



<b>Application Reference:</b>	<b>P0719.18</b>
<b>Location:</b>	<b>Willow Tree Lodge, Brookmans Park</b>
<b>Drive, Front Lane, Upminster</b>	
<b>Ward:</b>	<b>Cranham</b>
<b>Description:</b>	<b>Residential caravan site, including the stationing of 12 caravans (one touring caravan, and 11 static caravans) and erection of replacement stable block.</b>
<b>Case Officer:</b>	<b>Cole Hodder</b>
<b>Reason for Report to Committee:</b>	<b>A Councillor call-in has been received.</b>

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## **1. BACKGROUND**

- 1.1 The application was called in by Councillor Gillian Ford.

## **2 SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- 2.1 The site under consideration was previously the subject of enforcement action by the Council. Four separate planning enforcement notices were served by and were subsequently challenged on appeal. The appeals were made following enforcement action taken by the Council regarding the unauthorised change of use of areas of the site to residential, the formation of hard-standing to facilitate the change of use to residential and the stationing of mobile homes for habitation.

Two of the four enforcement notices served were subsequently allowed on appeal with significant weight attributed to the recognised deficit in gypsy and traveller site provision in Havering. The outcome of the successful appeals permitted the residential use of those specified areas of land for the stationing of mobile homes establishing the use of the land as a gypsy and traveller site. The remaining appeal was quashed as the land was recognised to benefit from an existing lawful residential use.

The areas of the site which would be used for the stationing of mobile homes would be limited to those areas which were previously considered and found to be acceptable by the appeal inspector in determining the earlier

enforcement appeals for the site. The current proposals represent an opportunity to improve the contribution of the site and allow the Council to impose planning conditions to control any future growth of the site. In the absence of any quantifiable harm arising from the proposals officers do not consider that there are sufficient grounds to refuse planning permission.

### **3 RECOMMENDATION**

3.1 That the Committee resolve to GRANT planning permission subject to:

- The prior completion of a legal agreement to secure the following planning obligations:
- A financial contribution of £66,000 to be used for educational purposes.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

2.2 That the Assistant Director Planning is delegated authority to negotiate the legal agreement indicated above.

2.3 That the Assistant Director Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

#### **Conditions**

- Time limit for implementation
- Accordance with plans
- Permission would not authorise use of the land as a caravan site for any persons other than gypsies and travellers (as defined by Annex 1 Glossary to Planning policy for traveller sites)
- Restriction on number of caravans by Plot (B, C, D) to that shown on approved layout
- Any caravans positioned on the site shall be capable of being lawfully moved on the public highway, without division into separate parts.

- No vehicle exceeding 3.5 tonnes in weight shall be stationed, parked or stored on the land.
- No commercial activities shall take place on the land
- No external storage
- Details of surface water drainage (SuDS)
- Details of refuse storage/collection
- Landscaping
- External lighting
- No construction work or deliveries to the site between 08:00 to 13:00 Monday to Saturday and not at all on Sundays, Bank or Public Holidays

### **Informatives**

1. Approval following negotiation

## **4 PROPOSAL AND LOCATION DETAILS**

### **4.1 Proposal**

- This application seeks permission for Residential caravan site, including the stationing of 12 caravans (one touring caravan, and 11 static caravans) and erection of a replacement stable block.
- The description of development was altered to omit the formation of a sand school and plans were provided by the applicant to reflect the omission of this element of the proposals. Consequently the development is restricted to the areas which formed the basis of the earlier successful enforcement appeals.

### **4.2 Site and Surroundings**

- The application site is located within the Metropolitan Green Belt on the north side of Brookmans Park Drive. Brookmans Park Drive is a cul-de-sac which has a junction with Front Lane which in turn leads to the A127. The northern boundary of the site is in close proximity to the Southend Arterial Road (A127) and its southern boundary fronts Brookmans Park Drive.
- The site is located within the Metropolitan Green Belt and is comprised of four separate pieces of land which were each the subject of enforcement notice appeals determined at the beginning of 2018. The inspector found in favour of the appellant in all respects aside from the use of the area

designated as 'Plot A' which was the northern most part of the site which had been hard-surfaced and used for the siting of four mobile homes.. The resolution of the inspector required that this area of land be returned to its former status – undeveloped open land,

### **4.3 Planning History**

The following planning decisions are relevant to the application:

P1424.91 - Stationing of two mobile homes and construction of septic tank - approved on appeal

E0007.11 - Certificate of Lawfulness for an existing use for stationing 2 mobile homes and construction of septic tank in accordance with planning permission granted on appeal reference T/APP/B5480/A/92/217359/P4 without compliance with conditions 3 and 4 of that permission - certificate issued

E0017.11 - Certificate of Lawfulness for construction of a dwelling – Planning permission not required

P1888.17 - Change of use of land to a residential caravan site for 6 gypsy families, with a total of 6 caravans – Undetermined

The above application was submitted before the enforcement appeals and has in effect been superseded by the appeal decisions and has led to the current application being submitted.

## **5 LOCAL REPRESENTATION**

5.1 A total of 168 neighbouring properties were notified about the application and invited to comment.

5.2 The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:

No of individual responses: 84

The following Councillor made representations:

- Councillor Gillian Ford
- The site in question is green belt Land and the application would see the loss of the open character
- The application will result in the intensification of development on a green belt site with the introduction of additional hard standings, caravans, parking areas and domestic use.
- Enforcement notices are in place for Area A

- Air quality and noise at this location will be increased by the development of the Lower Thames Crossing
- Insufficient pasture is proposed for the horses in line with DEFRA's Code of practice for the welfare of Horses, ponies, donkeys and their hybrids

It is acknowledged that the comments made by Councillor Ford were made prior to revisions being secured by planning staff to remove the ménage/sand school as negotiations at that point were ongoing. The contents of the call-in are acknowledged and will be considered.

Reference to DEFRA's code of practice is made however the development plan does not provide minimum areas required for the keeping of horses. Whilst this could inhibit the applicant from implementing the permission and from keeping horses if a conflict is identified it does not prevent a barrier for the determination of the current application. The site has historically been used for the keeping of horses as evidenced by the stables that whilst dilapidated remain in situ. The appeal decisions do not preclude the keeping of horses.

### **Representations**

- 5.3 The following issues were raised in representations that are material to the determination of the application, and they are addressed in substance in the next section of this report:

#### Objections

- Increased noise/traffic
- Highway safety
- Harmful to Green Belt
- Harmful to Local Character
- Visual impacts associated
- Future intensification of the use
- Increased rubbish/waste
- Increased crime
- Surface water run off
- Visual impact of ménage
- Access unsuitable
- External lighting
- Occupation

Some matters raised are immaterial in the consideration of a planning application. Matters such as loss of property value cannot be attributed weight in a planning decision for example. Where material, matters raised have been fully considered by officers in forming a recommendation.

In the case of matters concerning surface water run-off, in the event of an approval a condition would be imposed requiring full details of a sustainable

drainage scheme. Similarly a scheme requiring details of all internal and external lighting, detailed refuse and recycling arrangements would also be required. In addition it is reasonable to impose a condition preventing the site (including stable) from being used for commercial purposes.

Some of the objectors have raised the issue of the current occupants. These are alleged to be non-travellers. However, the application is for occupation by 'Gypsy ' families and details are provided of the occupants and relationship with the applicant. The application has been considered on this basis. In the event of approval a personal permission is not considered to be appropriate. Officers consider that the appeal inspectors reasoning remains valid and that it should be for the applicant and his family to decide who should occupy what part of the site, provided they meet the definition of traveller. This would be consistent with the earlier decision made by the Planning Inspectorate.

- 5.4 Highway Authority: No Objection  
Environmental Health: No Objection subject to conditions

## **6 MATERIAL PLANNING CONSIDERATIONS**

- 6.1 The main planning issues raised by the application that the committee must consider are:

- Principle of development/Green Belt implications
- Impact on amenity of surrounding residential properties;
- Implications for highways, pedestrian access and parking.

### **6.2 Principle of Development/Green Belt implications**

- The application site has been the subject of four appeals which were assessed concurrently by the Planning Inspectorate. The appeals were made following enforcement action taken by the Council regarding the unauthorised change of use of the site to residential, the formation of hard-standing to facilitate the change of use to residential and the stationing of mobile homes for habitation.
- In considering the appeals the planning inspector identified the main issues as whether planning permission should have been granted for either one or both of the two areas of hardstanding that had been formed and the unauthorised change of use of the plots of land to residential purposes including the placement of mobile homes. To this end, the planning inspector found in favour of the appellant on all but one of the appeals which related to the area of land identified as part of the current submission as Plot A.
- The inspector considered that the siting of mobile homes and associated hardstanding on Plot A which had previously been open land had a detrimental visual impact upon the site. The hard and stark appearance of the large extent of hardstanding north of the other established areas was

perceived to be wholly out of keeping with the rural surroundings and the appeal was subsequently dismissed by the inspector.

- The appeal decisions are relevant as the assessment made by the inspector in resolving to grant permission for those areas of land with the exception of the land designated Plot A established the lawful use as residential and permitted the stationing (retention of) mobile homes in the capacity of the site becoming a gypsy and traveller site. The current proposals would seek to formalise the approved use of the site and reintroduce those mobile homes which had previously been sited without permission on plot A (four) in addition to other accommodation to serve the immediate and extended family of the applicant, and two Romanian Roma families who were previously accepted as being “Gypsies” for the purposes of the earlier appeal.
- The development that had taken place at the site was recognised to be at odds with Green Belt Policy and at its core to represent inappropriate development. This was not disputed by the appellant. A significant adverse impact on the openness of the Green Belt was identified by the appeal inspector and it was accepted that the open character of the site had been reduced by the introduction of development in the form of the hardstanding and mobile homes. Observations made during site inspection would correlate with this assertion. There is no definition of openness in the Framework but, in the Green Belt context, it is generally held to refer to freedom from, or the absence of development.
- Nevertheless, whilst harm to the Green Belt was identified, the inspector in resolving to allow the successful appeals attributed weight to an identified need for gypsy and traveller sites in Havering, making reference to the Havering Gypsy and Traveller Accommodation Assessment of February 2017 (GTAA). The GTAA remains relevant and this view is supported by the fact that it is referenced in Policy 11 of the emerging Local Plan reinforcing the identified shortfall in current provision and future accommodation needs of Gypsies and Travellers and Travelling Showpeople in Havering. In coming to a view on the enforcement appeals the appeal inspector judged that the need for the families and the shortage of sites in the area were sufficient to override the material harm to the Green Belt and to justify the grant of planning permission.
- Conversely however the area to the north of the site, known as plot A had, prior to the formation of hard surfacing and siting of four mobile homes, contributed to the open character of the site and concentrated development to the areas immediately adjacent to the drive, maintaining a buffer between the application site and the area to the north adjacent to the Southend Arterial Road. The contrast between the previous appearance of the site and how it appeared at the time of site inspection was a significant reduction in the openness of the Green Belt which contributed to the inspector’s decision to uphold the enforcement notice for this area of the site.
- As originally submitted the application showed some development remaining in plot A consisting of a sand ménage and stable block. Revisions were

secured which reduced the overall development footprint in order to preserve the open character of plot A. The applicant omitted the sand-school and relocated the proposed replacement stable building south to an area of the site upon which built form had already been established through the appeal decisions. A small area of hard-surfacing is shown in the upper area of the site to serve the stables wrapping around beyond the gated access to the eastern boundary of the site. In the context of the plot this area would be relatively minor and in view of the ancillary nature of the hard-standing in that it would complement the use of the land, no objections are made. With development broadly concentrated to those areas of the site the appearance of the stable block comprising of a structure suited to rural environments the overall impression of openness is preserved at least in respect of this area of the development.

- Consequently having regard to the development being contained to areas which were previously the subject of successful appeals there would not appear to be sufficient justification for the LPA to resist the development proposals with regards to the principle of development/Green Belt implications associated.

### **6.3 Impact on amenity of surrounding residential properties**

- Unlike the earlier submission which had sought to formalise an arrangement of mobile homes parallel with the eastern boundary and in close proximity to the adjacent bungalow the current proposals would introduce greater separation and return the area of land to the north to a use that would preserve openness and be in keeping with the rural setting.
- The mobile homes would be separated from boundaries and consequently the relationship of the mobile homes to neighbouring occupiers is not considered of a potential which would create a level of noise and disturbance over and above that previously considered by the appeal inspector.
- Turning to other matters particularly those raised in representations made by residents, the fear of crime has been held to be a material consideration in planning. However, that fear has to be objectively justified rather than just perceived. The scope of the comments received from residents is broad and does not appear focused on the application site itself. The comments appear to stem from a wider concern for the type of persons that may inhabit traveller sites and are not based on any factual evidence. Accordingly they cannot be attributed weight in the decision making process.

### **6.4 Implications for highways, pedestrian access and parking.**

- Whilst the site is recognised to have a public transport accessibility level (PTAL) of 1B which translates to a poor level of public transport there would be adequate parking and turning space within the site to accommodate vehicles for the mobile homes that would be stationed such that no objection has been made by the Highway Authority.



- The lane is not adopted and is unmade in addition to being relatively narrow which lends weight to the assertion that it is by nature a low speed environment. The concern expressed by residents is focused largely on increased vehicle movement to and from the site and potential disturbance. With regard given to the lawful use of the site, the uplift in the number of lawful mobile homes would attract only a minor increase in vehicle and pedestrian movement to and from the site.
- This is a matter that has been fully considered by staff however is not of itself capable of forming grounds for refusal. In view of the other benefits associated with the proposals, primarily in meeting the unmet need for Gypsy and Traveller accommodation within the borough staff consider that any residual harm would not outweigh the overall policy compliance of the scheme and that there would be insufficient grounds to substantiate a refusal.

### **Other matters**

- The visual impacts associated with the development would be limited. Whilst the current proposals would introduce a greater quantum of development in terms of the actual number of mobile homes lawfully sited, there would be a more cohesive and formalised visual appearance with associated areas of hard-surfacing broken up and interspersed with areas of planting which would greatly improve the appearance of the site and its contribution. The absence of any significant level of encroachment beyond the established areas in addition to the proposals representing an opportunity to improve the site are both considered factors which weigh heavily in favour of the development.

### **Conclusions**

All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.