission. The exception to this is where the proposal is on designated land including Areas of Outstanding Natural Beauty.

On 7 August 2013, Appeal Decisions were made regarding this site. When he gave temporary permission to the existing site defined under Appeal D (APP/F1610/A/13/2192673), an Appeal Inspector made clear that further expansion into adjacent land, to the north, is unacceptable in terms of the impact on the AONB. In three out of four of the Decisions, the Appeals were dismissed (Appeal A: APP/F1610/C/12/2190154; Appeal B: APP/F1610/C/12/2190155, and Appeal C: APP/F1610/C/13/2191310)

The Inspector said:

Para 11: In my view, therefore, the harm caused by the site as it stands, is considerable. It is highly visible, even with screening, and stands out in views across the valley. However, if I consider just the site proposed in appeal D, the harm would be reduced.

I am required by the Framework to give great weight to conserving the AONB, and bearing this in mind I find the site does cause significant harm, but the proposed site of appeal D less so.

Para 21: I have found the establishment of a residential mobile home and its ancillary structures causes considerable harm to the AONB and this attracts great weight.

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Para 22: Consequently, I find the harm to the AONB is of paramount importance and outweighs the other issues in favour of the appellant. However, the harm caused by the reduced site proposed in Appeal D is considerably less than that of the whole site.

Most importantly:

Para 25: ..... I shall dismiss appeals A and B so that the notices on the northern site come back into effect and prevent the use of that land for the stationing of the mobile home for residential purposes and require the removal of the extension of the hard-standing, the decking, ancillary structure and play equipment.

**All the developments now proposed in the current application lie to the north of the existing approved structures.**

## **Number of pitches and caravans/structures**

Furthermore, in allowing Appeal D, the Inspector imposed conditions. These included:

Condition 5) The site shall comprise no more than 1 pitch and no more than 2 caravan(s), as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (of which no more than 1 shall be a static caravan) shall be stationed on the site at any time.

**CDC has already clearly stated its recognition of the harm which these developments will cause to the area:**

In its Decision Notice dated 11 December 2014 giving temporary permission against Application 14/02614/FUL for the site to the north of this application site, CDC recognised the harm which that development would cause. In the reason given against Condition 3, it stated: Permanent development of this type may cause a nuisance or would detract from the amenity of the area having regard to the open countryside location of the site within the Cotswolds Area of Outstanding Natural Beauty, in accordance with Cotswold District Local Plan Policy 19 and Paragraph 115 of the NPPF.

Earlier, when CDC twice refused permission for erection of stables and construction of hard standing on land to the north of this site, (Applications 12/03218/FUL on 9 October 2012 and 14/00303/FUL on 18 March 2014), they gave the reason as: "The cumulative impact of the proposed development together with the existing stables that are in close proximity to the application site would result in an unacceptable suburbanisation of this attractive rural area that would have a significant adverse impact on the character and appearance of the Cotswolds Area of Outstanding Natural Beauty. The proposal is therefore contrary to Paragraph 115 of the National Planning Policy Framework."

When CDC refused the Application 12/04857/FUL on this application site, on 18 December 2012, it gave as reason: "The site forms part of attractive and predominantly undeveloped countryside located within the Cotswolds Area of Outstanding Natural Beauty (AONB) and outside of any settlement or recognised development boundary. The use of part of the land as a caravan site along with associated structures, equipment and domestic paraphernalia would

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result in an urbanising effect which is out of keeping with, and detrimental to, the rural landscape character and beauty of this part of the Cotswolds AONB.”

The photograph at **Fig 1** indicates the visibility of the Traveller sites and the extent to which the land has been urbanised.

## **The latest Planning Policy for Traveller Sites, August 2015 states:**

Para 14: When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.

Para 25: Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

Para 27: If a local planning authority cannot demonstrate an up-to-date 5-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission<sup>9</sup>. The exception is where the proposal is on land designated as Green Belt; sites protected under the Birds and Habitats Directives and / or sites designated as Sites of Special Scientific Interest; Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park (or the Broads).

Footnote 9 is clear that “There is no presumption that a temporary grant of planning permission should be granted permanently.”

## **Domination of nearest settled community**

To the best of the Parish Council’s knowledge, there is currently a smaller population in the nearby settled community on Hartley Lane than in the 2 Traveller sites.

With this being the case, there is clear potential for the site, if it is permitted an additional pitch, and in conjunction with the pitches on the adjoining site to the north, to dominate the nearest settled community.

It is clear from CDC’s reasons for refusing the application in 2016 for change of use to provide pitches at the Green Waste Site, Welsh Way, Poulton, ref 16/00906/FUL, that it considers potential domination of the nearest settled community as grounds for refusal.

“The site would also dominate the nearest settled community at Sunhill.”

## **Other observations from plans**

Not only is the applicant seeking to add a pitch, comprising a mobile home, a dayroom and a touring caravan, as well as to add a dayroom to the existing (easterly) pitch, but we note that, on

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the existing pitch, an unspecified unit (depicted in 'existing caravan' colour-code) is shown on the 'Proposed Site Plan' but does not appear on the 'Existing Site Plan'. This leads us to assume that it is another additional unit.

We also note that the annotation for the dayroom shown on the existing pitch on the 'Proposed Site Plan' refers to "Proposed Dayroom for the existing pitch ref. APP/F1610/C/12/2190154". This reference applies to Appeal A of the Appeals Decisions of 7 August 2013, which was dismissed.

**No need or justification has been provided by the applicant for the extra pitch, nor for the additional development of a dayroom on the existing pitch.**

Much reference is made to "need" in the various policies relevant to Traveller sites. However, in this application, the applicant has made no reference to, or justification of, the need for the additional pitch, or for the dayroom on the existing pitch on the east side of the site. In the case of the latter, the mobile home on this pitch is already a substantially sized structure. See **Fig 2**.

In June, last year CDC rejected the change of use to provide pitches at the Green Waste Site, Welsh Way, Poulton, ref 16/00906/FUL. A reason given was:

The Council can demonstrate a 5-year supply of Gypsy and Traveller sites, and there is therefore no current need for the scale of development proposed. .... The proposal is therefore contrary to Policy 23 of the Cotswold District Local Plan and the 'Planning policy for traveller sites' (August 2015).

It is therefore, noted that the Council can demonstrate a deliverable 5-year supply of pitches and thus, there is no clear need for any further additional permanent pitches. This is also supported by the adjacent site's "reserved" status in the emerging local plan.

**It is therefore, consistently clear from all these policies and statements that, to permit the creation of an additional pitch and additional units on the existing pitch of the Application Site, would cause increased and permanent significant harm to the AONB and rural Cotswold countryside, and to the immediately adjacent, internationally popular Cotswold Way.**

**Coberley Parish Council urges Cotswold District Council to refuse this Application.**

**Coberley Parish Council, 24 September 2017**

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**Fig 1**



A view of the Traveller sites showing the visibility from the west

**Fig 2**

