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**NORTH LINCOLNSHIRE COUNCIL 0100023560 2010**


**Highways and Planning Service**  
 Service Director,  
 G Popple

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## **Officers Report**

### **Planning Application No: 131035**

**PROPOSAL:** Planning Application for amended scheme for an increased number of smaller caravan pitches from 8no. to 16no.

**LOCATION:** Field View Caravan Park Kettleby Lane Kettleby Brigg,  
Lincolnshire DN20 9HG

**WARD:** Kelsey

**WARD MEMBER(S):** Cllr L Strange

**APPLICANT NAME:** Mr W Bibby

**TARGET DECISION DATE:** 01/05/2014

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** Rachel Woollass

**RECOMMENDED DECISION:** Grant permission subject to conditions

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#### **Description:**

The application site comprises a long narrow strip of land immediately adjacent to the Brigg to Barnetby railway line on Kettleby Lane next to the Kettleby level crossing, which has automatic barriers. On the site frontage is Kettleby Cottage, the former gatekeeper's cottage. Vehicular access to the site is some 25-30 metres from the level crossing. The site entrance is located 270 metres from the District boundary to the north with Wrawby located 1.2km to the north west and Brigg is located 2.5km to the west of the site.

The site lies in open countryside, with fields immediately adjacent to the east. Some 60 metres to the east is The Cottages and 190 metres beyond is Kettleby House, a Grade II Listed Building.

The application seeks permission for an amended scheme for an increased number of smaller caravan pitches from 8 to 16.

#### **Relevant history:**

M05/P/0916 – Retrospective planning application for use as long stay and transit site for 16 Gypsy/Traveller families (4 long stay and 12 transit pitches, 2 caravans per pitch and use of existing buildings for amenity block and storage. Permission granted 14/05/08

125084 – Planning application for siting of 11 residential gypsy pitches with associated hard-standing and access. Application withdrawn 14/07/10

126313 – Planning application for change of use of land for the station of 8 gypsy pitches with hard standing and day rooms/utility buildings ancillary to that use. Application withdrawn 26/08/10

126342 – The use of land for the station of 8 gypsy pitches with hard standing and dayrooms/utility buildings ancillary to that use. Permission granted 24/11/10

130678 – Application for non-material amendment to planning permission 126342 granted 24<sup>th</sup> November 2010. Refused 16/01/14

**Representations:**

**Chairman/Ward member(s):** Cllr Strange – Object in the strongest terms I can. The existing site and the one at Westrum Lane, provide a more than adequate provision of Traveller accommodation. There is no footpath adjacent to the site, causing pushchairs and pedestrians to risk using the road. Site is adjacent to the railway line, the line carries fuel tankers and is a constant risk to existing residents. Further development in the open countryside where WLDC would normally not allow development. There are no public amenities available or public transport. There is a serious traffic hazard at the junction with the Kettleby Lane from the site as it is very close to the level crossing.

**Parish/Town Council/Meeting:**

Bigby Parish Council – Does not support the application for the following reasons – The original application for 8 units has not been adhered to i.e. landscaping. It is in open countryside adjacent to the railway with a significant adverse impact on the surrounding landscape. There is no footpath to the site, other than open road, increasing danger to pedestrians.

Brigg Town Council – The Town Council should object to this application on the ground that the original planning permission for the site was granted for the specific purpose of providing accommodation for gypsy and traveller families. As far as the Town Council is aware the site is not serving that purpose, therefore, the council does not accept the need to further extend the site for any other residential purposes.

**Local residents:** One objection received from Kettleby House with the main concerns –

- The site is not safe for a large number of vans
- The railway is too close for safety
- The ability of the fire and ambulance service to access the site is limited and would be further restricted if the number of vans was extended
- The conditions of the previous application have not been properly implemented, the site is clearly visible it was supposed to have been screened
- Litter along Kettleby Lane is constant
- Kettleby Lane is unsafe to walk up it at times during the day
- An extended occupancy will raise more safety issues on site and for the local community, more traffic, more litter and more pressure on the community and a larger eyesore to the landscape

**North Lincolnshire Council:** No comments to make

**LCC Highways:** No objections

**Network Rail:** No objection in principle but some requirements must be met

**Housing and Communities:** Whilst it is recognised that the increased provision will contribute to the need identified in the Central Lincolnshire Gypsy and Traveller Accommodation Assessment November 2013 our expectation would be that pitches are of a specific size as recommended in the CLG guidance on Gypsy and Traveller Accommodation Needs Assessment 2007.

**Public Protection:** Issue of potential for noise and contamination from railway is apparent, however there is no history of complaint, accordingly there would be no grounds for objection.

**Natural England:** Statutory nature conservation sites – no objections  
Protected species – we have assessed this and associated documents for impacts on protected species. You should apply our standing advice on protected species.

Local sites – The authority should it has sufficient information to fully understand the impact of the proposal on the local site.

Biodiversity enhancements – application may provide opportunities to incorporate features into the design which are beneficial to wildlife.

Landscape enhancements – application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment.

**Environment Agency:** No objections

**Lincolnshire Fire and Rescue:** The site features a long access road with limited turning facilities and no detail as to the weight carrying capacity of the road surface. Consideration should be given to the provision of a turning facility at the access road suitable for fire appliances and also the road construction so as to allow access in the event of fire.

Further email response received – having viewed the photographs I would consider access and egress for fire appliances may not be technically as per regulations but from a practical point of view is unlikely to offer significant difficulties. Please accept this email as a withdrawal of the objection.

**Archaeology:** No objections/comments to the proposal

**Relevant Planning Policies:**

National guidance

National Planning Policy Framework

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

National Planning Practice Guidance

<http://planningguidance.communities.gov.uk/blog/guidance/>

Planning policy for traveller sites

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/457420/Final\\_planning\\_and\\_travellers\\_policy.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457420/Final_planning_and_travellers_policy.pdf)

Designing Gypsy and Traveller Sites

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/11439/designinggypsiesites.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/11439/designinggypsiesites.pdf)

West Lindsey Local Plan First Review 2006

This plan remains the development plan for the District although the weight afforded to it is dependent on whether the specific policies accord with the principles contained within the National Planning Policy Framework. In terms of the proposed development, the named policies are considered to still be relevant:

STRAT 1: Development Requiring Planning Permission

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat1>

STRAT 12: Development in the Open Countryside

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat12>

RES 17: Residential Mobile Home Parks

<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res17>

CORE 10: Open Space and Landscaping within Developments

<http://www2.west-lindsey.gov.uk/localplan/written/cpt8.htm#core10>

Emerging Central Lincolnshire Local Plan 2012-2036

The submitted local plan has now been submitted to the Secretary of State for examination and is currently at the hearing stage which concluded on 14<sup>th</sup> December 2016. The inspector has published the final list of modifications to the plans which have been agreed with the Joint Planning Committee and public consultation has commenced for 6 weeks to 2<sup>nd</sup> March 2017.

With consideration given to paragraph 216 of the National Planning Policy Framework this version of the CLLP will therefore carry more weight in determining planning applications than the earlier draft versions. The policies relevant to this application are noted to be:

LP56: Gypsy and Traveller Allocations

<https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/>

### **Main issues**

- Principle
- Appropriateness of the Site
- Impact in Open Countryside
- Railway
- Highway Safety

**Assessment:**Principle

“Planning policy for traveller sites” sets out the Government’s planning policy for traveller sites and should be read in conjunction with the National Planning Policy Framework.

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This policy must be taken into account in the preparation of development plans and is material consideration in planning decisions.

The Government’s overarching aim 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.

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, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

Policy RES 17 of the West Lindsey Local Plan First Review states that planning permission for new permanent mobile home parks and gypsy/traveller sites will only be granted providing that they conform to policies for the location of permanent residential dwellings.

The proposal is within open countryside and therefore policy STRAT 12 is applicable. Policy STRAT 12 states planning permission will not be granted for development proposals in the open countryside that is, outside of the settlements listed in Policy STRAT 3, unless the development is essential to the needs of agriculture, horticulture, forestry, mineral extraction or other land use which necessarily requires a countryside location, or otherwise meets an objective supported by other Plan policies.

Policy LP56 of the emerging Central Lincolnshire Local Plan identifies sites for the provision of Gypsy and Traveller pitches which does not include the application site. The policy states that other proposals on non-allocated sites, will be considered against the following criteria:

- a. The proposal should not conflict with other local or national policies relating to flood risk, contamination, landscape character, protection of the natural and built environment, heritage assets or agricultural land quality; and
- b. Must have adequate and safe vehicular access; and
- c. Must have sufficient space for vehicle manoeuvring and parking within the site; and

- d. Should provide an acceptable standard of amenity for the site's occupants, and will not have an unacceptable impact on the amenity of nearby residents, including (but not limited to) visual and acoustic privacy; and
- e. Should be adequately serviced, or capable of being adequately serviced, preferably by mains connections; and
- f. For non-allocated sites, should be located within reasonable travelling distance to both primary health care facilities and schools, preferably by walking, cycling or public transport. An exception to this may be allowed in the case of Travelling Showpeople, where there is a need to locate the development close to the primary road network: in such event, access to primary health care and schools should still be achievable.

Whilst the proposal is not in strict accordance with both RES 17 and STRAT 12, and has some accordance with LP56, the principle of gypsy pitches at the site has already been established in application 126342. This application seeks to establish whether the increase in number of smaller plot sizes is acceptable.

The application is retrospective and concern has been raised over the status of the residents in that they are not of gypsy/traveller status. Clarification was sought from the agent as to the residents status and the agent confirmed that "The sixteen pitches now being sought will be provided for Gypsies and Travellers only as defined in annex 1 of Planning Policy for Traveller Sites"

It is noted that the smaller pitches are not the typical pitch that is normally associated with a gypsy/traveller site. In the document Designing Gypsy and Traveller Sites – A good Practice Guide, this states that "as a general guide, it is possible to specify that an average family pitch must be capable of accommodating an amenity building, a large trailer and touring caravan, (or two trailers, drying space for clothes, a lockable shed (for bicycles, wheelchair storage etc.) parking space for two vehicles and a small garden area.

The pitches in the application allow for a trailer and vehicle with communal strip for extra parking.

The document also goes on to state that "smaller pitches must be able to accommodate at least an amenity building, a large trailer, drying space for clothes and parking for at least one vehicle."

The proposal does not accommodate any amenity buildings and as such is not a usual form of pitches.

This is however a guide and the document does also state that "there is no one ideal size of site or number of pitches."

The document states that "this guidance makes clear that there is no single, appropriate design for sites, any more than there is for general housing development."

As part of the application consultation took place with the Lincolnshire Gypsy Liaison Group who concluded that the site was managed and maintained to a high standard and mobile homes were stationed so as to satisfy fire regulations.

Safety concerns regarding the adjacent railway had been responsibly addressed with high fencing.

Postal services and refuse collection were also in place, and ancillary parking for visitors was available.

Site owners oversaw ground work maintenance

#### Appropriateness of the Site

The site has already gained approval for a gypsy/traveller site for 8 pitches therefore the principle has already been established in the application 126342.

The site is not located in an area at high risk of flooding and would not compromise any land or buildings subject to any special designations. In the application of 8 pitches, the site accommodated up to 16 caravans occupied at any one time, therefore as this is for 16 pitches with a maximum of 16 caravans occupied at one time, this is no different to the impact of the previous application.

The amount of caravans would not dominate the settled community including the handful of properties along Kettleby Lane.

Wrawby is located 1.2km to the north west and Brigg is located 2.5km to the west of the site which are both within cycling distance. The nearest bus stop is located approximately 1km away from the site in Wrawby and provides daily services to Brigg and Scunthorpe. It is acknowledge that accessibility on foot is inhibited by the lack of footpaths and street lighting along routes leading to and from Brigg and Wrawby. The majority of trips to Brigg would be by car, but these would not be lengthy journeys and opportunity to reach the town by alternative means exists.

#### Impact on the Open Countryside

Policy STRAT 1 of the Local Plan requires development to have regard to the character, appearance of the surrounding area including visual encroachment into the countryside. The site already benefitted from a temporary permission for use as a traveller site and a subsequent use for a permanent traveller site and the impacts on the surrounding open countryside are clearly evident. The site has had an urbanising effect on the surrounding area due to the introduction of hardcore surface, caravans and 2m high close boarded fencing. Views of the fencing of the site itself from Kettleby Lane are limited due to levels of existing landscape screening and the railway embankment. It is noted that comments have been received that the landscaping condition was not accorded with. A landscaping condition will be attached this



permission and in the event of non-implementation enforcement action could be taken. The landscaping would also help with biodiversity enhancements.

#### Railway

The issue of potential for noise and contamination from railway is apparent, however public protection have stated that there is no history of complaint and accordingly there would be no grounds for objection.

#### Highway safety

The Highways Team have been consulted on the application and have no objections to the proposal. The proposal would not have an adverse impact on highway safety in accordance with policy STRAT 1 and RES 1 of the local plan.

### **Conclusion**

The proposal has been considered against the Development Plan namely saved policies STRAT 1: Development Requiring Planning Permission, STRAT 12: Development in the Open Countryside, RES 17: Residential Mobile Home Parks and CORE 10: Open Space and Landscaping within Developments of the West Lindsey Local Plan First Review June 2006 (saved policies 2009) together with policy LP56: Gypsy and Traveller Allocations in the Central Lincolnshire Proposed Submission Local Plan (April 2016) including the advice given in the National Planning Policy Framework, the National Planning Practice Guidance, Planning policy for traveller sites and Designing Gypsy and Traveller Sites. The proposal would meet an identified need and the occupancy of the site would be restricted to members of the Gypsy/Traveller community by condition. The design and layout is acceptable. Any adverse impact upon visual amenity by virtue of its open countryside location is outweighed by the need for development.

**Recommendation:** Grant planning permission subject to the following planning conditions:

#### **Conditions stating the time by which the development must be commenced:**

None

#### **Conditions which apply or require matters to be agreed before the development commenced:**

1. Within 3 months of the date of this decision, a scheme of landscaping including details of the size, species, position and density of all trees to be planted have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that a landscaping scheme to enhance the development is provided in accordance with the West Lindsey Local Plan First Review Policies STRAT 1 and CORE 10.

**Conditions which apply or are to be observed during the course of the development:**

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following amended drawing: Field View Caravan Site, Kettleby Lane, Kettleby dated 12.11.2013 scale 1:500. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

**Reason:** To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and saved Policy STRAT 1, STRAT12, CORE 10, NBE 10 and NBE14 of the West Lindsey Local Plan First Review 2006.

**Conditions which apply or relate to matters which are to be observed following completion of the development:**

3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the pitches or the completion of the development, whichever is the sooner; and any trees or plants which 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, unless the Local Planning Authority gives written consent to any variation.

**Reason:** To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality and in accordance with West Lindsey Local Plan First Review Policies STRAT 1 and CORE 10.

4. The site shall not be occupied by any persons other than Gypsies and Travellers as defined in Annex 1: 1 of Planning policy for traveller sites. The owners/operators of the site shall maintain an up to date register of the names of all occupiers of the pitches, and shall make this information available at all reasonable times to the Local Planning Authority.

**Reason:** The development of the site is being permitted as an exception to the Development Plan in order to meet the unmet needs of the Gypsy and Traveller community.

**Human Rights Implications:**

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

**Legal Implications:**

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report