

PLANNING COMMITTEE – Thursday 23 May 2024

23/1618/FUL – Change of use of land for the stationing of caravans for residential purposes for 5 no. gypsy pitches with the formation of hardstanding and amenity block at Land rear of 63 TOMS LANE, KINGS LANGLEY, WD4 8NJ.

Parish: Abbots Langley Parish Council

Ward: Gade Valley

Expiry of Statutory Period: 15 December 2023
Extension of time agreed to 31.05.2024.

Case Officer: Freya Clewley

Recommendation: That Planning Permission be granted.

Reason for consideration by the Committee: Called in to Planning Committee by 3 members due to the impact on the Green Belt and neighbours and to ensure compliance with the Council's Gypsy and Traveller Policy.

To view all documents forming part of this application please go to the following website:
<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S1E5GQQF0EP00>

1 Relevant Planning and Enforcement History

- 1.1 An Enforcement Notice was served in September 1983 against the unauthorised material change in the use of the land from agriculture to a use for the purposes of stationing caravans for human habitation (ref 8/956/85). An appeal against the enforcement notice was allowed, however permission for the caravan was only given for 3 years and the permission was made personal to the appellant.
- 1.2 8/587/90 - (Outline) Detached bungalow and double garage – Refused 15.10.90 for the following reasons:
- R1 The site is within the Metropolitan Green Belt where it is the policy of the local planning authority as set out in the Approved Hertfordshire County Structure Plan and the Three Rivers District Plan not to allow development unless it is essential for the purposes of agriculture or other uses appropriate to the rural area. No such need has been proved.*
- R2 The proposed bungalow would constitute an undesirable intensification of building development detracting from the rural character of this locality within the Metropolitan Green Belt.*
- 1.3 99/01573/FUL – Erection of 2 detached houses – Refused 19.08.99 for the following reasons:
- R1 The site is within the Metropolitan Green Belt where it is the policy of the Local Planning Authority as set out in the Approved Hertfordshire Structure Plan Review 1991-2011, the Three Rivers District Plan Review 1991 and the Three Rivers Local Plan 1996-2011 (Deposit Draft) not to allow development unless it is essential for the purposes of agriculture or other uses appropriate to the rural area. No such need has been proved. Accordingly the proposal is contrary to Policies GB1 and GB6 of the Three Rivers District Plan Review 1991 and Policy GB1 of the Three Rivers Local Plan 1996-2011 (Deposit Draft).*
- R2 The proposal, if allowed, would set an undesirable precedent for further development of a similar nature which, cumulatively would be detrimental to the character of the locality and would undermine the established planning policies for this area.*

Accordingly, the proposal is contrary to Policies GB1 and GB6 of the Three Rivers District Plan Review 1991 and Policy GB1 of the Three Rivers Local Plan 1996-2011 (Deposit Draft).

- R3 The proposal would lead to an increase in the use of the existing private drive access which currently has sub-standard access onto Toms Lane in terms of visibility splays. To allow the proposal in its current form would be prejudicial to the free flow of traffic and the general safety on the neighbouring highway.*
- R4 The proposed private drive access would have sub-standard access in terms of visibility where it meets the existing private drive. To allow the proposal in its current form would be prejudicial to the free flow of traffic and general safety.*
- R5 The proposed development would increase the number of dwellings being served by the existing private drive beyond the maximum recommended within 'Roads in Hertfordshire'. The existing access is of insufficient width and design to serve the proposed development and existing uses. As a result, the additional traffic generated would be detrimental to the existing users of the private drive as well as potential users of the proposed dwelling.*

1.4 05/1876/OUT - Outline application: Erection of a detached dwelling (means of access details only) - Refused 10.02.06 for the following reason:

- R1 The proposal constitutes inappropriate development in the Metropolitan Green Belt and this is to the detriment of the open character and visual amenity of the landscape. No very special circumstances have been demonstrated as to why planning permission should be granted and therefore the proposal is contrary to Policy GB1 of the Three Rivers Local Plan 1996-2011 and National Green Belt Policy as contained in Planning Policy Guidance Note 2.*

The application was dismissed at appeal (APP/P1940/A/06/2018147/NWF).

1.5 07/1694/OUT - Outline Application: Use of mobile home on vacant site – Refused 20.12.07 for the following reason:

- R1 It has not been sufficiently demonstrated that very special circumstances exist to overcome the presumption against inappropriate development in the Metropolitan Green Belt, contrary to Policy GB1 of the Three Rivers Local Plan 1996-2011.*

1.6 08/1740/RSP – Part retrospective: Change of use of land to stationing of mobile homes for one gypsy pitch, erection of a detached outbuilding (utility/day room) and hardstanding for use for residential purposes – Refused 23.01.09 for the following reason:

- R1 The proposal constitutes inappropriate development in the Metropolitan Green Belt and this is to the detriment of the open character and visual amenity of the landscape. No very special circumstances have been demonstrated as to why planning permission should be granted and therefore the proposal is contrary to Policy GB1 of the Three Rivers Local Plan 1996-2011 and National Green Belt Policy as contained in Planning Policy Guidance Note 2.*

1.7 The application was granted at appeal in August 2009 for a temporary period of five years. The Inspector concluded that the urgent need to provide gypsy and traveller sites within the district of Three Rivers and the lack of alternative sites outweighed the harm caused by reason of inappropriate development in the Green Belt. The permission was not made personal to the applicant.

1.8 11/0040/FUL - Use of land to include the stationing of caravans for an additional double gypsy pitch containing 2 no. mobile homes with shared utility/day room building and

hardstanding ancillary to that use, as well as retention and reorganising the existing single residential gypsy pitch - Approved 05.04.11 subject to the following conditions (amongst others):

- C1 The use hereby permitted shall be for a limited period being the period of 5 years from the date of the appeal decision for application 08/1740/RSP (appeal reference APP/P1940/A/09/2097096). On or prior to 6 August 2014 the use hereby permitted shall cease, all structures, materials and equipment brought on to the land in connection with the use shall be removed, and the land restored to its former condition in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority.

REASON: To allow the Local Planning Authority an opportunity to assess the effect of the use or development hereby permitted on the openness of the Metropolitan Green Belt and the amenities of surrounding the area, and to allow the Local Planning Authority an opportunity to assess the level of Gypsy and Traveller site provision in accordance with Policies GEN1, GB1, H1, H3 and Appendix 1 of the Three Rivers Local Plan 1996 – 2011

- C3 The site shall not be occupied by any persons other than [6 names Redacted from 23/1618/FUL report).

REASON: In granting this permission the Local Planning Authority has had regard to the special circumstances of the case; the nature of the planning permission (temporary/personal) allows the Local Planning Authority an opportunity to assess the effect of the use hereby permitted on the Green Belt in accordance with the requirements of Policies GEN1, GB1, H5 and Appendix 1 of the Three Rivers Local Plan 1996-2011 and Government Circular 01/2006.

- 1.9 11/2317/FUL - Revised site layout and the erection of a utility/day room in place of 2 no. utility/day rooms ancillary to an existing gypsy site with permission for 3 no. residential pitches - Approved 13.04.12 – Temporary permission expired 6 August 2014.
- 1.10 12/1915/FUL - Variation of Condition 3 of planning permission 11/2317/FUL to allow substitution of plans to reflect a revised site layout (approved utility/day room to be sited further away from existing mobile home) – Approved 06.12.12.
- 1.11 13/1823/FUL – Permission for two additional caravans (no more than one of which to be a static caravan) with parking for two vehicles and associated hardstanding – Approved 22.11.2013.
- 1.12 14/1661/FUL – Retention of the existing residential caravan site, with four Gypsy pitches/plots, consisting of four static caravans and four touring caravans, shared utility/dayroom and associated hardstanding and parking – Temporary and personal planning permission approved for 3 years (expires 21 November 2017).
- 1.13 17/2695/RSP - Retrospective: Retention of the existing residential caravan site, with four Gypsy pitches/plots, consisting of four static caravans and four touring caravans, shared utility/dayroom and associated hardstanding and parking – Personal planning permission approved 23.02.2018.
- 1.14 23/0108/COMP – Enforcement Enquiry: Potential Traveller Site Expansion and Stationing of Static Caravan – Pending Consideration. Officers noted that one additional pitch exists on the site and that other persons not named on the personal permission 17/2695/RSP were occupants on site. The grant of this permission would move the unauthorised pitch to the application site.

2 Description of Application Site

- 2.1 The application site is a rectangular piece of land approximately 0.26ha in area situated to the rear of numbers 61-65 Toms Lane, Kings Langley within the Metropolitan Green Belt. 61-65 Toms Lane are a row of residential properties on the north side of Toms Lane.
- 2.2 The site is served by a track leading off Toms Lane, approximately 3m in width. The track is a cul-de-sac and also serves several residential dwellings in addition to the existing Traveller site at Little Lilly (which is located rear of No. 59 Toms Lane), including Kings View Farm on the opposite side of the track and Bel Air and Oak Lodge to the north. Access to the application site is from the track with the access approximately 10m to the north west of the boundary with 59 Toms Lane, through the existing Traveller site at Little Lilly. There are recessed solid timber gates and brick walls/piers at the entrance with a large gravel driveway/hardstanding area within the site. The boundary treatment to the site consists of hedging and vegetation.
- 2.3 The site is currently void of built form with the exception of a single storey pitched roof structure, constructed close to the shared boundary with the existing Traveller site. The remainder of the site is open, with soft landscaping close to the remaining boundaries.

3 Description of Proposed Development

- 3.1 This application seeks full planning permission for the change of use of the land for the stationing of caravans for residential purposes for 5 no. gypsy pitches with the formation of hardstanding and amenity block.
- 3.2 A single Gypsy or Traveller pitch can include two stationed caravans, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, although only one of these can be a residential mobile home. This latter Act and the Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of Caravan) (Amendment) (England) Order 2006 defines a residential mobile home as being no larger than 20 metres in depth 6.8 metres in width and 3.05 metres internal height.
- 3.3 This planning application seeks to extend the existing site to the rear of 61-63a Toms Lane. Five pitches are proposed in total around the perimeter of the site, with a central access via the existing site to the rear of 59 Toms Lane. Each pitch would comprise space for a static caravan, touring caravan and two car parking spaces. Soft landscaping would be retained around the boundaries of the application site, with hedging proposed to the northern, southern and western boundaries.
- 3.4 A day room is proposed adjacent to the western boundary of the application site to serve the everyday amenity needs of the occupiers. The day room would provide a kitchen, bathroom and living/sitting area. The day room would have a width of 12m, a depth of 6m and a maximum height of 4.4m. Some additional soft landscaping is proposed to the front of the day room. The day room would serve the extended part of the site subject of this application.
- 3.5 The proposed additional pitches are for use by the extended family of the applicant.

4 Consultation

4.1 Statutory Consultation

- 4.1.1 Abbots Langley Parish Council: [No Objection subject to Consultee comments being addressed]

The application states the County has not provided sufficient sites for travellers. This should be verified prior to approval. If this is not the case, then there is no case for very special circumstances to permit development of this site within the Green Belt.

Members note comments submitted by fire & rescue are also an issue that must be addressed as the width of the access lane is insufficient and there is no turning circle is available. Comments from affinity water must also be addressed.

4.1.2 Hertfordshire County Council: Highway Authority: [No Objection]

Recommendation

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

Comments/Analysis

Description of Proposal

Change of use of land for the stationing of caravans for residential purposes, hardstanding and amenity building.

Site and Surroundings

Toms Lane is a classified C local access route subject to a 30mph speed limit which is highway maintainable at public expense. The site is located approximately 1.25km east of the centre of Kings Langley. The site is accessed via a private access route which connects to the footway fronting Toms Lane. The closest bus stop to the site is approximately 255m east and is a stop for the H19 bus. Kings Langley is the nearest train station, being served by Western Midlands Railway, and is approximately 1.5km from the site. The site as existing is a residential garden according to the application form but is connected to the existing caravan site next door. Given the nature of the site being an extension to existing pitches and located in a relatively residential area, the Highway Authority are satisfied the site is in a suitably connected location, which is in line with the principles set out in HCC's Local Transport Plan 4 (LTP4).

Access and Parking

The application proposes to connect the existing Little Lilly site with the proposed, therefore, the access into the site is via the existing access from the private drive off Toms Lane. No highway works are therefore proposed to facilitate development. The proposals do not impact upon the existing available visibility from the access. The additional five pitches would not have an appreciable impact upon the number of trips on the network. It is noted that there has been one collision of slight severity fronting where the access drive meets the highway within the last 5 years. One collision does not imply there is a severe safety issue relating to this existing access. Due to the classification of Toms Lane, vehicles must leave the site to enter the highway in forward gear, due to the size of the site it is possible for vehicles to turn within the site before entering the highway.

Ultimately the LPA will have to be satisfied with the parking provision, but HCC would like to comment that according to the Application Form, 5 parking spaces are to be provided within the site, this is at the level of one space per pitch. Cycle parking has not been mentioned within the application but should be made available within the site. There is a utility area shown within the amenity building on the proposed drawing of the layout although this is unlikely to be a suitable size for cycle parking. Electric vehicle charging has not been provided either, but as no permanent dwelling structures are to be provided, it is assumed building regulations requiring EV charging cannot be applied and it is the discretion of TRDC to determine if EV charging is required at the site.

Refuse and Waste Collection

Manual for Streets Paragraph 6.8.9 states that waste collection vehicles must be able to get within 25m of the bin storage location and residents must not carry waste for more than 30m. No details of waste storage nor collection have been provided but as the site connects to the existing Little Lilly site, it is assumed that waste shall be collected in the same manner.

Emergency Vehicle Access

In accordance with Manual for Streets Paragraph 6.7, the entirety of a dwelling must be within 45m from the edge of the highway so an emergency vehicle can gain access. Due to the distance from the highway and the nature of the access drive to the site, HCC Fire and Rescue have been asked to comment on the application; therefore, all HCC Highways comments are made subject to the comments from Fire and Rescue.

Conclusion

HCC as Highway Authority has considered the application and are satisfied that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highway and therefore, has no objections on highway grounds to this application, subject to comments from HCC Fire and Rescue.

4.1.3 Herts Fire and Rescue: First Consultation – [Further information required]

Following information sent we have received, with regards to the above planning application, we have examined the drawings and note that the provision for access does not appear to be adequate, or not enough information is provided to demonstrate its compliance with the Building Regulations 2010. Please see below the guidance and comments below, which should be met to allow access for fire crews in the event of a fire.

ACCESS AND FACILITIES

Access for fire fighting vehicles should be in accordance with The Building Regulations 2010 Approved Document B (ADB) Vol 1, section B5, sub-section 13 including Table 13.1.

- 1. Appliance access minimum width of the road between kerbs is to be 3.7m.
There does not appear to be a gateway on the plan. Any entrance way should also meet this criteria.*

The access road from Toms Lane does not appear to meet this criteria and measures 2m width in places.

2. Access measures more than 45m from the furthest point inside the dwelling to the nearest stopping point for a fire appliance.

The nearest stopping point for an appliance is dependent on the width of the access roads from Toms Lane and the carrying capacity in all areas from the main highway:

- **the access road from Toms Lane to the secondary area, where Little Lily is located**
- **the secondary area directly off the access road, where Little Lily is located**
- **the access road within the site**

3. Access routes for Hertfordshire Fire and Rescue Service vehicles should achieve a minimum carrying capacity of 19 tonnes.

Further information should be made available to demonstrate that this carrying capacity can be achieved in the areas detailed above.

4. Turning facilities should be provided in any dead-end route that is more than 20m long. This can be achieved by a hammer head or a turning circle designed on the basis of Diagram 13.1 in section B5. **If further information can be provided to ensure the weight carrying capacity can be achieved, no turning circle is required. In the absence of this information it is given that the nearest stopping point for an appliance is on Toms Lane and access to the fixed dwellings on the site is therefore further than the extended allowance, with the installation of sprinklers (up to 90m) and does therefore not meet the guidance.**

WATER SUPPLIES

For guidance and requirements water for supplies for fire-fighting (Fire hydrants) at this location, please contact Hertfordshire Fire & Rescue Services water officer on 01992 507507 or water@hertfordshire.gov.uk

The comments made by this Fire Authority do not prejudice any further requirements that may be necessary to comply with the Building Regulations.

Officer Comment: Following receipt of the above comments from Affinity Water, the applicant submitted further information regarding the access to the site in the form of a Swept Path Analysis drawing.

- 4.1.4 **Herts Fire and Rescue: Second Consultation:** – [No Objection]

With regards to the swept path analysis, access appears to be adequate and we have no further comment to make. Access routes for Hertfordshire Fire and Rescue Service vehicles should also achieve a minimum carrying capacity of 19 tonnes.

- 4.1.5 **Thames Water:** [No Objection]

Having reviewed the details, we have no comments to make at this time. Should the details of the application change, we would welcome the opportunity to be re-consulted.

- 4.1.6 **Affinity Water: First Consultation** – [Further Information required]

You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to our Pumping

Station (HUNT). This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd (AW).

We require the submission of information on how sewage will be dealt with onsite before we can confirm our position on the development and provide informed condition requirements is necessary. This further information must include either of the following:

- Confirmation of public sewer connection (possibly via a letter from the local provider e.g Thames Water.

Or

- Confirmation of treatment and discharge location/type.

Water efficiency

Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions in chalk stream catchments. They also minimise potable water use by reducing the amount of potable water for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking and will help in our efforts to get emissions down in the borough.

Infrastructure connections and diversions.

There are potentially water mains running through or near to part of the proposed development site. If the development goes ahead as proposed, the developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com.

In this location Affinity Water will supply drinking water to the development. To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com. The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing maps@affinitywater.com. Please note that charges may apply.

Following receipt of the above comments, the applicant submitted a statement to Affinity Water which outlined;

There is already a main sewer which extends onto property owned by the applicant and, therefore, there is no doubt that mains sewerage is available. However, I cannot obtain permission to connect to this sewer until after planning permission has been granted when a detailed drainage scheme will be drawn up. Thames Water will want to see details of and approve the means of connection.

4.1.7 Affinity Water: Second Response: [No objection, subject to conditions]

Affinity Water consider that the additional required details can be secured by condition and recommend the following wording;

Condition 3

Prior to the commencement of development, no works shall be carried out until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:

- A Final Waste Water Scheme and confirmation from Thames demonstrating connection to the existing sewer network.

Reason: To provide confirmation that there will be no discharges to the environment to ensure the protection of the aquifer within the source protection zone for public drinking water.

4.1.8 TRDC Local Plans Section: [No Objection]

The application seeks permission for the change of use of existing greenfield land to provide five additional pitches, adjacent to the Little Lily Gypsy and Traveller Site. The application proposes two caravans per pitch, of which no more than one caravan would be a static caravan. The proposal also includes hardstanding ground surface and an amenity building replacing the existing outbuilding on the land.

Policy H of the 'planning policy for traveller sites' (PPTS) (updated December 2023) sets out that Local Planning Authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- a) The existing level of local provision and need for sites*
- b) The availability (or lack) of alternative accommodation for the applicants*
- c) Other personal circumstances of the applicant*
- d) That the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites*
- e) That they should determine applications for sites from any travellers and not just those with local connections.*

The Three Rivers Gypsy and Traveller Accommodation Assessment (February 2017) concluded that over the period 2016-2031, there is a need for two additional pitches for gypsy and traveller households which meet the planning definition. The GTTA breaks down the need for Gypsy and Traveller households by five-year periods and identifies the need for the two additional pitches between 2016-21 and zero between 2021-26. The GTTA also identifies a need for up to a further 8 pitches for households who may meet the planning definition, over the period 2016-2031. The need for 0-8 pitches accounted for households residing on the application site at the time of the GTTA survey. These households did not participate in the GTTA survey and were subsequently classified as 'unknown households that may meet the planning definition', for the purposes of the GTTA. Since the GTTA was published, planning permission for additional pitches have been granted and the need for households that may meet the planning definition was considered met with no further need for additional pitches. However, in 2017 an appeal was granted for 6 pitches at a gypsy and traveller site in Langleybury (18/0821/FUL). This site (Land between Langleybury Lane and Old House Lane, Langleybury) is also known to be the proposed application site. In the appeal, the Planning Inspector questioned the GTTA methodology and evidence due to lack of evidence supporting the figure of 0-8 'unknown households that may meet the planning definition' and concluded there is an identified need of gypsy and traveller sites meeting the definition. The appeal report applied paragraph 27 of the PPTS which states the lack of an up-to-date 5 year supply of deliverable sites should not be a significant material consideration as the site falls in the Green Belt.

Policy CP11 states that there will be a presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it. Policy DM2 considers that construction of new buildings in the Green Belt is inappropriate, with certain exceptions listed in paragraph 149 of the National Planning Policy Framework (NPPF). The proposed development is located within the Green Belt therefore not complying with Policies CP11 and DM2.

Policy E of PPTS (August 2015) similarly states that Gypsy and Traveller sites are considered inappropriate development within the Green Belt and should not be approved, except in very special circumstances. Policy E of PPTS also sets out that 'subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances'. According to the NPPF, very special circumstances will not exist unless the potential harm to the Green Belt by reasons of inappropriateness, and any other harm, is clearly outweighed by other considerations (paragraphs 87-88). The application supporting documents state the pitches are intended for the use by the applicant's extended family who are currently living on the adjacent site at Little Lily. The supporting documents also state the pitches are proposed due to the applicant's personal circumstances, need for accommodation, unavailability of alternative sites and to meet the needs of children. On this basis, very special circumstances could potentially be demonstrated.

4.1.9 Environmental Health Officer: No response received.

4.1.10 National Grid: No response received.

4.1.11 Hertfordshire County Council Gypsy and Traveller Service: No response received at the time of drafting response. Any response received will be reported at the meeting.

4.2 Public/Neighbour Consultation

4.2.1 Neighbours consulted: 32

4.2.2 Responses received: 2 (objections) including an objection on behalf of the Toms Lane Action Group which includes approximately 60 local residents.

4.2.3 Summary of responses received:

- Strongly oppose development which is on Green Belt land.
- Appears to be for short term itinerate travellers.
- No provision for individual toilet facilities.
- Confirmation required that existing sewer is able to adequately accommodate a further five family units.
- Concerns regarding access via narrow lane with limited sight lines in either direction on exit into Toms Lane. There have been a number of near accidents as a result of drivers exiting this track and further vehicles would only add to the existing problems and be a potential danger to the users of Toms Lane.
- Significant lack of detail on how this development is justified in the Green Belt area.
- According to application 17/2695/RSP, and the plans attached to the application, a total of 4 static and 4 touring caravans are permitted. However, the actual number of static caravans present is 10 (one touring caravan is also present). Therefore, it should be considered that firstly, there is no justification for expanding the current capacity. The history of retrospective permission and the likelihood of any constraints placed on the site being breached should be considered.
- Within the immediate area, there are two large mobile home sites. At Highview Park, between 85-87 Toms Lane, there are around 120 static caravans, and at Newlands Park (Bedmond Road) there are approximately 100 caravans. There is also a park for touring caravans adjacent to the M25 approximately 1400m away.
- The above rules out any requirement for VSC or other empathetic need to provide for the requirements of this application.
- The specific allowance under application 17/2695/RSP was for named family members – and the number of caravans presented already clearly exceeds this.
- Significant lack of detail relating to sewage and rainwater drainage provision, biodiversity provision for local habitat, justification of the actual need for Gypsy pitches in the Three Rivers District – no clear need is specified or supported by any

district planning, evidence of application for alternative sites, and justification why the site applied for is relevant.

4.2.4 Site Notice: Expired: 22.11.2023.

4.2.5 Press Notice: Not required.

5 Reason for Delay

5.1 Additional information required.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38 (6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

6.2 National Planning Policy Framework and National Planning Practice Guidance

In 2023 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

6.3 The Three Rivers Local Development Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP5, CP9, CP10, CP11 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM2, DM4, DM6, DM7, DM9, DM10 and DM13.

6.4 Other Material Considerations

Planning Policy for Traveller Sites (PPTS) (updated December 2023) produced by Department for Communities and Local Government.

CLG Good Practice Guide 'Designing Gypsy and Traveller Sites' (May 2008) is also relevant.

Three Rivers Gypsy and Traveller Accommodation Assessment (February 2017).

Written Ministerial Statements on Planning and Travellers of 1 July 2013 and 17 January 2014.

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

Human Rights Act 1998.

Equalities Act 2010.

Housing Act 2004.

Children Act 2004.

7 Planning Analysis

7.1 Overview

7.1.1 The applicant has relied upon originally temporary and latterly permanent personal planning permissions to stay on the adjacent site at Little Lily (owned by the applicant), which falls within the Metropolitan Green Belt. Temporary planning permission for a period of five years for one gypsy pitch was initially granted by the Planning Inspector in August 2009 at the adjacent site. Subsequent planning application 11/0040/FUL was granted for an additional two gypsy pitches and application 11/2317/FUL was granted for an additional fourth pitch on the adjacent site; however, this permission did not extend the temporary permission which expired on 9 August 2014. Planning permission 14/1661/FUL granted a further three-year temporary permission for 'Retention of the existing residential caravan site, with four Gypsy pitches/plots, consisting of four static caravans and four touring caravans, shared utility/dayroom and associated hardstanding and parking' at Little Lily. The temporary permission granted under application 14/1661/FUL expired on 21 November 2017 and was subsequently permanently approved retrospectively under application reference 17/2695/RSP at the adjacent site, although it is noted that this was a personal planning permission. The current application seeks to extend the existing site at Little Lily.

7.2 Principle of Development

7.2.1 Paragraph 12 of the NPPF sets out a presumption in favour of sustainable development and makes it clear that this is the basis of the planning system in relation to plan making and decision taking.

7.2.2 Planning Policy for Traveller Sites was updated in December 2023 and is a material consideration in planning decisions. It should be considered in conjunction with the NPPF and sets out that the overarching aim of the Government is to ensure fair and equal treatment for travellers in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community. To help achieve this, Planning Policy for Traveller Sites sets out a number of aims in respect of traveller sites:

- That local planning authorities should make their own assessment of need for the purposes of planning
- To ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites
- To encourage local planning authorities to plan for sites over a reasonable timescale
- That plan-making and decision taking should protect Green Belt from inappropriate development
- To promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites
- That plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective
- For local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies
- To increase the number of traveller sites in appropriate locations with planning permission to address under provision and maintain an appropriate level of supply
- To reduce tensions between settled and traveller communities in plan-making and planning decisions
- To enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure
- For local planning authorities to have due regard to the protection of local amenity and local environment.

7.2.3 Core Strategy Policy CP5 states that in considering planning applications for sites for Gypsies or Travellers, a criteria-based approach will be used. Criteria include avoiding an adverse impact on the openness of the Green Belt, being within or near to existing settlements with access to local services and the circumstances of the applicant and their need for pitches on the application site.

7.2.4 The application site is located within the Metropolitan Green Belt. Planning Policy for Traveller Sites paragraph 16 highlights that traveller sites (temporary or permanent) within the Green Belt are inappropriate development and that inappropriate development is harmful to the Green Belt and should not be approved. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

7.2.5 The NPPF and Core Strategy Policy CP11 also set out that there is a general presumption against inappropriate development in the Green Belt and this is reflected by Policy DM2 of the Development Management Policies document.

7.2.6 TRDC Local Plans have confirmed that the most recent Three Rivers Gypsy and Traveller Accommodation Assessment (February 2017) concluded that there is a need for 2 additional pitches, over the period 2016-2031, for Gypsy and Traveller households that meet the planning definition (2 pitches between 2016-21 and 0 between 2021-2031). Notwithstanding this, it is noted that the applicant has put forward a personal need to extend the existing site to accommodate additional family members. Having regard to Policy CP5, the site is not at risk of flooding. Impacts on Green Belt are assessed below. In respect of the need to be in or near existing settlements, the site is close to and accessible from the village of Kings Langley, and is surrounded by existing residential development which ensures there is suitable infrastructure and services nearby. Given the above and that the application site is located adjacent to an existing Gypsy/Traveller Site, it is considered that, in principle, the use of the application site as a Gypsy/Traveller Site would be acceptable.

7.3 Impact on the Green Belt

- 7.3.1 The National Planning Policy Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. The National Planning Policy Framework sets out that Green Belt serves five purposes:
- To check the unrestricted sprawl of large built-up areas;
 - To prevent neighbouring towns merging into one another;
 - To assist in safeguarding the countryside from encroachment;
 - To preserve the setting and special character of historic towns; and
 - To assist in urban regeneration by encouraging the recycling of derelict and other urban land.
- 7.3.2 Core Strategy Policy CP11 sets out that there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purposes of including land within it.
- 7.3.3 Policy DM2 of the Development Management Policies document also advises that within the Green Belt, except in very special circumstances approval will not be given for new buildings other than those specified in national policy and other relevant guidance.
- 7.3.4 Paragraph 152 of the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. As set out above, paragraph 16 of Planning Policy for Traveller Sites confirms that traveller sites are inappropriate development within the Green Belt. Having reviewed the exceptions at paragraphs 154 and 155 of the NPPF, it is concluded that the proposed development would not fit into any of the exceptions to inappropriate development. The proposal would therefore result in harm to the Green Belt by reason of inappropriateness.
- 7.3.5 The NPPF further advises that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 7.3.6 The use of the land for residential purposes does not fall within any of the exceptions as set out in the NPPF and constitutes an inappropriate development within the Green Belt. Furthermore, the extent of built form and use of the site to support five residential pitches including mobile homes, touring caravans and hardstanding has a harmful and urbanising impact on the openness of the Green Belt; although this harm is not considered to be significant as set out in more detail below. It is acknowledged that there are wider views of the site from, for example, the northeast and from neighbouring properties such as those fronting Toms Lane. However, the existing buildings are only single storey in nature. As a result, it is considered that the impact on openness is moderate with the site not a prominent feature from any open landscape vantage points.
- 7.3.7 The site is surrounded by residential development to the north, south and west of the site with a commercial fencing company based to the east of the site. In addition, while screening cannot be solely relied upon, the site is relatively well screened by fencing and vegetation in addition to the existing residential built form within Toms Lane, and the site is not readily visible from any public vantage points. As such, the existing development does not result in encroachment into the countryside. The development would not result in conflict with any of the five purposes of including land within the Green Belt, as set out in the NPPF.
- 7.3.8 The purpose of the day room building would be for ancillary purposes to the primary use of the wider site. Whilst the NPPF is silent on ancillary buildings, Policy DM2 of the Development Management Policies document states that the Council will only support the provision of ancillary buildings in the Green Belt where it can be demonstrated that the development would:

- A) Be of a scale, design, height and bulk such that the building would not adversely affect the openness of the Green Belt.
- B) Be sited in an appropriate location that would not be prominent in the landscape and would not result in the spread of urbanising development
- C) Avoid features normally associated with the use of a building as a dwelling

7.3.9 Having regard to the above criteria, the day room building would be positioned just beyond the established residential yard, set back significantly from Toms Lane. In addition, the day room building would remain close to the residential yard and existing pitches, and thus the spread of development is limited and still maintains a close association with the residential part of the site. In addition, when considering the dayroom in isolation, given its single storey design, overall size, sympathetic exterior and location, and that it would replace an existing derelict structure, should the use of the site be considered acceptable, it would be reasonable to require a dayroom for amenity purposes to serve the site, and therefore the dayroom would comply with Policy DM2 in this regard.

7.3.10 The site would largely comprise hardstanding to access the day room and the pitches. Whilst this is noted, given that some soft landscaping to the front of the day room and surrounding the pitches would be retained, it is not considered that the level of hardstanding would be excessive so as to impact openness.

7.3.11 Notwithstanding the above, the change of use of the site for use as a Gypsy/Traveller Site would result in harm by reason of inappropriateness and the proposal would therefore be contrary to Policies CP1 and CP11 of the Core Strategy, Policy DM2 of the Development Management Policies LDD and the National Planning Policy Framework. Any additional harm to the openness is not considered to be significant but this does weigh against the proposal. Whether there are Very Special Circumstances to outweigh the identified harm is considered toward the end of this report.

7.4 Impact on the character and appearance of the street scene and the locality

7.4.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design, the Council will expect development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area.

7.4.2 The application site would extend the existing traveller site at Little Lily, to the rear of the residential properties fronting Toms Lane. As such, the site is largely obscured from the streetscene of Toms Lane by the existing built form. Furthermore, the site is located adjacent to a commercial fencing company, as such, there is existing variation within the wider area. Therefore, given the existing variation, the scale of the proposed development and that the development is well screened from public vantage points, it is not considered that the proposed development would appear unduly prominent within the streetscene of Toms Lane, nor result in harm to the character or appearance of the streetscene or wider area.

7.4.3 In summary it is not considered that the proposed development would result in an adverse impact on the character or appearance of the host dwelling, street scene or area and the proposal would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

7.5 Impact on amenity of neighbours

7.5.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy,

prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in loss of light to the windows of neighbouring properties nor allow overlooking and should not be excessively prominent in relation to adjacent properties.

- 7.5.2 The proposed extension to the existing traveller site would be sited approximately 26m from the rear elevations of the neighbouring properties fronting Toms Lane. Hedging is proposed along the shared boundary with these neighbours, and given the scale of the proposed development (comprising single storey buildings/features) and the distance maintained between the proposed pitches and neighbouring properties along Toms Lane, it is not considered that the development would appear overbearing or result in loss of light to numbers 61-65 Toms Lane.
- 7.5.3 The proposed pitches would be set in from the shared boundary with the neighbour to the north, Oak Lodge. Hedging is proposed along the shared boundary with this neighbour, and given the single storey nature of the proposed caravans, it is not considered that the proposed development would appear overbearing or result in loss of light to the neighbour to the north.
- 7.5.4 In terms of overlooking, subject to a condition requiring details of the proposed boundary treatment to be submitted for approval, and implemented and maintained, it is not considered that the proposal would result in unacceptable overlooking due to the single storey nature of the development and spacing maintained between the development and neighbouring properties.
- 7.5.5 In terms of noise and disturbance, the site is located within an existing residential area, and as such, a residential use is considered to be acceptable.
- 7.5.6 In summary, the proposed development would not result in any adverse impact on the residential amenity of any neighbouring dwelling so as to justify refusal of the application and the development would therefore be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

7.6 Highways & Parking

- 7.6.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking.
- 7.6.2 In terms of parking, there are no specific parking standards for traveller sites; however, the submitted layout of the site shows that each pitch would have two parking spaces. This is considered to be sufficient and the proposal is considered to be acceptable in this regard.
- 7.6.3 Hertfordshire Highways and Herts Fire and Rescue have been consulted on the proposed development with regards to access arrangements. The site would utilise the existing access through the existing Gypsy/Traveller Site at Little Lily. The application is accompanied by a Swept Path Analysis Drawing which demonstrates that larger vehicles including emergency vehicles can access the site. Hertfordshire Highways and Herts Fire and Rescue have confirmed that the submitted details are acceptable, and the proposal would not result in any harm in this regard.

7.7 Rear Garden Amenity Space

- 7.7.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.
- 7.7.2 Appendix 2 does not set out specific requirements for amenity space for traveller sites. However, it is noted that a small amount of amenity space would be retained around the dayroom, and the site is located 0.8 miles or a 19 minute walk from Bedmond Play Area.

As such, it is considered that the occupiers of the site would be able to access public open space, and the proposal is considered to be acceptable in this regard.

7.8 Trees & Landscape

- 7.8.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.
- 7.8.2 The proposed development would not require the removal of any trees nor is considered to result in any harm to others.

7.9 Biodiversity

- 7.9.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.
- 7.9.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application.

7.10 Drainage and Waste Water

- 7.10.1 The application site is located within an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to an Affinity Water Pumping Station (HUNT). This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd (AW).
- 7.10.2 Affinity Water have been consulted on the current application and have confirmed that they have no objection to the proposed development, subject to a condition to require the submission and approval of a Final Waste Water Scheme and confirmation from Thames demonstrating connection to the existing sewer network. As such, subject to the recommended condition, the proposal is considered to be acceptable in this regard.

7.11 Very Special Circumstances

- 7.11.1 Notwithstanding the inappropriateness of the development and the identified harm to openness to the Green Belt, it is important to consider whether there are any very special circumstances which would outweigh the harm to the Green Belt by reason of inappropriateness and any other harm as a result of the proposals, as well as the sustainability of the site and other factors such as human rights legislation.
- 7.11.2 Planning Policy for Traveller Sites sets out that Local Planning Authorities should consider the following issues amongst other relevant matters when determining planning applications for traveller sites:
- a) The existing level of local provision and need for sites
 - b) The availability (or lack) of alternative accommodation for the applicants
 - c) Other personal circumstances of the applicant

- d) That the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- e) That they should determine applications for sites from any travellers and not just those with local connections.

7.12 The general need for and supply of Gypsy sites in Three Rivers

7.12.1 The PPTS allows local authorities to make their own assessment of need for provision for Gypsies, Travellers and Travelling Showpeople within their relevant district. The assessments should be updated annually and identify a supply of specific deliverable sites to provide 5 years worth of sites against their locally set targets and identify locations for growth, for years 6 to 10 and, where possible, for years 11-15.

7.12.2 The existing number of traveller sites includes 27 pitches across four permanent sites; The Oaklands in Bedmond (unrestricted up to 12 pitches), Rear of 59 Toms Lane in Kings Langley (personal restriction up to 4 pitches); Fir Trees (unrestricted to persons who meet the gypsy definition up to 2 pitches) and the Land at Langleybury (personal restriction up to 9 pitches). This is further outlined within the table below:

Current level of gypsy pitches in TRDC	Number of pitches granted	Number of pitches implemented	Status	Expiry date
The Oaklands, Bedmond	12	12	Permanent	N/A
Fir Trees, Sarratt	2	2	Permanent	N/A
Rear of 59 Toms Lane, Kings Langley	4	5	Open enforcement case reference 23/0108/COMP	N/A
Langleybury Lane, Langleybury	10	10	Permanent	N/A
Land Adjacent 321B Uxbridge Road, Rickmansworth	1	0	Permanent	Expired

7.12.3 In February 2017 the Council's Gypsy and Traveller Accommodation Assessment (GTAA) identified that there are currently no public sites in the district. The assessment calculated a need for 2 pitches for persons meeting the definition of a gypsy or traveller and up to a further 8 pitches for households who may meet the definition, in the next five years. The GTAA also identified a need for up to a further 8 pitches for households who may meet the planning definition. It is noted that, since 2017 a further 6 pitches have been permitted at Langleybury Lane, and that the current proposal would further contribute towards the required 8 pitches. Whether the applicant and those looking to move onto the site meet the definition is explained below.

7.12.4 In addition to the above, the Planning Inspector in the 2017 appeal decision (APP/P1940/W/16/3164710) at the Land at Langleybury Lane questioned the GTAA methodology and the evidence gained given the exceptionally low response rates and that no households were identified in bricks and mortar accommodation even though the census in 2011 identified 22 households as a gypsy or Irish Traveller living in a house or flat in the district. Whilst it is acknowledged that not all of those will meet the revised definition, the Planning Inspector states that the figure of 0-8 unknown households lacks robustness.

7.12.5 Consequently, subject to the occupants meeting the definition of a gypsy/traveller, there is an identified need within the district. When applying PPTS (paragraph 27) the lack of an up-to-date 5 year supply of deliverable sites should not be a significant material consideration as the site falls within the Green Belt. However, given the Council cannot demonstrate a 5 year supply, this would weigh in favour of the application.

7.13 Failure of Policy

7.13.1 In 2017, the Council agreed that an assessment of need for Gypsy and Traveller provision would be progressed through the preparation of a new Local Plan. No further action has been undertaken to date. In light of this, there is a failure of policy, which is a further material consideration which carried weight in favour of the proposal.

7.14 Alternative Sites

7.14.1 The existing pitches with planning permission in the district are private sites and there are substantial waiting lists for pitches on public sites within Hertfordshire.

7.14.2 Policy CP5 of the Core Strategy endorses support for gypsy provision but advises against development which harms the openness of the Green Belt. As such, it is likely that any development which comes forward in the Green Belt, which is highly likely given the make-up of the district, would fall foul of this policy.

7.14.3 The lack of alternative sites and the fact that alternatives are likely to be in the Green Belt, given that 77% of Three Rivers District is within the Green Belt, are further considerations which weigh in favour of the application. As such, there is some merit in terms of the limited harm to openness and lack of conflict with the purposes of including land within the Green Belt as a result of the current application.

7.15 Needs of the applicant and their personal circumstances

7.15.1 Planning Policy for Traveller Sites sets out that for the purposes of planning policy, gypsies and travellers means:

'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.'

7.15.2 The Design and Access Statement confirms that this application is to extend the existing residential Gypsy site at Little Lily, and that the applicant is a member of the Gypsy/Traveller community and has Gypsy status for planning purposes. The Council is not in possession of any evidence to dispute the applicant's status as a Gypsy/Traveller. In terms of the future occupiers who would occupy the five new pitches, the Case Officer sought further information from the applicant who has confirmed the names of the future occupiers. The future occupiers are all related to the applicant who is the current occupier of the existing traveller site. Three future occupiers are the adult children of families already living on the existing site and would move from the existing site into their own homes on the new site. The Council is not in possession of any evidence to dispute the information gained.

7.15.3 Under the previously approved application reference 17/2695/RSP, the Design and Access Statement detailed that it was important for the family to have a stable place to live for various reasons including access to education, healthcare, welfare, employment infrastructure, social and community cohesion. Evidence of such medical reasons was submitted under the original application for the site at Little Lily, reference 13/1823/FUL, and further up to date medical evidence was submitted under the latter permitted application reference 17/2695/RSP, signifying the personal circumstances of the applicant.

- 7.15.4 In respect of the new occupants, it is noted that one of the new occupants has existing health conditions which require additional support. This support is currently offered by another one of the future occupiers. Furthermore, three of the five future occupiers have children, some of which already attend local schools. It is therefore clear that there are matters which weigh in favour of allowing the future occupants to have a settled base. Nevertheless, the PPTS states under Policy E that:

“Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh the harm to the Green Belt and any other harm so as to establish very special circumstances.”

- 7.15.5 In light of the above, the personal circumstances highlighted above cannot outweigh harm to the Green Belt, and any other harm to establish very special circumstances, nonetheless, they are a material consideration which weighs in favour of the application.

7.16 Sustainability and Suitability of Site

- 7.16.1 The NPPF makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development and at the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 7 of the NPPF states that there are three dimensions to sustainable development – economic, social and environmental and that it is not sufficient to consider each dimension in isolation; there must be a balance between the three.

- 7.16.2 Core Strategy Policy CP1 also seeks to promote sustainable development and as part of this requires applications for new residential development to be accompanied by an Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been incorporated into the design, construction and future use of proposals.

- 7.16.3 The application site would extend an existing traveller site, and is considered to be conveniently located in terms of access to health services, surrounded by residential development with access by foot and or public transport to local services, including shops, schools and healthcare. As such, it is considered that the site meets the overall thrust of guidance on sustainable development in the NPPF and PPTS and therefore was considered an acceptable location.

7.17 Engagement with Human Rights Act

- 7.17.1 When considering an application for planning permission for gypsy pitches, the Council needs to consider whether Article 8(1) of the European Convention on Human Rights (ECHR) is engaged. Article 8(1) provides that everyone has the right to respect for his private and family life, his home and his correspondence. Case law has established that Article 8(1) of the ECHR is engaged in applications for planning permission for residential Gypsy caravan pitches irrespective of whether the applicants are occupying the site as their home at the time the application is made.

- 7.17.2 Article 8(2) of the ECHR allows interference by a public authority with the right to respect for private and family life where the interference accords with the law and is necessary in a democratic society for the wider public interest, in terms of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedom of others.

- 7.17.3 Case law has also established that the greater interference with ECHR rights, the greater will be the need to justify the interference by reference to necessity and proportionality. The concept of proportionality can be equated to the balancing exercise which should be undertaken by all decision makers and in the case of applications for Gypsy sites, any action must be evenly balanced and fully considered in order to avoid the criticism that it is

disproportionate relative to the harm caused. These cases suggest that legally it will not be sufficient for local authorities to rely on a breach of Development Plan policies in refusing planning permission. Rather there must be clear evidence of demonstrable harm which outweighs the consequences of the Council's decision for Gypsies. There is thus a need for the Council to weigh demonstrable harm against the consequences of a refusal for the applicant, including health, education, other social issues and the availability of alternative sites. It has however been found that the fact that no alternative site has been identified does not necessarily mean that it is disproportionate to refuse planning permission.

7.18 Planning Balance

- 7.18.1 Having regard to all matters raised above it is necessary to ascertain whether the inappropriateness of the development and any other harm, is clearly outweighed by material considerations, such that 'very special circumstances' may exist to justify the grant of planning permission. Given the nature of the identified Very Special Circumstances, it is not considered appropriate or reasonable to grant a temporary planning permission in this instance.
- 7.18.2 As highlighted above, the proposal constitutes inappropriate development within the Green Belt and results in harm from the loss of openness; although this harm is not regarded as significant given the enclosed nature of the site by the surrounding built form. No other harm was found during the assessment. The NPPF makes it clear that substantial weight should be given to any harm to the Green Belt.
- 7.18.3 During the planning assessment it was found that various factors weigh in favour of the development. These include meeting an identified need for gypsy and travellers meeting the definition (which has been confirmed) within the District, the lack of 5-year-supply of deliverable sites, current lack of alternative sites, the fact that other sites are also likely to fall within the Green Belt, failure of policy and the personal circumstances of the occupants including the best interests of children.
- 7.18.4 Further factors to consider include that the site is enclosed by a mixture of residential and commercial development, and would not result in encroachment into the countryside, and the harm to openness would be limited. Additionally, the grant of permanent planning permission would count towards the District's need.
- 7.18.5 To conclude, when considering the factors in support of the proposal and taking into account of previous planning decisions at the neighbouring site, Little Lily, as well as others within the District, it is considered that the material considerations outweigh the inappropriateness of the development, such that 'very special circumstances' exist to justify the grant of permanent planning permission.
- 7.18.6 Notwithstanding the above, the personal circumstances presented which formed part of previous decisions are integral to the planning balance and therefore any recommendation is based on a personal restriction to named persons.

8 **Recommendation**

- 8.1 That PLANNING PERMISSION BE GRANTED subject to the following conditions:

C1 The change of use of land to provide for 5 additional pitches for residential purposes hereby permitted shall be carried on only by: [*applicant and close family to be inserted if planning permission is granted*].

Reason: In granting this permission the Local Planning Authority has had regard to the special circumstances of the case which constitute very special circumstances to accord with Policies CP1, CP5, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

- C2 When the premises cease to be occupied by those named in condition 1 above, the use hereby permitted shall cease and all caravans, buildings and structures, materials and equipment brought on to the land, or works undertaken to it in connection with the use shall be removed and the land restored in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority.

Reason: In granting this permission the Local Planning Authority has had regard to the special circumstances of the case which constitute very special circumstances in accordance with Policies CP5 and CP11 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

- C2 The development hereby permitted shall be carried out in accordance with the following approved plans: TRDC 001 (Location Plan), TRDC 002 (Block Plan) and TRDC (Plans and Elevations).

Reason: For the avoidance of doubt and in the proper interests of planning, the protection of the openness and rural character of the Metropolitan Green Belt and in the interests of the visual amenities of the locality and the residential amenity of neighbouring occupiers, in accordance with Policies CP1, CP5, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2, DM4, DM6, DM7, DM9, DM10, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C3 No development works shall take place until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:

- A Final Waste Water Scheme, accompanied by confirmation from Thames demonstrating connection to the existing sewer network.
The scheme shall thereafter be implemented only in accordance with the approved details before the first occupation of the development hereby approved.

Reason: To provide confirmation that there will be no discharges to the environment to ensure the protection of the aquifer within the source protection zone for public drinking water in accordance with Policy DM8 of the Development Management Policies document (adopted July 2013).

- C4 Prior to occupation of the development hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected on the site boundaries shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be erected prior to the first use of the site in accordance with the approved details and shall be permanently maintained as such thereafter.

Reason: To ensure that appropriate boundary treatments are proposed to safeguard the amenities of neighbouring properties and the character of the locality in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C5 No more than 10 caravans, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, as amended, (of which no more than 5 shall be a static caravan) shall be stationed on the site at any time.

Reason: To protect the openness of the Metropolitan Green Belt and the character and appearance of the area in accordance with Policies CP5 and CP11 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

C6 No commercial activities shall take place on the land, including external storage of any kind (unless associated with the construction of the permitted day room).

Reason: To protect the openness of the Metropolitan Green Belt and the character and appearance of the area in accordance with Policies CP1, CP5, CP11 and Cp12 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

8.2 Informatives

I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £145 per request (or £43 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this (cil@threerivers.gov.uk). If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

- (a) Making a Non-Material Amendment
- (b) Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work. Further information on how to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>

- I2 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- I3 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.