

Parish:	West Walton	
Proposal:	Retrospective change of use of previously developed land to enable standing of a residential static caravan and storage of one touring caravan and ancillary works	
Location:	Land SW of The Bungalow Common Road South Walton Highway Norfolk PE14 7ER	
Applicant:	F Brazil	
Case No:	24/01561/F (Full Application)	
Case Officer:	Lucy Smith	Date for Determination: 17 December 2024

Reason for Referral to Planning Committee - Called in by Cllr Kirk

Neighbourhood Plan: No

Case Summary

The application seeks full planning permission (retrospective) for the siting of a static caravan & storage of one touring caravan, for occupation by Gypsy and Travellers, on land South West of The Bungalow, Common Road South, Walton Highway.

The application site is outside of the Development Boundary for Walton Highway and therefore within the wider countryside for the purposes of planning policy. However the site is allocated as a proposed G&T site (GT15) in the main modifications of the Local Plan Review.

The site is within Flood Zone 3 within the Borough Council's SFRA (2018).

Key Issues

Background
Principle of development
Need for pitches
Impact upon the appearance of the countryside
Access and highway implications
Flood risk
Other material considerations

Recommendation

APPROVE

THE APPLICATION

The application seeks full planning permission (retrospective) for the siting of a static caravan & storage of one touring caravan, for occupation by Gypsy and Travellers, on land South West of The Bungalow, Common Road South, Walton Highway.

The application site is outside of the Development Boundary for Walton Highway, which cuts off further north, on the opposite side of the A47 and therefore within the wider countryside for the purposes of planning policy. However, the site is allocated as a proposed G&T site (GT15) in the main modifications of the Local Plan Review.

The site is within Flood Zone 3 within the Borough Council's SFRA (2018).

The application site currently comprises an area of hardstanding bordered by close boarded fencing which reduces in height either side of the access point. The static caravan is situated towards the south west boundary of the site, and various residential paraphernalia is positioned in close proximity.

Immediately north east of the site is a residential dwelling known as The Bungalow. Other dwellings exist in the wider locality, to the south west as well as on the opposite side of St Pauls Road.

SUPPORTING CASE

A supporting statement was requested however none was received as of the date of writing this report.

PLANNING AND ENFORCEMENT HISTORY

21/00293/UNAUTU, Enforcement Status: CLOSED, Nature of complaint: Alleged Unauthorised Use

21/00492/F: Application Refused: 27/04/22 - The use of land for the stationing of caravans for residential purposes, together with the formation of hardstanding and utility/dayroom ancillary to that use - Land SW of The Bungalow (DELEGATED)

15/01103/F: Application Refused: 09/11/15 - Construction of 1 x 4 bedroom barn style 2 storey dwelling - Land 40M SW of the Old Mill (DELEGATED)

RESPONSE TO CONSULTATION

Parish Council: OBJECT on the following grounds (summarised):

- The site is previously developed; prior to clearance the site was an orchard.
- Reference to previous planning refusals
- The site is within Flood Risk Zone 3.
- The site is located on a single track road with no footpath and no amenities close by.
- Schools in the locality are oversubscribed.

Planning Committee
6 January 2025

- The site does not have good drainage.
- Adjacent land has had planning refusals.

Environment Agency: NO OBJECTION subject to FRA being complied with. Referred to Emergency Planner for evacuation advice.

Highways Authority: NO OBJECTION on highway safety grounds.

Internal Drainage Board: NO OBJECTION in principle. The Board's Byelaws apply.

Environmental Health & Housing - Environmental Quality: NO OBJECTION regarding contaminated land.

Natural England: NO OBJECTION referred to GIRAMS tariff for recreational impacts.

REPRESENTATIONS

TWO letters of **OBJECTION**, summarised as follows:

- Previous refusals and enforcement history on site; application should be determined as per those applications
- Enforcement notice should be complied with
- Unsustainable location with no local amenities
- Detrimental to the character of the countryside
- Flood risk implications
- Access road is of limited width, highway safety concerns
- No need for gypsy & traveller sites
- Detrimental to adjoining neighbours
- Crime and disorder and public safety impacts
- Loss of house value
- Land was previously an orchard, not previously developed land
- Number of G&T caravans in area is excessive
- Grade II Listed dwelling in local vicinity

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS09 - Housing Distribution

CS10 - The Economy

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
National Design Guide 2021

OTHER GUIDANCE

PLANNING CONSIDERATIONS

The main considerations are:

- Background
- Principle of development
- Need for pitches
- Impact upon the appearance of the countryside
- Access and highway implications
- Flood risk
- Other material considerations

Background:

As indicated above in the Relevant Planning History section, this site has been the subject of enforcement investigation and action in the past. However, in the interim there has been a significant and material change in that the Council has been deemed at appeal to have failed to provide a 5-year supply of sites (20/01246/FM at School Road, Marshland St James). This is a strong material consideration weighing in favour of this type of application and the Local Planning Authority must have regard to this within planning decisions.

The most recent Gypsy and Traveller Accommodation Assessment (GTAA), discussed in more detail below, acknowledges that there is an unauthorised pitch at this location. Before the GTAA was produced back in May 2023 there was no evidence of accommodation need at this site and therefore enforcement action has historically been taken. However, the GTAA (2023) now identifies that there is a current need arising from this site for a pitch.

One of the recommendations within GTAA is to formalise those unauthorised pitches where an accommodation need is found to be directly arising and this site is now allocated under GT15 in the Main Modifications document (Part 2) as part of the Local Plan Review.

In light of the emerging allocation, it would be unreasonable for the Council to pursue further enforcement action on those grounds. The enforcement case has therefore been closed, and this application has been submitted to regularise the site.

Planning Committee
6 January 2025

It is considered that the reasons for refusal of both the 2015 and 2021 planning permissions listed above have been overcome through the allocation of the site for a Gypsy and Traveller Pitch.

Principle of development

The site is approximately 700m from the development boundary of Walton Highway (which is presently combined with West Walton to form a Key Rural Service Centre) and therefore within the wider countryside for the purposes of planning policy.

Paragraph 8 of the NPPF identifies an environmental objective in order to achieve sustainable development. Planning should 'protect and enhance our natural, built and historic environment...'

National planning policy is clear that the countryside should be protected for its intrinsic character and beauty and should only be developed in exceptional circumstances.

Policy CS06 of the Core Strategy 2011 clearly states that "beyond the villages and in the countryside, the strategy will be to protect the countryside for its intrinsic character and beauty... The development of greenfield sites will be resisted unless essential for agricultural or forestry needs." Policy DM2 of the SADMPP 2016 defines development boundaries and supports this approach.

Reference to Gypsy & Traveller (G&T) sites is contained in Core Strategy Policy CS09, which states:

"Sites for gypsies, travellers (or travelling show people) will be given permission where they:

- Are capable of being serviced by basic utilities;
- Meet an identified need;
- Avoid environmentally sensitive areas and areas at risk of flooding;
- Afford good access to main routes (including the A47 (T), A17, A10, A148/9 and A134); and
- Are located within reasonable distance of facilities and supporting services (such as school or health provision)."

These criteria will be addressed within this report.

Whilst new Policy LP28 (as per the Main Modifications) does not currently have weight in planning decisions, it should be noted that the emerging policy sets out similar requirements for assessment of new sites for Gypsy and Travellers, albeit expanding upon impacts such as biodiversity, landscape character etc which are currently (and will continue to be) covered by other policies.

Need for pitches

The recent updated GTAA (June 2023) and an appeal decision (APP/V2635/W/22/3294180 – copy attached to this report) has indicated that there is a significant unmet need for Gypsy and Traveller sites - an additional 76 pitches within the period 2023-2027, and a total future need to 2039 of 102 pitches. It was concluded that the Council has failed to have a 5-year supply of deliverable sites, and significant weight is therefore afforded to the need for additional sites/pitches.

The PPTS (paragraph 27) states that if a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision.

Planning Committee
6 January 2025

The Council, as part of the examination of the Local Plan Review process, is seeking to address this matter/shortfall by issuing a Gypsy & Travellers and Travelling Showpeople Potential Sites and Policy Consultation (January 2024). This has been followed up by the Gypsy & Travellers Travelling Showpeople Proposed Site Allocations and Policy Consultation (May 2024) and the most recent Main Modifications Consultation Part 2. This site has been allocated as part of this process (GT15).

The policies in the emerging Local Plan in themselves, because of the stage of preparation of the plan (main modifications consultation) do not have significant weight in decisions; however the current Core Strategy (Policy CS09) fails to set out any site allocations for Gypsy and Traveller accommodation to meet the identified need. This undersupply of pitches therefore has significant weight in decision making and despite the local plan review not currently having full weight, it is considered that the need for sites outweighs the implications for new development in the countryside and the principle of development is therefore acceptable.

Impact upon the appearance of the countryside

The NPPF (2024) seeks to ensure high quality development and a good standard of amenity seeking ways to enhance and improve places in which people live and recognises the intrinsic character and beauty of the countryside (Paragraph 187).

The application site is positioned adjacent to an existing dwelling. As stated above, the existing site is located adjoining development on Common Road South and is not an 'isolated' site in the countryside as defined in the Braintree DC case (2016). The site is however within close proximity to other residential and otherwise compatible uses and would appear as a continuation of existing sporadic development in this part of Walton Highway.

The site is covered by hardstanding and enclosed by close-boarded wooden fencing approx. 2m in height, reducing to approx. 1m adjoining the access. The habitat plan submitted with this application suggests that there is an opportunity to introduce additional hedgerow planting to the roadside of the screen fencing to soften the visual impact and integrate the development into its setting. This could be controlled via condition. The site also has a backdrop to the east of established equestrian and agricultural buildings.

The application site is positioned adjacent to an existing dwelling.

The design and access statement indicates that landscaping is proposed to screen the residential uses, however insufficient detail of this has been provided and therefore details could be controlled via condition.

At the time of site visit, there was a single static caravan within the site, visible over the existing boundary treatments but somewhat screened from longer views by vegetation on surrounding land. Considering the proximity to existing development, whilst the introduction of a slightly elevated static caravan plus domestic paraphernalia would have an impact upon the appearance of this locality from the immediate vicinity, both established screening and provision of additional landscaping/planting would be effective in assimilating it into its countryside setting.

There is adequate space on site to accommodate a static caravan plus a touring caravan and parking for at least 2 vehicles.

It is concluded that the impact upon the appearance of the countryside or the surrounding street scene would not be so significant that it would outweigh the established need identified above.

The proposal therefore complies with Policies CS06, CS09, DM2 and DM15 of the Development Plan in regard to character and appearance of the countryside.

Access and highway implications

There is an existing access to the site off Common Road South with appropriate visibility to meet current standards.

Whilst local concerns have been raised regarding the suitability of this road to serve the proposed development, the Local Highway Authority raise no objection to this scheme on highway safety grounds and no conditions are necessary to make the development acceptable on highway safety grounds.

There is ample parking and turning space within the site to serve the intended pitch.

The proposal accords with Policies CS08, CS09, CS11, DM15 & DM17 of the Development Plan.

Flood risk

The application site is identified as falling within Flood Zone 3a of the Council-adopted Strategic Flood Risk Assessment and that of EA's mapping.

The application is accompanied by a site-specific Flood Risk Assessment which has not drawn objection from the Environment Agency. Mitigation measures are recommended of Finished Floor Levels (FFLs) above 0.4m and the caravans to be anchored down to prevent movement if flooded. These measures could be secured via condition.

Our Emergency Planning Officer plus the EA recommend signing up to the Environment Agency's Flood Warning System and the preparation of a flood evacuation plan – this can be covered via condition.

The proposal passes Sequential testing as an allocated site where there are no other available comparative sites in a lower flood zone in this area.

The NPPF identifies caravans as 'highly vulnerable' to flood risk and Policy CS09 seeks to avoid sites in areas at high risk and should not be permitted in FZ3. Nonetheless, Paragraph 181 of the NPPF (2024) recognises that development may be necessary in areas of high risk and risks can be managed through suitable adaption measures. The use of mitigation measures similar has previously been deemed acceptable by this LPA, including most recently 24/01061/F which was approved by Planning Committee in November 2024.

Exception testing is also considered to be passed in that the development can be made safe for its lifetime with the above mitigation measures and there are wider sustainable benefits by an additional pitches going towards the significant shortfall in supply of G&T sites.

The proposal is therefore compliant with the NPPF (2023) and Policies CS08 & CS09 of the Development Plan.

Other material considerations

Service by utilities

The site is presently served by water and electricity.

Drainage

Limited information has been provided in relation to foul and surface water drainage. This can be secured via condition.

Previously Developed Land

The site has been described by the Agent as previously developed land, however as the residential use has not previously been authorised, the site would not meet the definition. The site's status as previously development land (or not) has not been given weight in this decision.

Accessibility

Whilst comments from the Parish Council regarding accessibility and lack of footpath provision are noted, this is the case for a large number of dwellings in the locality and the provision of one additional unit towards the supply of G&T pitches is considered to outweigh the limited harm caused to overall accessibility and sustainable transport modes.

The site is reasonably well located to local services and facilities that the Key Rural Service Centre and beyond has on offer, being approx. 1.4 miles (2.2km) from the centre of Walton Highway by road and (0.9 miles (1.44km) by foot. Local services are therefore relatively accessible for this type of development and given the identified need in this locality.

It is also concluded that the site has reasonable access to main routes being 1km by road from the A47.

Amenity of neighbours

Whilst concerns from Cllr Kirk and neighbours have been raised with regards to amenity, given the separation distances involved and boundary treatments, there would be no justification to refuse this proposal on those grounds.

Lighting can be secured via condition to ensure no adverse implications. It would also control impact upon wildlife. This would accord with Policy DM15 of the Development Plan.

Habitats and Species

Whilst the Agent has provided various documents disputing the site's impacts on protected sites, the site lies within an impact zone for designated conservation sites: the Wash, Brecks and North Coast scoped into the GIRAMS study.

A shadow Habitats Regulations Assessment has been undertaken and GIRAMS payment has been secured. Natural England have confirmed that providing appropriate mitigation is secured there should be no additional impacts upon the European sites.

The proposal therefore accords with Policies CS12 and DM19 of the Development Plan.

Biodiversity Net Gain

As a retrospective application, there is no legal requirement for 10% Biodiversity Net Gain. A new hedge is indicated on the submitted Habitat Plan and landscaping details could be conditioned as part of any consent to ensure biodiversity enhancements in line with Paragraph 187 of the NPPF (2024).

Contamination

Planning Committee
6 January 2025

The applicant has provided a screening assessment which indicates no known contamination. No significant potential sources of contamination have been identified and the Environmental Quality team raise no objection on contamination grounds. The proposal complies with Policy DM15 in regard to contamination.

Crime and Disorder

Whilst concerns have been raised about anti-social behaviour, there are not considered to be any tangible concerns regarding crime and disorder associated with this proposal.

Human Rights

Information regarding the proposed occupiers of the site has been submitted. The recent appeal decision indicated that the occupation of sites could be controlled via condition.

The interference with Article 8 of the European Convention on Human Rights (ECHR) rights of any proposed occupiers to respect for private and family life and the home is a qualified right and must be weighed against the wider public interest in the upholding of the law, including planning law for example which aims to protect the countryside by restricting inappropriate development. However, in this instance there is no conflict given the officer recommendation.

Devaluation of property

The difference in terms of valuation of adjacent property, be it either up or down, is not a material planning consideration.

Listed Buildings

A neighbour objection states that the site is not suitable due to nearby Listed Buildings. The closest listed building is The Mill, at 190 St Pauls Road South. The proposal site is well-distanced from this heritage asset and the proposed use would not impact on its setting. The proposal complies with Section 16 of the NPPF (2023) and Policies CS12 and DM15 of the SADMPP (2016).

CONCLUSION

The Council, as part of the examination of the Local Plan Review process, is seeking to address this matter/shortfall by having issued a Gypsy & Travellers and Travelling Showpeople Site Allocations and Policy Consultation (May 2024) followed by the Main Modifications Part 2 consultation. This clearly demonstrates a significant need in this parish and in determining this application significant weight must be attached to the unmet need. The main modifications document outlines that the application site itself is proposed to be allocated to meet this need in a sustainable manner within the Local Plan Review.

The PPTS (paragraph 27) states that if a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision.

The proposal compares favourably when judged against the criteria of Policy CS09 of the Core Strategy and Policy 2 a)-l) of the new policy contained within the Main Modifications Part 2 to the Local Plan (Gypsy, Travellers and Travelling Showpeople policies) consultation. The flood risk implications can demonstrably be overcome through compliance with the Flood Risk Assessment, as agreed by the Environment Agency.

There are no technical objections that cannot be secured via condition.

Planning Committee
6 January 2025

The proposed development is capable of complying with Policies CS06, CS08, CS09, CS11 & CS12 of the Core Strategy (2011), Policies DM2, DM15, DM17 & DM19 of the SADMPP (2016) plus the emerging policy contained in the Main Modifications Part 2 to the Local Plan (Gypsy, Travellers and Travelling Showpeople policies) consultation (October 2024). The application is therefore recommended for approval subject to certain conditions stated below.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans, received 4th September 2024:
 - Location Plan
 - Block Plan
- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: The site shall not be occupied by any persons other than Gypsies and Travellers, defined as: persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 2 Reason: To define the terms of the permission, as the site lies within the countryside where the Local Planning Authority would not normally grant permission for new dwellings. This permission is granted in recognition of the special need for the pitch in accordance with Policy CS09 of the Core Strategy (2011).
- 3 Condition: On the site hereby approved there shall be no more than one pitch, containing no more than one static caravan and one touring caravan (as defined in the Caravan Sites & Control of Development Act 1960 and the Caravan Sites Act 1968) stationed at any time.
- 3 Reason: To define the terms of this permission in accordance with the provisions of the NPPF and Policy CS09 of the Core Strategy.
- 4 Condition: No commercial activities shall take place on the land, including the storage of materials.
- 4 Reason: To define the terms of this permission as commercial use would engender additional traffic implications on this rural road network plus parking implications and in the interests of the amenity of adjoining residences; in accordance with Policies CS08 & CS11 of the Core Strategy (2011) and Policies DM15 & DM17 of the SADMPP (2016).
- 5 Condition: The development shall be implemented in accordance with the following flood risk mitigation measures:
 - Finished floor level of the permanently sited static caravan shall be set at no lower than 400mm above existing ground level;
 - The static caravan shall be securely anchored to concrete ground bases;
 - Residents will sign up to the Environment Agency's Flood Warning Service; and

Planning Committee
6 January 2025

- Prepare an Evacuation Plan

These measures shall be maintained thereafter.

- 5 Reason: To protect occupants and prevent movement of the caravans at times of increased risk of flooding in accordance with the provisions of the NPPF, Policy CS08 of the Core Strategy (2011) and Policy DM15 of the SADMPP (2016).
- 6 Condition: Prior to installation of any external lighting, details shall have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented as agreed.
- 6 Reason: In the interests of the amenity of the locality and to accord with Policy CS06 of the Core Strategy (2011) and Policy DM15 of the SADMPP (2016).
- 7 Condition: Within 3 months of the date of this decision, full details of the foul and surface water drainage arrangements for the site shall have been submitted to the Local Planning Authority for approval. The drainage details shall be constructed as approved within 3 months of the date of approval of those details in writing by the Local Planning Authority.
- 7 Reason: To ensure that there is a satisfactory means of drainage in accordance with the NPPF and Policy DM15 of the SDAMPP (2016).
- 8 Condition: Within 3 months of the date of this decision, full details of landscape works shall have been submitted to the Local Planning Authority to be agreed in writing. These details shall include the provision of planting along site boundaries, and include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate. The details shall also include a programme of works to indicate the timing of proposed planting.
- 8 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 9 Condition: All soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in accordance with a programme agreed in writing with the Local Planning Authority under Condition 8. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.
- 9 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.