

PARISH Pinxton

APPLICATION Residential Traveller site for 1 mobile home and 2 touring caravans
LOCATION Land Between 3 And 5 Brookhill Lane Pinxton
APPLICANT Mr H Francis
APPLICATION NO. 16/00037/FUL **FILE NO.** PP-04794200
CASE OFFICER Mr T Ball
DATE RECEIVED 29th January 2016

Delegated Application Referred to Committee by: Development Control Manager
Reason: Site Planning History

SITE

Overgrown and unkempt area of land with bonfire remains, gas cylinders and other waste materials.

Adjoining the site to the south-east and north-east is residential development comprising houses plus one infill plot for which construction has commenced but is currently ceased. Adjoining to the north-western side is agricultural land in the control of the applicant used for horse grazing while the land adjoining to the south-western side is land used in connection with the occupation of the site by a mobile home, various touring caravans and other structures used variously for domestic uses, storage uses in connection with a trading and keeping of horses business, and stables. Access to the current proposal off Brookhill Lane passes through this latter area, initially running parallel to an access track to the adjacent dwelling, and which is also a public footpath.

Current boundary treatments include 2m wall, outbuildings, post and rail fence and 1.8m screen fence along the south-eastern boundary; native hedgerow and trees to north-eastern boundary and post and rail fence to the field on the north-western side.

PROPOSAL

Residential traveller site for one mobile home and 2 touring caravans.

The submitted block plan shows the site for the mobile home situated to the north-eastern side of the site, space for the touring caravans to the north-western side with parking turning space. Planting to the site edges is also shown.

A supporting Design and Access statement states that:

- The applicant is a Gypsy who pursues a travelling lifestyle despite his ill health which requires a settled base close to medical facilities.
- He is a descendant of a gypsy family with historic connections to the Derbyshire/Nottinghamshire area.
- He continues to travel usually with his son to fairs and to work.
- The only persons who will reside permanently on the site are the applicant and his wife. He has 5 children.
- The touring caravans are not always present due to the travelling lifestyle of the applicants family.
- The site can accommodate at most two touring vans along with the mobile home.
- A conditional permission limiting the use of the site in this way would be acceptable.
- The only business activity which is undertaken on the site and neighbouring land

- involves the keeping of and trading in horses.
- Historically the applicants sons have traded in second hand goods which resulted in some material being stored on the land; this has ceased and does not form part of the application.
- No sites for Travellers are available in the District. The recent gypsy and Traveller Accommodation Assessment shows an immediate need for 9 pitches, this proposal will address part of that need.
- Only units falling within the definition of a caravan are to be located on the site.
- There is good visibility at the access.
- The site lies in a sustainable location within the village.

HISTORY

14/00367/OUT: Residential development with details of access off Brookhill Lane, Land to the Rear of 2 to 12 Alfreton Road and 1 to 3 Brookhill Lane. Refused 05.01.15. Appeal dismissed 07.07.15.

13/00422/FUL: Use of land (to rear/north west of Holmes Yard) for siting of mobile home for residential use with access from Brookhill Lane through the site of 3A Brookhill Lane. Refused 04.12.13. Appeal dismissed 24.04.14.

12/00071/FUL: Retention of Mobile Home for Residential Use During Construction of Dwelling Granted Planning Permission under application 98/00502. Refused 15.08.2012. Appeal dismissed 24.07.2013. (Site between 3 and 5 Brookhill Lane)

09/00080/RETRO: Residential gypsy caravan site. Refused 12.01.2011. Appeal dismissed 16.09.2011. (Site between 3 and 5 Brookhill Lane)

06/00509/FUL: Erection of 1 detached two storey dwelling and detached garage. Refused 15.11.2006. Appeal dismissed 25.06.2007. (Land rear of Nos. 1 To11 Brookhill Lane and Nos. 10 to 38 Alfreton Road – includes site of current proposal).

05/00756/OUTMAJ: Residential development for 14 dwellings. Refused 27.01.2006. (Land rear of Nos. 1 To11 Brookhill Lane and Nos. 10 to 38 Alfreton Road – includes site of current proposal).

Enforcement notice served 21st July 2003 to: cease the use of the land for the stationing of caravans for residential purposes; permanently remove the caravans from the site; cease the use of the land for the breaking and storage of scrap vehicles and vehicle repairs; and remove all scrap vehicles and vehicle parts from the site. (E03/00020 and E11/016)

03/00074/OUTMAJ: Residential Development. Refused 30.05.2003. (Land rear of Nos. 1 To11 Brookhill Lane and Nos. 10 to 38 Alfreton Road – includes site of current proposal).

98/00502/REM: Reserved Matters for erection of a 2 storey detached dwelling with double garage. Approved 18.01.1999. (Site between 3 and 5 Brookhill Lane).

98/00282/OUT: Residential Development in outline. Approved 13.08.1998. (Site between 3 and 5 Brookhill Lane).

97/00529/FUL: Erection of 4 single storey dwellings. Approved 09.02.1998. (Site at 10 Alfreton Road – former garage/repair workshop).

BOL690/279: Residential development in outline . Refused 16.07.1993. (Land rear of Nos. 1 To11 Brookhill Lane and Nos. 10 to 38 Alfreton Road – includes site of current proposal).

CONSULTATIONS

Peak & Northern Footpaths Society: This application will impinge on definitive footpath No.2 (Parish of Pinxton). The access to the site from the road forms part of this footpath. We are concerned about the interference with this footpath which might happen with vehicles passing to/from along the track. The planning officer must be satisfied that users of the footpath are not endangered if planning consent is granted. 09.02.16

No responses received from:
Local Highway Authority (DCC);
Environmental Health (Contamination);
Parish Council.

PUBLICITY

Site notice posted. 11 neighbours notified.
One letter expressing no objections.

POLICY

Bolsover District Local Plan (BDLP)

Shows site split by the settlement framework boundary so that part is within the open countryside and also within an important Open Area where general countryside control policies apply, and part within the settlement of Pinxton where general urban area control policies apply. Of particular relevance will be policies:

GEN1 (Minimum Requirements for Development)
GEN2 (Impact of Development on the Environment),
GEN4 (Development on Contaminated Land),
GEN10 (Important Open Areas),
GEN11 (Development Adjoining the Settlement Framework Boundary)
HOU15 (Sites for Gypsies and Travellers), and
ENV3 (Development in the Countryside).

National Planning Policy Framework (NPPF)

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration with a presumption in favour of sustainable development. As the Bolsover District Local Plan was adopted prior to 2004 due weight should be given to its policies according to their degree of consistency with the NPPF. It is considered that the policies of the Local Plan as they relate to this proposal (GEN1, GEN2, GEN10, HOU15, ENV3) are generally consistent with the policies of the NPPF as reflected in the following two core planning principles (para 17):

- *Not simply about scrutiny, but instead a creative exercise in finding ways to enhance and improve the places in which people live their lives; and*

- *Always seek to secure high quality design and a good standard of amenity for all existing and future occupant of land and buildings.*

The NPPF advocates good design (policies in section 7) permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (policy 64).

The NPPF contains no specific policies relating to the provision of Gypsy and Traveller Sites. However 'Planning Policy for Traveller Sites' was published at the same time. Amongst its policies weight should be given to sites which make effective use of previously developed, untidy or derelict land, and to sites being well planned or soft landscaped in such a way as to positively enhance the environment (26 (a & b)) and provides a list of issues which should be considered (24).

Other (specify)

Interim Supplementary Planning Document: Successful Places, a Guide to Sustainable Housing Layout and Design (2013) which provides guidance to help provide places that enhance the quality of life.

ASSESSMENT

The proposal is within an area which has been the subject of a string of planning permission refusals for residential development of varying densities and overall areas and has also been refused permission for a residential gypsy caravan site. The applicant has been refused permission to retain his existing mobile home on the Brookhill Road frontage and to site a mobile home within a small paddock to the west. Several appeals into these applications have been dismissed.

A common thread in the refusal of planning permission has been the impact of development beyond the settlement framework within the countryside and within a protected open break between Pinxton, South Normanton and the M1 motorway. In addition, in relation to the mobile home, the impact of its design and appearance on the character and appearance of the street scene has been a significant element in refusing permission on the prominent sites.

The current proposal is site a mobile home and two touring caravans within an area of land between dwellings fronting Brookhill Road and the applicants fields to the north. It is expected that the existing mobile home facing the Brookhill Road frontage would be relocated to this site, although this is not explicitly stated in the application, reference is made to the fact that the current mobile home site does not have planning permission. Any permission could include a condition requiring the existing mobile home to be removed if it is not to be relocated.

The application site is partially within the settlement framework for Pinxton and partially beyond that settlement edge and therefore partially within the countryside and the protected open break. The submitted block plan shows the siting of the mobile home to be within the settlement framework, the siting of the touring vans to be within the countryside and protected open break. Planting is shown to the site edges to soften the impact of these units. The site is well screened from the public realm by established residential development. The only public vantage points would be from the definitive public footpath which passes north/south

along the site access and entrance, and through the adjacent fields. The proposed planting would help mitigate views from the footpath.

On the basis that the touring vans will not be permanently based at the site, i.e. they will tour, and are perceived by their very nature as only being present for a temporary period, provided there is a limit on numbers on the site at any one time it is considered that their impact on maintaining the open character of the open break, as required by policy GEN10 (Important Open Areas) of the Bolsover District Local Plan, is not sufficiently material as to justify refusal, particularly as measures to soften the appearance of the site (perimeter planting) are proposed.

To the southern side of the site are two houses, No 5 Brookhill Lane has an access parallel (and along the route of the public footpath) to the proposed access, with a large garage/workshop on the boundary with the proposal. Other boundary treatment within this curtilage comprises a 2m high rendered wall. To the eastern side of this dwelling there is planning permission for another house upon which construction has commenced with the building of a double garage on the frontage. Boundary treatment with the application site is currently a lean-to building attached to the neighbouring workshop/garage and a timber post and rail fence. The second house, 11 Brookhill Lane, east of this is screened from the site by an existing 1.8m screen fence.

To the eastern side of the application site is the driveway and parking area to another house (13 Brookhill Lane) which is set well back from the highway frontage. Boundary treatment comprises 1.8m native hedgerow with trees behind. This property has its end gable facing the application site including windows at first floor. It appears that these windows are to a bathroom and bedroom; taking account of the Councils design guidance ('Successful Places') provided the mobile home is situated as proposed the overlooking distances are in excess of the minimum parameters contained within the guidance (minimum 21m required, 24.5m available). In addition views are filtered by the existing hedgerow and trees.

The houses to the south of the site (existing and proposed) contain first floor bedroom windows, several of which are full height opening windows. The closest windows (on the yet to be built house) are 15m from the site boundary, Successful Places advises that the minimum distance from first floor habitable rooms to a rear boundary should be 10.5m.

Taking account of existing and proposed boundary treatments, and separation distances there would be no significant overlooking from or to existing properties. There is therefore general compliance with the Councils guidance as given in the Interim Supplementary Planning Document Sustainable Places and with policy GEN2 (Impact of Development on the Environment) of the Bolsover District Local Plan. Conditions can be required of details of the proposed planting (to be predominantly native species) with its planting no later than the first planting season following the siting of the mobile home, and the siting of the mobile home to be in the position shown on the submitted block plan to mitigate any perceived impacts of the development.

In addition it is considered that there is no significant impact on the street scene, indeed it could be argued that there would be an improvement to the street scene of Brookhill Lane with the removal of the existing unit (although as this is unauthorised and could be removed

by current Enforcement Action).

Access to the site would be from the existing access point onto Brookhill Lane and is shown as being 3.5m in width following the eastern boundary of the site (adjacent to a separate access track in another's ownership, which is also the route of a definitive footpath), for 50m before turning eastwards to the new mobile home site. The access track in this position and of this width would prejudice the continued implementation of the planning permission for a permanent dwelling on the Brookhill Road frontage. This has a 3m driveway on the eastern side (part of the dwelling would therefore be on the proposed access to the current application site) with a double garage to the rear (also within the access route). However a new application for a revised design dwelling in this frontage position would probably be acceptable.

Taking into account the gypsy status of the applicant, the proposal generally complies with the criteria of policy HOU15 (Sites for Gypsies and Travellers) other than that part of the site is within an Important Open Area and the site is within and adjoins a residential area. The impact on the Important Open Area is discussed above and it is considered to be not sufficiently material as to justify refusal. The criteria preventing such sites within or adjacent to residential areas is no longer considered reasonable and conflicts with the thrust of policies for sustainable development in the National Planning Policy Framework and associated Planning Policy for Traveller Sites.

This latter document indicates that applications should be determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the National Planning Policy Framework and the Planning Policy for Traveller Sites. The Planning Policy for Traveller Sites states that amongst other relevant matters the existing level of provision and need for sites, the availability (or lack) of alternative accommodation for the applicants and the personal circumstances of the applicant should be considered.

The recently published Gypsy and Traveller Accommodation Assessment 2014 indicates an immediate need in the District for 9 pitches (2014 – 2019), the applicant has indicated verbally that he has nowhere else to go and states within the application documents that because of his ill-health he requires a settled base close to the medical facilities upon which he now relies (although no independent medical report has been submitted to confirm this). The proposal is therefore considered to comply with paragraph 24 of the Planning Policy for Traveller Sites. Also as the proposal is on untidy land with planting to help enhance the current environment there is compliance with paragraph 26 of the Planning Policy for Traveller Sites.

Other Matters

There has been one letter of support from a neighbouring occupier.

It is anticipated that Environmental Health (as with previous similar applications related to this site) would require a condition requiring either a sealed surface or a contaminated land investigation to include any necessary remediation works to ensure that there is no risk to human health from the use of the site for domestic purposes.

Similarly the local highway authority has raised no objections in the past as it is an existing access and the proposal would have minimal traffic generation (indeed traffic generation would be no more than is current provided the existing mobile home is removed). A condition requiring the maintenance of turning facilities would be advised in the interests of highway

safety.

Listed Building: n/a

Conservation Area: n/a

Crime and Disorder: No planning and design issues raised.

Equalities: No issues raised.

Access for Disabled: No issues raised.

Trees (Preservation and Planting): None affected.

SSSI Impacts: n/a

Biodiversity: Site unlikely to have much interest because of its current use, planting to site boundaries should enhance biodiversity in this area.

Human Rights: No issues raised.

Conclusion

Taking account of past decisions relating to similar proposals by the same applicant in this area, recently established need for gypsy and traveller sites, the circumstances of the applicant, and particularly the siting of the main element of the proposal within the settlement framework, it is considered on balance that the proposal is acceptable being in general compliance with policy at national and local levels subject to appropriate controlling conditions.

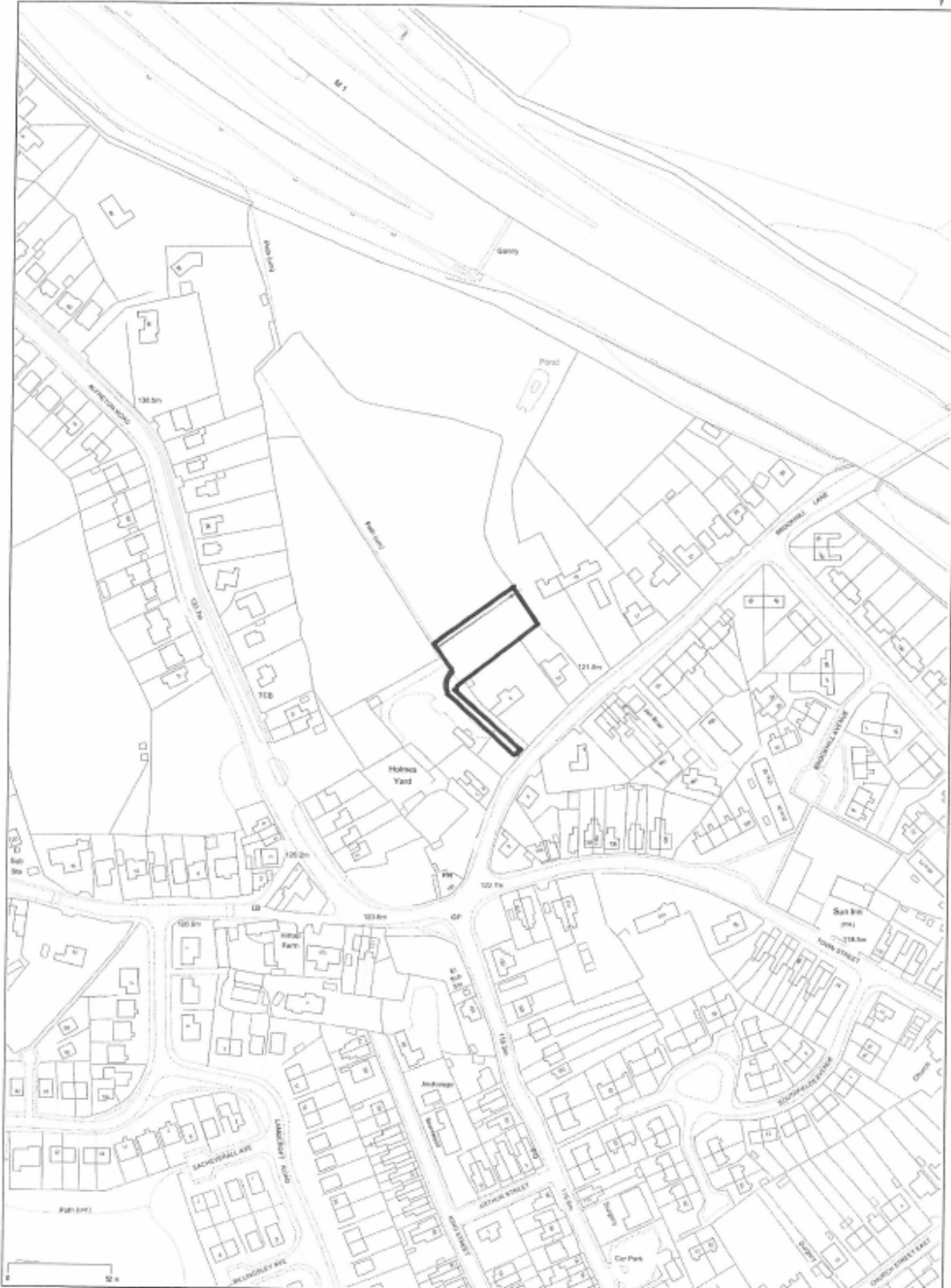
RECOMMENDATION

APPROVE

Subject to conditions:

1. The development shall be begun before the expiration of three years from the date of this permission. *(To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004)*
2. There shall be no more than one mobile home and 2 touring caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, on the site at any time. *(To protect the residential amenity of adjoining residents and in the interests of the character and appearance of the area and in compliance with policies GEN1 (Minimum Requirements for Development), GEN2 (Impact of Development on the Environment), and HOU15 (Sites for Gypsies and Travellers) of the Bolsover District Local Plan).*
3. The mobile home and the touring caravans shall be sited in accordance with the submitted block plan and nowhere else within the site. *(To protect the residential amenity of adjoining residents and in the interests of the character and appearance of the area and in compliance with policies GEN1 (Minimum Requirements for Development), GEN2 (Impact of Development on the Environment), and HOU15 (Sites for Gypsies and Travellers) of the Bolsover District Local Plan).*
4. Other than the keeping and trading of horses no commercial use or business activities shall take place on the land as edged in red and in blue on the application location plan, including the erection of any buildings or structures, and the storage of materials. *(To protect the residential amenity of adjoining residents and in the interests of the character and appearance of the area and in compliance with policies GEN1 (Minimum*

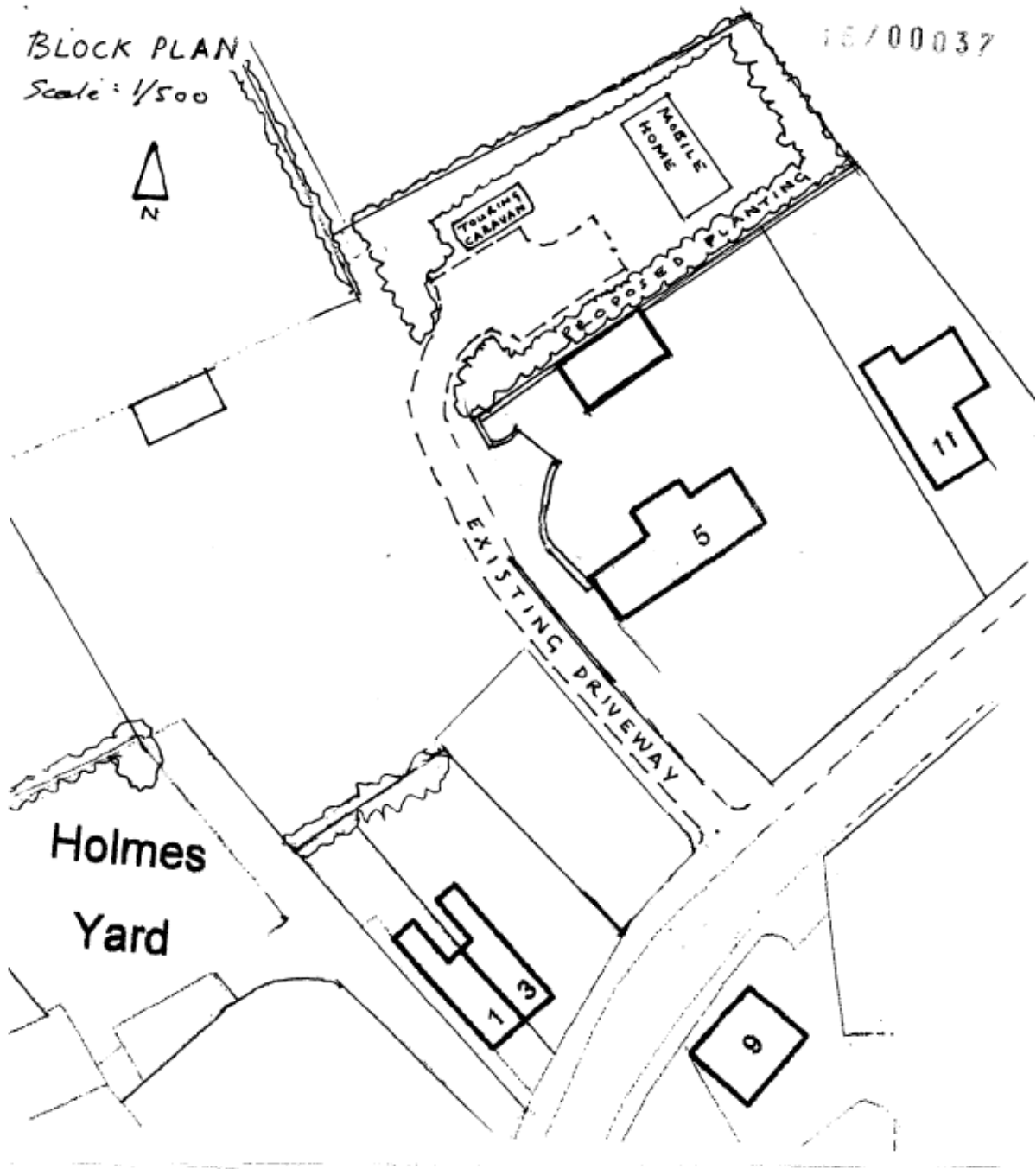
- Requirements for Development), GEN2 (Impact of Development on the Environment), and HOU15 (Sites for Gypsies and Travellers) of the Bolsover District Local Plan).*
5. No more than one commercial vehicle shall be kept on the land for use by the occupiers of the site hereby permitted, and it shall not exceed 3.5 tonnes in weight. *(To protect the residential amenity of adjoining residents and in the interests of the character and appearance of the area and in compliance with policies GEN1 (Minimum Requirements for Development), GEN2 (Impact of Development on the Environment), and HOU15 (Sites for Gypsies and Travellers) of the Bolsover District Local Plan).*
 6. No later than the first planting season following occupation of the site a detailed planting scheme of native species hedgerow and trees to the site boundaries as shown on the submitted block plan to have been previously approved in writing by the Local Planning Authority shall be planted as so approved. If within 5 years from the date of planting of any tree or hedgerow shrub that tree or shrub may die, be removed, uprooted or become seriously damaged it shall be replaced by another of the same species during the first available planting season unless otherwise approved in writing by the Local Planning Authority. *(To protect the residential amenity of adjoining residents and in the interests of the character and appearance of the area and in compliance with policies GEN1 (Minimum Requirements for Development), GEN2 (Impact of Development on the Environment), and HOU15 (Sites for Gypsies and Travellers) of the Bolsover District Local Plan).*
 7. A suitable sealed hard surface shall be provided across the site where that part of the site is to be used for domestic purposes, in accordance with details to be approved in writing by the Local Planning Authority, prior to the occupation of the site, unless a comprehensive phased contaminated land investigation has been carried out and agreed in writing by the local planning authority including any necessary remediation works. The investigation must include a conceptual model and risk assessment and follow current industry guidelines laid out in CLR 11 – Model Procedures for the Management of Land Contamination (EA 2004). *(To ensure that there is no risk to human health from the use of the site for domestic purposes in compliance with policies GEN1 (Minimum Requirements for Development) and HOU15 (Sites for Gypsies and Travellers) of the Bolsover District Local Plan.)*
 8. The existing mobile home, related temporary buildings and structures providing ancillary facilities to that existing mobile home, including storage, and all touring caravans shall be removed from the adjoining land (as edged blue on the application location plan) and the land restored to an agricultural use within 1 month of the occupation of the mobile home on the application site and the adjoining land shall cease to be used by caravans. *(To protect the residential amenity of adjoining residents and in the interests of the character and appearance of the area and in compliance with policies GEN1 (Minimum Requirements for Development), and GEN2 (Impact of Development on the Environment, of the Bolsover District Local Plan.)*
 9. Turning facilities shall be maintained on the site at all times to allow vehicles using the site to leave and exit the site in forward gear. *(In the interests of highway safety and in compliance with policy GEN1 (Minimum Requirements for Development) of the Bolsover District Local Plan.)*

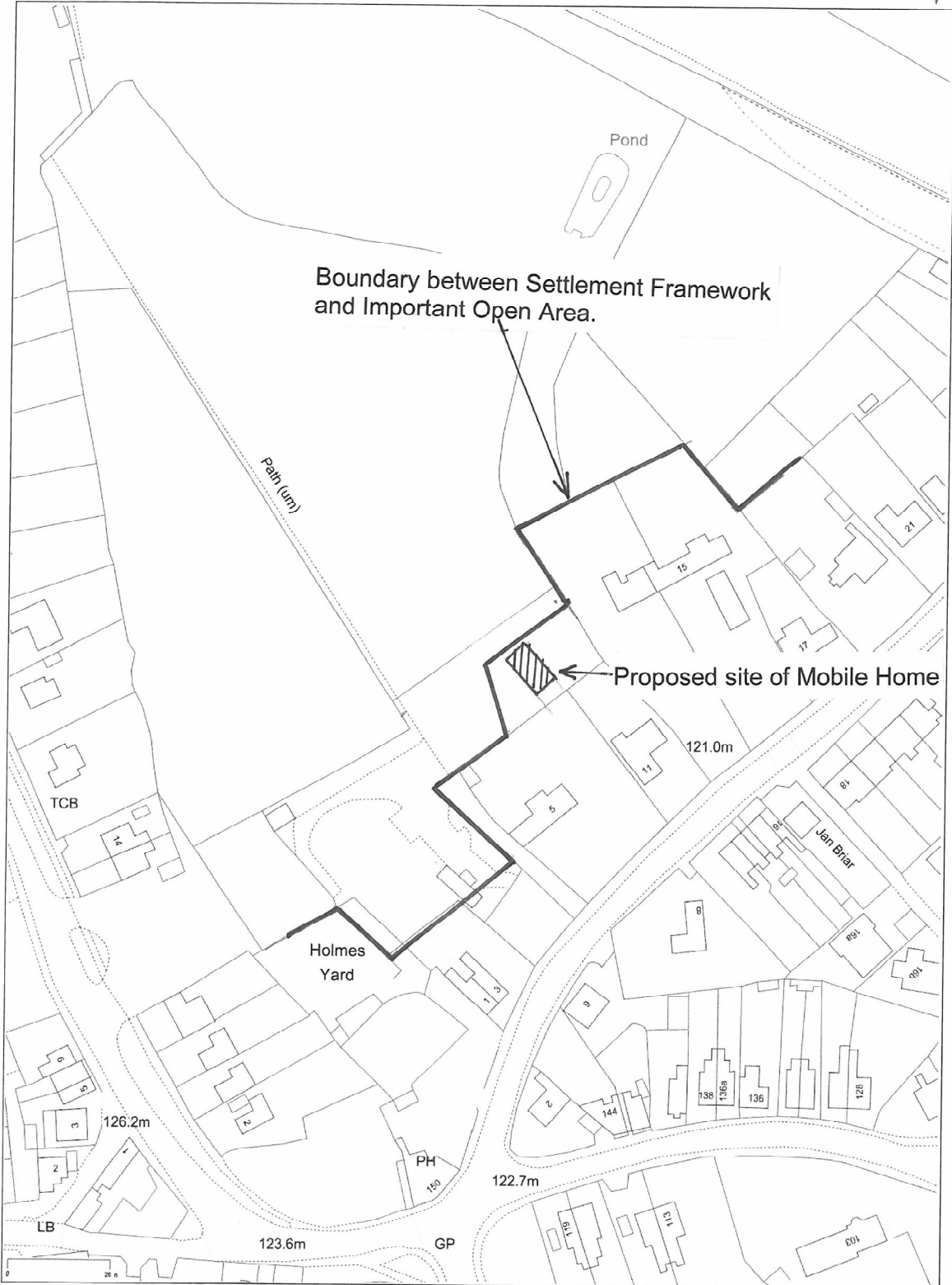


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BLOCK PLAN
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