

PLANNING COMMITTEE AGENDA - 18th August 2021

Applications of a non-delegated nature

<u>Item No.</u>	Description
01.	20/02128/FULL - Change of use of land for the provision of 6 permanent pitches for the use of gypsy and traveller family, formation of a new vehicular access, hardstanding and associated works at Pleasant Streams, Uffculme, Cullompton. RECOMMENDATION Grant permission subject to conditions.

Application No. 20/02128/FULL

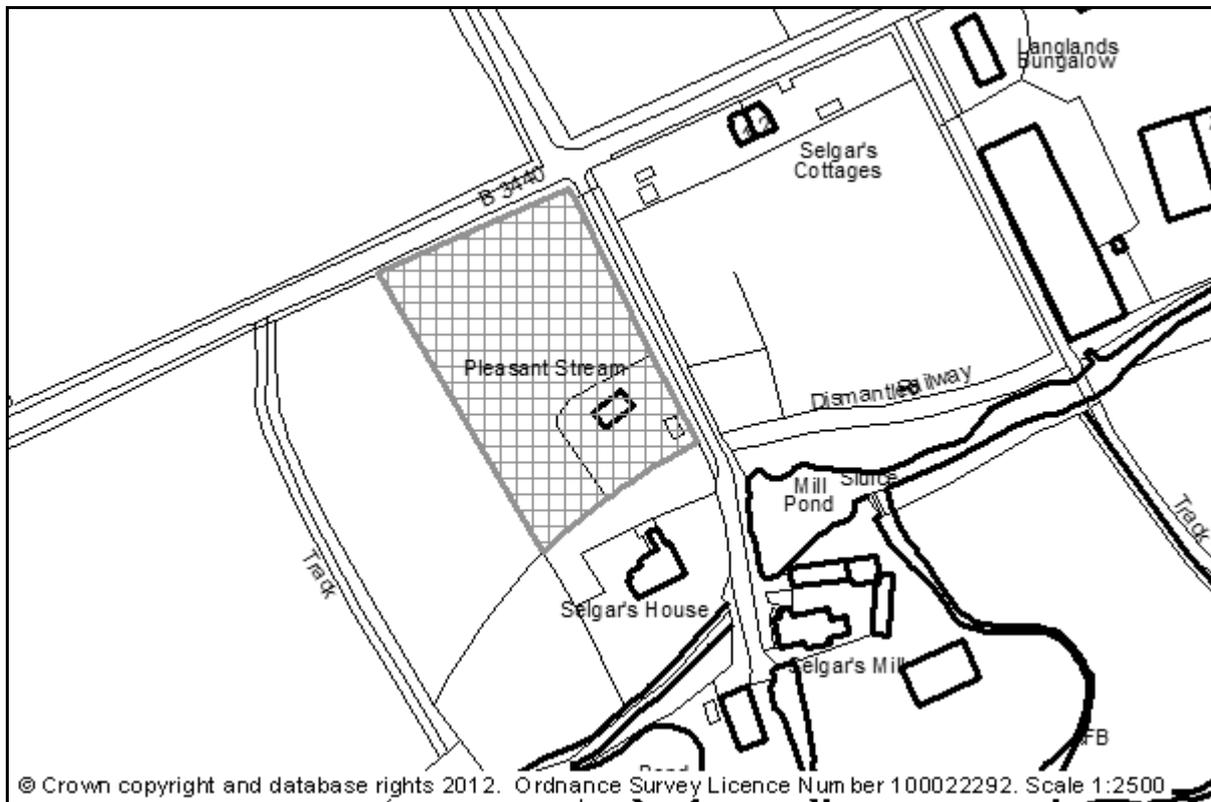
Grid Ref: 305040 : 111760

Applicant: Mr Thomas Dolan

Location: Pleasant Streams
Uffculme
Cullompton
Devon

Proposal: Change of use of land for the provision of 6 permanent pitches for the use of gypsy and traveller family, formation of a new vehicular access, hardstanding and associated works

Date Valid: 4th January 2021



APPLICATION NO: 20/02128/FULL

Site Visit: Yes

Date of Site Visit: 18th June 2021

MEMBER CALL-IN

The application has been called in by Cllr Radford if recommended for approval to consider;

- 1) The planning history of the site – planning permission was granted to the previous occupier on a personal basis only on the basis that it should return to agricultural use once occupation ceased.
- 2) The site is within 400m of livestock.
- 3) Whether the proposed development constitutes over-development of the site
- 4) Whether the development would result in serious highway and traffic concerns.

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

Change of use of land for the provision of 6 permanent pitches for the use of gypsy and traveller family, formation of a new vehicular access, hardstanding and associated works.

The site is located in the countryside to the south west of Uffculme and north east of Willand. The site is sited to the south of Uffculme Road with access currently achieved via the private lane which borders the eastern boundary of the site and also serves the properties at Selgars House and Selgars Mill to the south/ south east of the site. The site area extends to approximately 0.65 hectares. An area of approximately 1.3 hectares in the south east corner of the site has previously been used for the siting of three mobile homes for residential occupation subject to a personal occupancy restriction (see planning history), the residential occupation by the previous traveller family is understood to have been ongoing for in excess of 25 years.

This application seeks permission for the change of use of land for the provision of 6 permanent pitches for the use of gypsy and traveller family, formation of a new vehicular access, hardstanding and associated works. The new access is proposed to provide direct access from the B3440 (Uffculme Road). The submitted plan indicates that pitches 1-4 would be provided in the northern part of the site, adjacent to the eastern boundary. Pitches 5 and 6 are proposed to be located to the south of the small belt of trees across the site. The plan indicates that a new hedgerow would be provided on a spoil bank to enclose the western boundary from the wider agricultural field. Additional planting is indicated to the northern boundary and the eastern boundary to infill the existing access point. The plan indicates that foul drainage would be managed via a package treatment system located in the agricultural land to the west. Surface water drainage is proposed to be managed via a soakaway.

The southern part of the site and extending west beyond the site boundary is currently being used for the siting of mobile homes in breach of planning control. A poultry house and hardstanding has also been constructed to the west of the site, however regularisation is not sought for this as part of this application.

APPLICANT'S SUPPORTING INFORMATION

Application form
Statement in relation to details of hard and soft landscaping
Information regarding Devon Hedges
Access appraisal technical note by Sanderson Associates
Ultidrive porous tarmac brochure
Wildlife trigger table
Planning, Design and Access Statement
FDA1 form
Statement re lighting and drainage
Site location plan & block plan
Letter regarding gypsy traveller status

Revised/additional information received 4th August
Revised block plan – ref PLP/2021 REV E
Preliminary ecological appraisal
Google earth images

RELEVANT PLANNING HISTORY

95/00218/FULL - PERMIT date 5th September 1995Renewal of previous temporary consent for the siting of a mobile home
05/01511/FULL - WD date 15th September 2005Variation of conditions (1) and (2) of planning permission 4/25/95/0219/R to remove the personal permission and allow continued use of land for any Gypsy family and to allow the number of caravans to increase to 3 residential caravans in total on the site
05/02300/FULL - PERMIT date 8th December 2005Continuation of the use of land for the siting of three mobile caravans (resubmission)
09/01039/FULL- REFUSE Change of use of agricultural land to provide 12 permanent pitches for the use of gypsies & travellers including the construction of 6 double amenity blocks and formation of access
11/01238/FULL - REFUSE date 12th April 2012Variation of condition 1 of planning permission 05/02300/FULL to allow the siting of a further (fourth) caravan and removal of condition 2 of planning permission 05/02300/FULL (personal consent to the Hooke family only) to allow occupation of site by persons falling within the definition of a "gypsy" (APPEAL DISMISSED 8.3.13)
20/02128/FULL - PCO date Change of use of land for the provision of 6 permanent pitches for the use of gypsy and traveller family, formation of a new vehicular access, hardstanding and associated works

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan 2013 – 2033

Policy S1 -Sustainable development priorities
Policy S3- Meeting housing needs
Policy S9 – Environment
Policy S14 – Countryside
Policy DM1 -High quality design
Policy DM3 - Transport and air quality
Policy DM4 – Pollution
Policy DM5 – Parking
Policy DM7 - Traveller sites

National Planning Policy Framework

National Planning Practice Guidance

Planning policy statement for travellers (PPTS)

CONSULTATIONS

HALBERTON PARISH COUNCIL - 24/01/2021 - The planning application should not be accepted and request for Councillor Radford to call the application in on the following grounds:

The land was designated agricultural land and site permission had only been granted to the previous owner for a single unit with a stipulation that it should return to agricultural use.

The site was within 400m of livestock.

It was an unauthorised development and an enforcement order had been issued and ignored.

The proposed development constituted over-development of the site and raised serious highway and traffic concerns.

30/03/2021 - After discussion, the Councillors of Halberton Parish Council unanimously RESOLVED that the committee should object to this application and firmly recommend its refusal as previously conveyed on 24th January 2021. Furthermore, the request for Councillor Radford to call the application in should remain in place.

The Council is mindful of the planning history of the site and the restrictions which were placed on the original permission which included a personal condition that the land be restricted to the resident applying for such permission in 2005. If the land was subsequently vacated by said resident and her dependents that the land should be restored to agricultural land and all caravans, hard standing and private drainage systems should be removed.

It is the council's understanding that the above conditions remain in place and that if 'said resident or her dependents' are not living on the land then there is no change of use available and it should revert to agricultural land and new occupiers would not be permitted to develop the site.

When the new occupiers of the site started major development works, the matter was referred to the Planning Enforcement Officers but this has not resulted in the work being stopped given that planning permission for such development does not exist. It is noted that the planning application refers to retrospective permission being sought.

The site is outside any settlement area for development, is in open countryside and in very close proximity to Selgars House and the three surrounding properties.

In addition, access to/from the site is onto a busy road subject to the national speed limit and without street lighting. Furthermore, there is not footpath on the main road leading to either Willand or Uffculme and thus local facilities and the bus service is very limited resulting in journey to/from the site being by motor vehicle. The Council thus has considerable concerns with regard to road safety.

The Council is also given to understand that poultry cages have been erected in close proximity to the existing houses again an area for concern.

Taking into consideration the legislation and policies on the provision of traveller/gypsy sites, the development of this particular land would appear to fall outside the current guidelines and be in direct conflict with the conditions set out in 2005, the Council would strongly re-iterate its view that the application should be refused.

21/06/2021- At the Halberton Parish Council meeting on 8th June 2021, it was unanimously RESOLVED to write to you regarding the above application and to raise the Council's concern, and that of local residents, to the continued delay in MDDC making a decision on this application. As I am sure you will appreciate, the time taken to deal with the application is having an adverse effect on local residents. It is the Council's understanding that planning applications should be dealt with in a timely fashion and this application has been with MDDC for over six months. Whilst the delay continues potentially further unauthorised development of the site could and may have been undertaken.

As you are aware, the Councillors of Halberton Parish Council unanimously RESOLVED that the committee should object to this application and firmly recommend its refusal as conveyed to you on 24th January 2021 and again on 29th March 2021. The Council is mindful of the planning history of the site and the restrictions which were placed on the original permission and that the matter has been referred to the Planning Enforcement Officers. The Council, in its letter of 29th March 2021, asked that Councillor Radford call the application in and the Council would request that the application is now dealt with exponentially.

WILLAND PARISH COUNCIL - 01/02/2021 - Willand Parish Council discussed this application at a special meeting of the Planning Committee on 28 January 2021. It was the unanimous decision of the committee that it should object to this application and firmly recommend refusal.

The members were aware of the planning history of the site and the restrictions which were placed on the original permission and a number of attempts to achieve variations to the conditions to remove a restriction and to enlarge the capacity of the site. In 2005 an approval was obtained and three applicable conditions were that - 1. no more than 3 caravans should be on site; 2. there was a personal condition to the resident restricting occupation to her and her dependents and the third condition is stated to be "In the event that the application site becomes no longer required for the purpose referred to in conditions 1 and 2 of this permission, the three mobile caravans shall be removed from the site along with the hardened areas therein and the private septic tank drainage system previously serving this development shall become definite and the land shall be restored to agricultural land." These conditions have been tested a number of times over the years but variations have been refused in the main.

Members were also aware that in the summer of 2020 the site was offered for sale which led to nearby residents raising concerns with planning officers resulting in a clear assurance that "I have looked at the history of the site and past permissions and can confirm that the permission would only allow the caravans to be occupied by Mrs *** H**** and/or her dependants who also need to meet the definition of gypsies. This would therefore extend to her children and grandchildren." A request for clarification as to the status of the land met with the following officer response - "The

land itself does not benefit from any change of use. If the caravans are not occupied by Mrs H**** or dependants as the condition requires then the piece of land would revert back to agricultural land."

With this information members treated the application as for a gypsy traveller site outside of any settlement area for development and therefore in open countryside and in very close proximity to an existing small community of Selgars House and Selgars Mill which amounts to four dwellings. There are also Selgars Cottages in the vicinity.

It is noted that new occupiers of the site started major works to develop the site in November 2020. It is known that the matter was referred to the Planning Enforcement Officers yet works progressed through November and December. Councillors were concerned and disappointed to see that no meaningful action appeared to have been taken to stop the unapproved development and it has been allowed to expand making matters more difficult to recover the correct position.

On the Application form at 5 a description of the application reads "Part retrospective application for the change of use of land to provide 6no permanent pitches for residential use by Gypsy & Traveller family with associated development including formation of a new access, hardstanding and new Devon banks." There is no mention at this point of poultry cages or stables but the stables are mentioned in other documents. No substantive evidence is provided in the papers to show that the applicant is a gypsy or traveller as defined in legislation.

At 9 it refers to there being 6 existing car parking spaces which will be increased to 10. Photographs of the site show a lorry, container and other vehicles.

At 13 it states that foul sewage will be dealt with by a 'package treatment plant' but elsewhere in the application papers it refers to removing one cess pit and replacing it with a more modern one. What is going to be approved?

At 16 it states that there will be no gain of residential units, yet the application is for an increase from 3 to 6 when in fact there should be none. In the Design and Access Statement there is a reference to existing buildings being replaced by 4 further mobile units. This needs clarification.

The Design and Access Statement contains unclear and confusing statements in contradiction of points made in other documents.

It states: "do not intend to erect any further buildings so the landscape, visual impact and development will remain almost the same as it is now except for a small extension to the hardstanding." Members see this as a contradiction of what is sought and what has already been provided and can be observed on site. There are to be 6 permanent pitches instead of 3, there is to be more hardstanding, more fencing, the creation of new hedge banks, a new entrance onto the road with a drive through the site of tarmac and moveable stables. No mention is made of the comprehensive array of poultry pens which are evidenced in a photograph provided by an objector.

It is stated that: "The only lighting will be that which is attached to the mobile homes." In the application papers is detail of a lighting scheme which includes lampposts situated around the site.

It further states: "Overall, there would be little alteration to the appearance of the site and the development." Further into the document it states: "the site will be completely redeveloped." Much is made of agreeing to conditions but there has been no compliance to the original condition that the site should be returned to agricultural land if the previous owner and dependents left the site.

Members note the Highway comments and the fact that great reliance is placed on documentation which is 11 years old. This is a straight stretch of road with the national 60mph speed limit and the new entrance is to be introduced in close proximity to two existing entrances.

It is noted that MDDC Public Health has no objection but it is not clear that they have taken into account the extensive poultry pens, potential manure stores and flies all of which will be in close proximity to an adjoining property.

The Design and Access Statement refers to requirements of a previous policy which has now been replaced by The Mid Devon Local Plan 2013 - 2033 which was adopted in July 2020 and it is on these policies that considerations have been made which lead to the objection and recommendation for refusal of this application.

Policy S 1

g) Delivering a wide choice of high quality homes through a diverse housing mix and by meeting the housing needs of all sectors of the community including the provision of accessible housing for the elderly and disabled, those wishing to build their own home, affordable housing and gypsy and traveller pitches.

Earlier comment has been made as to substantiating the claim for the applicants being gypsies/travellers.

Policy S 3

e) A five year supply of gypsy and traveller pitches will be allocated on deliverable sites within Mid Devon to ensure that the predicted need for traveller sites will be met. A further supply of developable sites or broad locations for growth will be identified equivalent to a further ten years of predicted growth. The Housing Authority will seek to provide a public site for gypsy and traveller pitches within Mid Devon, subject to the availability of funding.

2.31 As set out in the Government statement 'Planning policy for traveller sites' the government's aim is to ensure fair and equal treatment for gypsies and travellers in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community. To achieve this aim the statement indicates that working collaboratively local planning authorities should make their own assessment of need for traveller sites and identify a five year supply of deliverable sites with a further ten year supply of developable sites or broad locations for growth on top of this.

Further advice is contained later in the paragraph:

The need for gypsy and traveller pitches will be accommodated by pitches within larger housing sites, for example at Tiverton Eastern Urban Extension, North West Cullompton, East Cullompton and Pedlerspool in Crediton. The Council's preferred approach is for on-site provision as part of

larger housing proposals TIV1, CU1, CU7 and CRE5. Provision off-site will only be accepted where it is demonstrated that provision on a different site would achieve an acceptable outcome for Gypsies and Travellers as described in Policy DM7. Where such an acceptable outcome can be demonstrated, off-site provision must meet the requirements of Policy DM7, and a mechanism must be put in place to ensure that the pitches are delivered.

It is submitted that the location of this application site does not fit into this policy as it is far removed from any of the planned sites. It should be noted that this will be a privately owned site and not for public use.

Policy S14 Countryside

Development outside the settlements defined by Policies S10-S13 will preserve and where possible enhance the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy. Detailed development management policies will permit agricultural and other appropriate rural uses, subject to the following criteria:

a) Affordable and low cost housing to meet local needs, gypsy and traveller accommodation, residential conversion of appropriate existing buildings, replacement dwellings, housing essential to accommodate a rural worker and accommodation ancillary to a dwelling;

Paragraph 2.82 contains the following: National policy requires that new sites for travellers should be limited in open countryside that is away from existing settlements or outside areas allocated in the development plan. In certain circumstances the development of such sites outside of settlement limits will be appropriate, providing it can meet the criteria set out within Policy DM7 (gypsy and traveller accommodation).

Members are of the view that this site is in open countryside and not within areas identified in the plan and it does not meet the criteria of Policy DM7. It does not comply with National Policy which requires new sites for travellers to be limited in open countryside that is away from existing settlements or outside of areas allocated in the development plan. It will not preserve and where possible enhance the character, appearance and biodiversity of the countryside.

Policy DM7 Traveller sites

1. Planning applications for Pitches and Plots

Planning applications for gypsy and traveller pitches, or plots for travelling showpeople, will be permitted where:

a) Suitable onsite facilities will be provided including space for children's play;

b) The proposal will have suitable environmental quality for residents including non-isolating boundary treatments; and

c) The site will not cause unacceptable landscape or ecological impact and is not located in an area at high risk of flooding;

d) Occupation will be limited to those who meet the Government's published definition of gypsies and travellers, including travelling showpeople or their dependents; and

e) Safe and convenient access to local facilities is provided.

Sites with associated employment or storage elements will be permitted where there is specific justification and the location, scale, and nature of the proposed development will not have harmful impacts on local amenity or the local environment. Gypsy and traveller accommodation may be included as part of the affordable housing requirement.

2. Provision on allocated sites

Gypsy and Traveller pitches on allocated sites (sought by Policies TIV1, CU1, CU7 or CRE5) should be provided on site unless it is demonstrated that off-site provision will achieve an acceptable outcome for Gypsies and Travellers taking into account:

- i) Pitch numbers
- ii) Site facilities;
- iii) Accessibility to services, including health and education;
- iv) Early delivery of serviced pitches or plots which are available for occupation; and
- v) The provision of an effective mechanism for delivery.

Such sites must also meet the requirements of Part 1 of Policy DM7 above.

4.28 To ensure that sites will meet the needs of the travelling communities and the settled community a criteria based policy will be operated as set out above to determine applications for traveller sites. In order to ensure that users of sites will have access to facilities, national policy indicates that local planning authorities should very strictly limit new traveller site development in countryside that is away from existing settlements or outside allocations in the development plan. Sites will therefore only be permitted where facilities will be accessible without recourse to a car either by walking, cycling or utilising public transport. However, sites must also be in locations where the local environment is of satisfactory quality, so locations adjacent to noisy or polluting land uses or in areas of floodplain will not be suitable.

Members have concerns as to potential flooding risk from surface water and nearby water courses and ponds. The adjoining property has experience of flooding and this site could aggravate that.

The site does not have safe and convenient access to local facilities. There is no footpath on the main road leading to either Willand or Uffculme. There is no street lighting and the road is subject of the national speed limit. The bus service is very limited and so most journeys to access facilities will have to be by motor vehicle.

The site is very close to the settlement of Selgars House and Selgars Mill and some elements of it overlook windows in Selgars House. The poultry cages etc. are very close to the adjoining property. The site is also visible from the road.

There are so many conflicts of information and areas of noncompliance with policy that this application should be refused. Reliance on dealing with issues by way of condition would appear to be inappropriate in the light of experience to date.

18/03/2021- Willand Parish Council discussed this application at a special meeting of the Planning Committee on 18 March 2021. It was the unanimous decision of the committee that it should maintain its objection to this application and firmly recommend refusal.

The representations made in the response by the Parish Council dated 1 February 2021 to the original retrospective planning application are still considered relevant and should be taken, in full, as being part of this latest response.

Members are concerned that the application and updated/resubmitted papers do not contain sufficient and clear information with regard to a number of aspects. Inconsistencies and misleading information from the original application has not been addressed thereby inviting consultation on incomplete information.

The continued reference to the use of or amendment to conditions to deal with any issues does not give confidence of enforceability particularly when balanced against the management and development of the site thus far.

Status of Applicant.

The status of the applicant to substantiate the description of being a gypsy or traveller family has still not been established. The Parish Councillors are aware of information that the applicant has an established business and personal address elsewhere which is suggested to have been a permanent address and not substantiating a nomadic lifestyle.

Land ownership.

Land ownership details are still not clarified on the application form certificate and Land Registry records appear to still show the land being registered to the previous owner.

Block Plan

The revised block plan is misleading in that it gives a false impression with large areas of green when a different picture would be conveyed if the roadway and the areas for hard standing were clearly identified to scale and in a different colour. It does convey the extent of the original, now unapproved site area, and shows how considerably large and intrusive the new site will be on the countryside. The substantive and large area of poultry cages are not shown and are still not part of the application yet they too add to the excessive visual adverse impact of the application if approved.

It is suggested that the entrance gateway is not sufficiently distant from the main road to allow a lorry towing a caravan to completely clear the roadway. There is no evidence to show that there is any turning area sufficient to turn a lorry and caravan to ensure that vehicles can enter and leave the site in forward gear.

Foul and Surface Water drainage

The revised application shows that there will be five package treatment plants but there is no evidence to show why the site, if approved, cannot be connected to mains sewers. It is not considered that suitable and proven percolation tests have been carried out to show that the

ground can cope with soakaways that will cater for the substantive area of proposed hard standing and new roadway. The ground falls towards Selgars House and Mill where there is a water course and ponds/lakes. This presents a potential danger for flooding or pollution from the site.

Landscape and Environmental impact

It is clear that the development of this site is already having an adverse and harmful environmental impact on the visual amenity of the countryside. The closed board fencing along the boundary with Selgars House is not conducive to countryside being more of an urban amenity. The proposed planting of non-native trees which will take a considerable time to establish screening should not be acceptable at this location and will further draw attention to this site not being conducive and integrated into the area.

The proposed lighting is more in keeping with an urban housing estate than somewhere in open countryside. This will have a potential adverse impact on wildlife, particularly night hunters/foragers. There does not appear to be an up to date or relevant wildlife study.

Conclusion.

There is insufficient information for this application to be properly considered or approved. Because of this any consultees are responding to an incomplete application and unclear information.

The application in respect of this unapproved development is already having a harmful impact on occupiers of adjoining properties and the visual amenity of the landscape and countryside.

The application is in open countryside and is not compliant with policies in the NPPF or the MDDC Local Plan.

The application should be refused and the site restored to open countryside in accord with previous decisions.

UFFCULME PARISH COUNCIL - 08/02/2021 - Uffculme Parish Council opposes this application and recommends the Officer Refuse permission.

The Council is aware of the history of the site and the previous permission granted. We understand that permission given under a previous application for the residence of one particular family on the site would be revoked to return the land to agricultural land when the site was vacated by the previous owner. Therefore we understand that this site should, in its entirety, be returned to agricultural land.

The Council has strong concerns that the current owner shows no respect for proper planning process and or conditions as they have carried out extensive works on the site without the correct permissions - we appreciate the new owner may not have been in receipt of all of the details regarding the site and previous permissions, however, now that they are aware all development should have been halted.

In the recently approved Local Plan there has been a designated sites for the gypsy and traveller community and we would expect the local planning authority to continue with the allocated sites within the new plan, rather than create new sites.

The council has concerns over the very poor access to the site, especially given the very large vehicles that have been noted on site.

Finally, this application was first brought to the attention of Uffculme Parish Council by concerned residents. The local planning authority did not initially consult Uffculme on this application.

08/06/2021- The Parish Council opposes this application.

The previous submission made stands, even though alternative plans and details have been provided.

The Council has concerns over the sewerage plans given that the site is on a floodplain and whether all expected avenues have been explored adequately in respect of mains sewerage.

The Council has concerns over the impact of heavy plant being kept on site and whether the necessary security of this would cause issue in respect of lighting and the impact of the site being seen from neighbouring AONB's.

The land should be returned top Agricultural land as set out in the previous temporary planning permission.

Uffculme Parish Council wholeheartedly supports Halberton Parish in opposing this application.

HIGHWAY AUTHORITY – 20/01/2021- The site is accessed off the B3440 County Route which is restricted to 60 MPH. The number of personal injury collisions which have been reported to the police in this area between 01/01/2015 and 31/12/2019 is one slight accident in 2016.

It is considered that an access can be achieved with suitable visibility, taking into account estimated speeds at this location, it is not considered that the impact will be severe or that there will be a safety concern with the proposal. The County Highway Authority agree with the Technical Note provided with this application and the previous comments made by Devon County Council.

Therefore the Highway Authority has no objections to this application

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF
DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY,

1. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;

- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

2. Visibility splays shall be provided, laid out and maintained for that purpose at the site access where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 600mm above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 215 metres in both directions.

REASON: To provide adequate visibility from and of emerging vehicles.

3. No development shall take place until details of the layout and construction of the access have been submitted to and approved in writing by the County Planning Authority. The approved details shall be implemented before the development is brought into use.

REASON: To ensure the layout and construction of the access is safe and suitable

4. The site access road shall be widened and maintained thereafter to not less than 6 metres for the first 10 metres back from its junction with the public highway and shall be provided with 10 metre kerb radii at the junction

REASON: To minimise congestion of the access

16/03/2021- The Highway Authority has no further comments to make on this application.

PUBLIC HEALTH - 18/01/2021

Contaminated Land Condition - Contamination investigation and remediation strategy Info added under comments 14.1.21

Air Quality No comments 4.1.21

Environmental Permitting No objection to this proposal 04.01.21

Drainage No comments 4.1.21

Noise & other nuisances No comments 4.1.21

Housing Standards No comment 18/1/21

Licensing This will require a licence please contact licensing via licensing@middevon.gov.uk for further information. 14.01.21

Food Hygiene No comments 04.01.21

Private Water Supplies If a private supply is to be used by more than one property or has a commercial function, The Private Water Supply (England) Regulations 2016 as amended will apply. A risk assessment and sampling regime will be necessary. The supply must not be used until the Local Authority (Mid Devon District Council) is satisfied that the supply does not constitute a potential danger to human health, including single domestic use. You must also register with the Local Authority (Mid Devon District Council) any private water supply. Failure to do so may result in a Section 85 Notice, with which failure to comply is an offence.

Please contact Public Health at Mid Devon District Council on completion of proposal. IF MAINS WATER IS TO BE USED, WOULD HAVE NO COMMENT 04.01.21

Health and Safety No comments 04.01.21

Condition - Contamination investigation and remediation strategy

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:

I. all previous uses

II. potential contaminants associated with those uses

III. a conceptual model of the site indicating sources, pathways and receptors

IV. potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

5. In the event that unexpected contamination is found at any time during the approved development works that was not previously identified, the findings must be reported in writing immediately to the Local Planning Authority. A new investigation and risk assessment must be undertaken in accordance with the requirements of condition 1 & 2 and where remediation is necessary a new remediation scheme must be prepared in accordance with the requirements of condition 3. This must be subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification plan must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 4.

6. Where long term monitoring and maintenance has been identified as necessary, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed

remediation over a period to be agreed with the LPA, and the provision of plans on the same must be prepared, both of which will be subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency Land Contamination Risk Management (LCRM).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

03/03/2021 - additional comments

Contaminated Land: There is potential for some historic contamination on this site and therefore a Stage 1 contaminated land assessment should be carried out prior to determination. If the results of this indicate a concern then the following condition should be included in any approval:

Condition - Contamination investigation and remediation strategy required 14.1.21

Drainage: There is a criteria for foul drainage set by the EA and if the mains is within a certain distance of the curtilage the applicant must connect to it. The formula for this is 30m x the number of units, in this case 30 x 6 = 180m, or 30 x 7 = 210m if they include the original unit (which they should do). The EA are requiring this because they want to reduce the number of package or private sewage treatment systems in order to protect the water environment. On this site people living nearby have confirmed that the ground is wet and the water table high so it is unlikely that discharging cleaned water via a land drainage system will be practicable, and the property next door seems to have suffered from surface water flooding originating from this site in the past. The percolation test, required if the mains sewer is too far away, should therefore be carried out before the application is determined. There are plenty of local consultants who will do these and they are working during the covid restrictions. Another reason for a mains connection on sites for travellers is that the occupiers may continually change so often no one takes responsibility for managing the private system, therefore increasing the risk of pollution sometime in the future. The current tank requires emptying every 6 months or so but the increase in numbers that 6 additional units could result in (up to 24 people) will substantially increase the volume of flow into this tank, mainly from washing machine and other ablution water. The cesspit would therefore need emptying much more frequently and this will quickly become difficult to manage. So if there is a main sewer within 180 210m the applicant should be required to connect to it and therefore would not need to go to the expense of getting the percolation tests done and a quote for a PTP. They have filled in the foul drainage form but their answers to the questions are contradictory. South West Water will be able to confirm to the applicant where the nearest main sewer pipe is. 2.2.21

Noise & other nuisances:

Noise

It appears that there are a large number of chickens being kept on the site for business purposes. There should be no, or few, cockerels but there is potential for noise, smell and flies to affect residents both on and off the site. The poultry enterprise needs to be registered with Defra so perhaps the applicant could provide more details of this so that we can determine whether the potential for nuisance is unreasonable and likely to impact on new and off-site residents.

Lighting

The proposed lighting columns using a carriage lamp type bulb holder with led lights are likely to cause local light pollution. The columns are plastic so not substantial enough for long term use. A more suitable system would be low height bollard type lighting, or if columns are used the bulb holder requires shielding and should incorporate a yellow filter so that upwards and lateral light pollution is avoided. 2.2.21

05/05/2021- Thank you for the updated information regarding the availability of a foul public sewer in proximity to this site. The requirement is to connect to a foul sewer if there is one within 180m (6 x 30m) of the site and SWW have now advised that the trunk main showing in the main road is not taking foul sewage. Therefore the only option is a private treatment system. We are very concerned about introducing multiple package treatment plants on this site, particularly as percolation testing by a drainage engineer has not been carried out and no information about the groundwater has been provided. It is clear from the presence of two very large ponds and the mill stream close by that the water table is likely to be high in this area; there is therefore a high risk of contamination. Package treatment plants cannot be located close to residential properties, and there must also be proper provision for a soakaway or drainage field in an appropriate location. We first requested more detailed clarification of the arrangements for a sustainable foul drainage system in our original comments in February 2021 and in the absence of this we do not consider that satisfactory provision has been made for foul drainage and would not be able to support any approval at this time.

03/08/2021- EHO final comments on proposed foul water treatment system. I have considered the information provided by the applicant and his contractor on 2nd August regarding the proposed package treatment plant. I have been to the site and seen where this will be located. There are existing ditches along both the east and west boundaries of the land and it is proposed to discharge the cleaned water into one of these ditches (both of which are usually dry). The ditches then run onto a surface water feature but only in times of heavy rainfall. Therefore cleaned water discharged into them is likely to either soak away or flow away as is usual in these systems. We therefore have no concerns relating to this proposal and recommend that the foul drainage scheme as designed is conditioned in any approval. We have no outstanding environmental health concerns in relation to any of the other matters in the email from the agent

DCC- Policy and Project Coordinator (Vulnerable and Travelling Communities)-

Thank you for your letter relating to the above. I am happy to make the following observations in line with National and County Policy, and observations following a site visit to the above location with the applicant on 21st July 2021.

Devon has only three local authority Gypsy Traveller sites: Sowton, Exeter; this site is a long-term residential site managed by Elim Housing, which holds a waiting list. Broadclyst, East Devon is managed by Elim Housing is leased by the County Council and offering new pitches are governed by the terms set by the landowner. Haldon, Teignbridge offers the only pitches for those identifying as New Travellers and is managed by Teign Housing.

Whilst accommodation for the settled community is increasing in the South West there is still little provision for Gypsy and Traveller families. There are no agreed/emergency or transit sites in Devon and most of the traditional stopping places have been blocked off or developed for other purposes. Due to this, it is becoming ever more essential for Gypsy and Traveller families to have an authorised stable base from which they may access services such as Health and Education, that the rest of us may take for granted. It also provides the security to travel for economic purpose, knowing that there is an authorised base on return.

I met with Mr and Mrs Dolan and spoke at length about their travelling patterns and history, I can confirm that they also intend to travel for economic purpose in the future and use this private family site as a base, from which to access education and welfare services in between travelling. They meet the definition of Gypsy Traveller for planning purposes and their application should be treated as such. There is a need within the family for 3 extra pitches and this will provide further

pitches for their family who now have families of their own. It is increasingly difficult for this community to go through the planning process without resentment or opposition from surrounding neighbours and community; a lot of this is steeped in the perception of what a Gypsy or a Traveller is, rather than who they are. This family is willing to work with the local authority to overcome any planning issue that might come up and I hope that this be taken into consideration at decision stage. The Communities Team supports the Dolan's in their application.

Small private sites continue to be the best option for local planning and housing authorities in relation to accommodation for Gypsies and Travellers. Meeting this need in Devon is important if the number of unauthorised encampments and unauthorised developments are to reduce across the county, at the same time it allows local planning authorities to fulfil their responsibility to meet the accommodation need alongside other communities in Devon.

The last time a needs assessment was carried out in this local authority area was in 2015. At that point, formulas and techniques were used by an out of county consultancy firm who didn't have the local knowledge and connection to the communities they were making assessments on at that time; it is my opinion working in this role for over 17 years, that the validity of figures being relied on for 2021 just isn't reliable enough to satisfy the need that plainly exists with this family. So, whilst on paper it could be said that the land supply for Gypsy Traveller pitches are being met up to 2024, in reality, it has to be asked, how many of those pitches are going to be deliverable and usable in that time frame? When there is already in existence a site which could be extended by this family, who are willing to work sympathetically with the local authority.

I would urge the decision makers for this application to also consider that if this is refused, not only would the 3 extra pitches not be provided, but there will also be a loss of 3 pitches in the process; this would be such a shame considering the site has been in existence as a Gypsy Travellers site for decades; with so few pitches being granted for this community in comparison with more general housing across the district area.

The County Council has a range of responsibilities in planning matters and, on education, health and welfare grounds this application is supported, recognising the lack of pitches available on authorised sites within Devon.

SOUTH WEST WATER- 12/03/2021- Following receipt of a Consultation Request for the above application, South West Water confirm that we hold no objection.

REPRESENTATIONS

At the time of writing this report 22 letters of objection have been received and 6 letters of support, the key issues are summarised below;

1. The council should require evidence of the nomadic lifestyle of the family
2. The scale is too large for the area
3. The proposal would be harmful to the character and appearance of the area by the degree of urbanisation, scale and density
4. The proposed semi-permanent chalets do not match the aesthetic of other buildings in the area or heritage. Surrounding buildings are two storey stone and slate.
5. The roof pitch of surrounding buildings is around 35 degrees, the proposed are flat or negligible incline
6. The countryside in this area is being rapidly eroded e.g. Through expansion of Hitchcocks and Mid Devon Business parks and development at Junction 27
7. The development is visible from the public highway

8. The chalets have poor insulation standards and are not expected to meet sustainability targets
9. Additional use of the driveway by the applicants has already caused big problems in the means by which other residents join the busy public highway
10. The proposed new access would add another access route onto an already dangerous road
11. The application does not relinquish access to the shared driveway, despite the new access proposed
12. There have been two serious accidents and one slight along this stretch of road
13. The grass banks along the lane have been driven on and littered
14. The hardstanding poses an additional risk for surrounding properties
15. Poultry houses have been constructed on site, these are not mentioned in the application
16. The previous permission required the land to be returned to agricultural, this should be enforced
17. Permission for further dwellings was previously refused
18. The applicant has continued with intentional unauthorised development on the site
19. The applicant removed a large proportion of the site's hedgerow and trees without conducting a wildlife report
20. The number of units proposed would dwarf the population at Selgars Mill/ House, change the atmosphere, increase sound pollution and increase pressure on local resources
21. It is unclear why there is a need for doubling the capacity of what is already there
22. The application falls outside the local plan
23. The applicant fails to fit the definition of traveller for planning purposes
24. The needs based argument is unfounded in this application
25. The applicant is the owner of a site in Durham that was granted permission for up to six caravans for gypsy and travellers
26. The development would result in damage to the environment both in terms of local residences and the need to preserve a 'green corridor' between Willand and Uffculme
27. The development dominates the neighbouring properties
28. The existing unauthorised mobile homes have very bright external lights that impact amenities of neighbours and biodiversity
29. The development negatively impacts neighbouring businesses at Selgars Mill and threatens their viability
30. The development is not appropriate in the countryside
31. The layout does not make provision for children's play or even modest garden areas
32. The site does not have an existing watercourse as indicated on the FDA1 form. The wet clay soil is not suitable for soakaway systems. No percolation tests are provided.
33. Concerns regarding increased risk of flooding to neighbouring properties
34. There have been increased incidents of trespassing from people from Pleasant Streams
35. The community burn plastic and other industrial waste on a daily basis which brings toxic fumes to Selgars Mill
36. The dwellings would overlook neighbouring properties
37. The site does not offer safe and convenient access to local facilities
38. The site was never intended to become a permanent gypsy and traveller site
39. Impacts to ecology have not been considered

Support comments;

- It is better that we pass these sites and there are more legal sites available than us not having enough sites in the area and force gypsy and travellers into living illegally and causing greater disruption
- The proposal would provide homes for five families in a community
- Everyone has a right to a home
- The encampment is thoughtfully placed

- Pleasant Streams has been a gypsy and traveller site for over 40 years, how is someone else living there different to someone buying a house
- Selgars Mill is now home to multiple families and business so what is the difference in having multiple families here
- The proposal would benefit the community

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. Policy and principal of development
2. Highway and access
3. Impact to the character and appearance of the area
4. Design and amenities of future occupiers
5. Impact to the amenities of neighbouring occupiers
6. Flood risk and drainage
7. Ecology and biodiversity
8. Other issues

1. Policy and principle of development

Policy S1 of the Mid Devon Local Plan 2013- 2033 requires development to support the creation of sustainable communities through various priorities including a development focus at the larger towns; promoting sustainable transport by reducing the need to travel by car; by meeting the needs of all sectors of the community including gypsy and traveller pitches; requiring good sustainable design; meeting the challenge of climate change and managing flood risk; conserving and enhancing the natural environment and minimising impacts to biodiversity and geodiversity.

Policy S3 sets out that a five year supply of gypsy and traveller pitches will be allocated on deliverable sites within Mid Devon to ensure that the predicted need for traveller sites will be met. A further supply of developable sites or broad locations for growth will be identified equivalent to ten years of predicted growth. The Housing Authority will seek to provide a public site for gypsy and traveller pitches within Mid Devon, subject to the availability of funding.

Uffculme and Willand are both recognised as villages suitable for limited development within their defined settlement limits. However the site is located outside the settlement limits of both villages and in a countryside location where policy S14 states that development will preserve and where possible enhance the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy. It states that detailed development management policies will permit agricultural and other appropriate rural uses including gypsy and traveller accommodation. Policy DM7 relates to traveller pitches and states;

1. Planning applications for Pitches and Plots Planning applications for gypsy and traveller pitches, or plots for travelling showpeople, will be permitted where:

- a) Suitable onsite facilities will be provided including space for children's play;
- b) The proposal will have suitable environmental quality for residents including non-isolating boundary treatments; and
- c) The site will not cause unacceptable landscape or ecological impact and is not located in an area at high risk of flooding;
- d) Occupation will be limited to those who meet the Government's published definition of gypsies and travellers, including travelling showpeople or their dependents; and
- e) Safe and convenient access to local facilities is provided.

Sites with associated employment or storage elements will be permitted where there is

specific justification and the location, scale, and nature of the proposed development will not have harmful impacts on local amenity or the local environment. Gypsy and traveller accommodation may be included as part of the affordable housing requirement.

2. Provision on allocated sites Gypsy and Traveller pitches on allocated sites (sought by Policies TIV1, CU1, CU7 or CRE5) should be provided on site unless it is demonstrated that off-site provision will achieve an acceptable outcome for Gypsies and Travellers taking into account: 1i) Pitch numbers ii) Site facilities; iii) Accessibility to services, including health and education; iv) Early delivery of serviced pitches or plots which are available for occupation; and v) The provision of an effective mechanism for delivery. Such sites must also meet the requirements of Part 1 of Policy DM7 above.

The NPPF refers to the Government's planning policy for traveller sites (PPTS) which sets out the government's approach to planning for traveller sites and is a material consideration in planning decisions. In assessing applications for traveller sites the PPTS 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*

Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

When considering applications, local planning authorities should attach weight to the following matters:

- a) effective use of previously developed (brownfield), untidy or derelict land*
- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness*
- c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children*
- d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community*

27. If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. The exception is where the proposal is on land designated as Green Belt; sites protected under the Birds and Habitats Directives and / or sites designated as Sites of Special Scientific Interest; Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park (or the Broads).

The Council's land supply records for pitches indicates there are 15 pitches which have been delivered or which are consented and deliverable in the period 2019 – 2024, which meets the GTAA requirement for that period of 6 and the shortfall of 9 from the previous period. However,

this alone would not necessarily mean that other sites cannot be considered. The GTAA is not considered to be an up to date reflection of household needs including households held on the Council's waiting list (and these may have changed since the GTAA was undertaken in 2015). There is also concern with regard to the deliverability of some of the pitches in particular those secured through the outline planning permission for residential development at Creedy Bridge, Crediton (17/00348/MOUT). The condition on that permission is such that the applicant has 5 years from the date of commencement of development on site in which to submit reserved matters for On-Site Travellers Pitches. As such the delivery of these pitches could take over 5 years to be implemented. The DCC response also questions whether the supply of pitches is deliverable. A public site has not been provided in the district and the Council is not able to identify any alternative available site to meet the residential needs of the applicant.

The status of the applicant's and intended occupiers as gypsy and travellers has been raised within representations received. For the purposes of this 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. In determining whether persons are "gypsies and travellers" for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters: a) whether they previously led a nomadic habit of life b) the reasons for ceasing their nomadic habit of life c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.

The DCC Policy and Project Coordinator (Vulnerable and Travelling Communities) Officer has been to site and spoke to the applicant at length about their travelling patterns and history, and has provided a response to the application which confirms that they consider that the applicant meets the definition of Gypsy Traveller for planning purposes and their application should be treated as such (see consultation response above). There is a need within the family for 3 extra pitches and this will provide further pitches for their family who now have families of their own.

The site is located in a countryside location. Concerns have been raised in respect of the accessibility of services by sustainable means. The sustainability and accessibility of the site has been considered in relation to previous applications. The assessment made at that time has been taken into account and further considered in light of the current situation and policy position. The application site lies approximately 0.9km from Uffculme and 1km from Willand. Uffculme has a number of services and facilities including primary and secondary schools, pub, church, post office, shop and Magelake Hall. Willand also provides a variety of services including primary school, village hall, churches, church hall, pub, football club, shop, post office, doctors surgery, pharmacy and hair dressers. There is no footpath along the length of the Class II road providing access from the site to Willand or Uffculme. The road is relatively straight with free and fast flowing traffic. There is a regular bus service in both directions and onwards travel to Cullompton and Tiverton is achievable.

At the time of the 11/01238/FULL the sustainability of the site and accessibility to local services was considered. The officer report states; "The provision of these bus services and the proximity of the site to both villages of Willand and Uffculme and beyond to the market town of Cullompton make the realistic availability of walking, cycling and using public transport to access local services high. [...] the proposed site is considered to be in a location which is accessible to other forms of transport rather than a location which are reliant on the private car". Whilst the appeal was dismissed, the Inspector also did not raise objection to the principle of development in this location.

At this time, in the context of current policy position, the guidance in the PPTS and NPPF, it is considered that the site location would provide safe and suitable access to local facilities in accordance with policy DM7.

The representations make the case that the site should be returned to agricultural use as that is what the previous permissions required once the occupation by the previous occupier was no longer required. The reasons for that condition relate to the policy position at that time which restricted residential development in the countryside but was justified by the “special needs for gypsy accommodation”. Notwithstanding the condition on the previous permissions, it would not prevent an application for planning permission being brought forward and which should be considered on its merits at this time in accordance with the relevant development plan and any other material considerations.

2. Highway and access

Policy DM3 requires development to ensure safe access to the transport network. The application proposes a new access from Uffculme Road to the north. The proposed access is 7.3m wide and visibility splays are proposed of 2.4m by 215m. The existing access would be closed by planting.

The submitted transport technical note sets out that a development of 12 units on the site was previously considered and not refused on highway grounds. It considers that a 12m rigid vehicle would be able to enter and exit the proposed access and turn within the site. On this basis it considers that the proposed development is acceptable in terms of highway impacts.

The Highway Authority have confirmed they have no objection to the scheme subject to the provision of visibility splays of 215m in both directions. The Highway Authority are satisfied that visibility splays of 215m can be achieved and recommend that these are secured by condition.

There is sufficient room on site for the provision of parking in accordance with policy DM5.

Whilst concerns have been raised with regard to highway safety, having regard to the comments of the Highway Authority it is not considered that the proposal would result in any unacceptable adverse impacts in terms of highway safety or capacity issues. The proposal includes provision of additional hedgerow planting to block up the existing access which will reduce the level of movements along the private lane. This can be secured by condition.

3. Impact to the character and appearance of the area

The application scheme proposes to provide the six pitches and associated access/ parking areas over a site area of approximately 6500sqm. The scheme partly uses an area at the south which has previously been used for gypsy and traveller occupation but significantly increases the site area further north and west. The site area is generally rectangular. It is bordered to the east by a substantial hedgebank with some tree planting, which borders the private lane to Selgars Mill/ Selgars House. The proposed scheme would impact the character and appearance of the site, particularly in terms of the change in character of the currently undeveloped area to the north as a result of the proposed hard surfacing and paraphernalia associated with the proposed residential use of the site. The proposed new access would also involve alterations to the existing northern boundary and open up views into the site from Uffculme Road. It is not disputed that the development will have an urbanising impact on this part of the countryside. The scheme proposes to enhance the planting along the northern boundary to infill any voids, the existing hedgerow to the east would be retained and additional native planting is proposed to infill the current access opening. A significant length of new native hedgerow on a bank is proposed to the east boundary which is considered to provide an enhancement to the character and appearance of the area and

would help to contain impacts of the development in views from the west. The existing large trees within the site are proposed to be retained and additional landscaping is proposed around the south west corner. The proposed landscaping to the site boundaries are considered to strike a suitable balance between safeguarding the character and appearance of the area and the amenities of neighbouring occupiers without resulting in an isolating impact for future occupiers.

The proposed lighting has been removed from the scheme and the applicant's agent has confirmed they do not intend to provide any external lighting on the site as part of the application scheme. It is considered necessary to control the use of external lighting by condition in the interests of the character and appearance of the area, the amenities of neighbouring properties and ecology interests.

The site is located in landscape character type 3E, Lowland Plains, the special characteristics of which include an arable landscape, agrarian character, notable estates and manor houses, intact orchards, wide open spaces with great landscape views, historic interest with archaeology and celtic settlements, roads following land contours and valued hedgerows with mature hardwood trees in hedgebanks.

The site is clearly located in a countryside location. Uffculme Road links Uffculme to Willand, the area surrounding the site is predominantly of rural nature. However between the villages of Uffculme and Willand there are some existing developments which to some extent have altered the character, appearance and visual amenities of the surrounding area, this includes substantial commercial developments at both Langlands and Hitchcocks Business parks.

Overall, whilst it is considered that the development would inevitably have an impact on the character and appearance of the site itself, it is considered that subject to appropriate conditions to secure appropriate landscaping and to control external lighting of the site, the impact would be acceptable. Having regard to the siting and topography of the site within its context, it is not considered that the proposed development would have a significant impact on the wider landscape of the countryside.

4. Design and amenities of future occupiers

The pitches are proposed to be sited in a linear arrangement. Each pitch includes two parking spaces and external space. Whilst there is limited designated garden areas, each pitch has reasonable external space and a grassed area. The layout is considered to provide an acceptable level of amenity for future occupiers and is not considered to result in overdevelopment of the site. Whilst concern has been raised regarding the proximity of the site to livestock it is noted that no objections have been raised on this basis by Public Health and it is considered that a suitable level of amenity would be achieved for occupiers.

Concerns are raised regarding the sustainability credentials of the mobile homes that would be occupied on site. However the insulation value of the mobile homes is not the only consideration in the sustainability of the scheme and overall the principle of the provision of gypsy and traveller pitches is considered to be sustainable in this location.

5. Impact to the amenities of neighbouring occupiers

Policy DM1 states that development should not have an unacceptably adverse impact on the privacy and amenity of the proposed or neighbouring properties or uses. Policy DM7 requires that applications for gypsy and traveller plots will not have harmful impacts on local amenity. The Governments PPTS also seeks to ensure the interests of the settled community are respected and to reduce tensions between settled and traveller communities in planning decisions.

The nearest neighbouring residential property is located at Selgars House adjacent to the south boundary. Selgars Mill is located to the south east and shares the access drive. Selgars Cottages are located to the east. The nearest property to the west is approximately 280m distant.

Following discussions with the applicant's agent the scheme has been amended to remove pitch 6 from the south west corner of the site to reduce the impact to the amenities of occupiers of Selgars House. The location of pitch 6 as now currently proposed, is similar to the unit which has existed on the site under the previous permissions. As such and with the addition of obscure glazing to the windows on the south elevation it is not considered that there would be any significant adverse impacts in terms of loss of privacy or overlooking arising from the permanent siting of a pitch in that location.

Concerns have been raised regarding the impacts arising from the poultry unit that has been erected on the agricultural land adjacent to the application site. The development that has been undertaken in that part of the land does not form part of this application and can be dealt with through planning enforcement and Public Health as necessary.

The relocation of the access will reduce traffic movements along the private lane. Concerns in respect of flood risk and drainage implications are considered further below.

The Council's Public Health Team have not raised any objections in terms of noise or other nuisance. Overall, having regard to the siting, scale and design of the proposed development in its revised form, it is not considered that the proposed residential use would result in an unacceptable impact to the amenities of neighbouring occupiers and it is not considered that the scale of the proposal would dominate the nearest settled community.

6. Flood risk and drainage

Policy S9 requires that development will sustain the distinctive quality, character and diversity of Mid Devon's environmental assets and minimise the impact of development on climate change through the provision of measures to reduce the risk of flooding to life and property, requiring sustainable drainage systems including provisions for future maintenance, guiding development to locations of lowest flood risk and avoiding an increase in flood risk elsewhere.

The site itself is located in flood zone 1. However the site is located in relatively close proximity to flood zones 2 and 3 to the south of the site as well as the mill leat and pond associated with Selgars Mill. The site area extends to approximately 0.65 hectares, of which a significant proportion is proposed to be hard surfaced to provide access, parking and surfaced areas to site the proposed mobile homes on each pitch. A small part of the site in the south east corner is understood to have been previously hard surfaced as part of the previous occupation (see planning history). The application proposes to manage surface water run off from the mobile home units to a soakaway in the agricultural field to the west. It is proposed that the access and turning areas will be formed of porous asphalt and the pitch areas will be lined and a golden flint shingle laid. The implications to drainage and flood risk have been discussed with the Lead Local Flood Authority who are satisfied that the proposal is not likely to result in increased flood risk elsewhere. Their advice is that the drainage implications from the site can be adequately managed by further details to be submitted by condition. At the time of writing this report officers are awaiting advice

from the Lead Local Flood Authority as to the wording of this condition and this will be reported to members as an update.

7. Ecology and biodiversity

Policy S1 requires development to minimise impacts on biodiversity and provide a net gain in biodiversity. Similarly policy S14 in relation to development in countryside locations requires development to preserve and where possible enhance biodiversity.

The applicant has submitted a preliminary ecological appraisal in support of the application. The hedgerows on the site were considered to provide opportunities for foraging and commuting bats, the local surroundings provide good foraging and commuting habitat that is largely unlit. The ecologist considers that the proposals are low impact in relation to bats as there will be no significant loss of habitat but that the development has potential to devalue and degrade boundary habitats through light spill. The scrub and hedgerow were considered to offer suitable nesting habitat to common and widespread urban species.

The report confirms that no further survey work is required at this time and makes recommendations for mitigation including a 2m protection zone around retained hedgerow habitat, precautionary measures in respect of any external lighting and the timing of works in relation to habitat removal (nesting birds). The application proposes the provision of approximately 110m of new native hedgerow planting and infill planting to existing hedgerows and therefore a significant net gain in the extent of hedgerow habitat can be secured. The ecologist also recommends that enhancements to biodiversity are achieved through the provision of three bird nesting boxes and two bat boxes should be installed on trees on the site. On the basis that the appropriate mitigation and enhancement measures are secured by condition it is considered that the proposed development is not likely to result in harm to protected species and a net gain in biodiversity can be achieved in accordance with policies S1 and S14 of the Mid Devon Local Plan and government advice in the NPPF.

8. Other issues

Intentional unauthorised development: The representations suggest that the occupation of the site and ground works that have been carried out are intentional unauthorised development. Intentional unauthorised development was set out as a material consideration when determining retrospective planning applications from 31st August 2015. The policy statement does not define what intentional unauthorised development is, the explanation relates to developing land without prior authorisation prevents measures being taken to mitigate or limit harm. In this case the applicants have carried out some ground works and are occupying part of the site without planning permission. The actions that have been carried out have clearly caused friction with the local community. However in this case, it is considered that the unauthorised development have not prevented the proper application of planning policy and the impacts of the development are considered to be appropriately mitigated through the application scheme and details that can be secured by condition.

Contaminated land: The Council's Public Health team have advised that a contamination investigation and remediation strategy is required to ensure that risks from land contamination are suitably managed to prevent harm to future land users, neighbouring land, water and ecology. This is secured by condition.

EIA: Due to its scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development.

Public sector equality duty: In assessing this application the Council has had regard to the requirements of the public sector equalities duty within the Equalities Act to have due regard to the need to:

- a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In respect of this application, the proposals relate to the provision of 6 traveller pitches for residential occupation by gypsy and travellers. The applicants share a protected characteristic of their race as gypsy and travellers which are not shared by the settled community who live in proximity to the site. Race is a protected characteristic identified by the Equalities Act 2010. The relationship between the traveller community and the settled community has been considered in the assessment of the application. The application is considered to be supportable in accordance with the development plan including policy DM7 which specifically relates to the provision of gypsy and traveller pitches. The LPA has worked with the applicants to revise the scheme to provide a policy supportable scheme and to achieve an acceptable impact to the settled community.

CONDITIONS

1. The date of commencement of development shall be taken as 4th January 2021, the date the application was registered by the Local Planning Authority.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. Within 3 months of the date of this decision and prior to any further works being undertaken on site, there shall be submitted to and approved in writing by the Local Planning Authority, a phasing plan which shall include a programme of implementation of the approved scheme including the proposed access works, closing up of existing access, provision of drainage infrastructure and the landscaping (to be completed in accordance with details approved by condition 13). Thereafter the development shall be carried out in accordance with the approved phasing plan unless otherwise agreed in writing by the Local Planning Authority.
4. Prior to any further works being undertaken on site, a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, shall be submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:
 - a. A preliminary risk assessment which has identified:
 - I. all previous uses
 - II. potential contaminants associated with those uses
 - III. a conceptual model of the site indicating sources, pathways and receptors

- IV. potentially unacceptable risks arising from contamination at the site
- b. A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
 - c. The results of the site investigation and the detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - d. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

5. In the event that unexpected contamination is found at any time during the approved development works that was not previously identified, the findings must be reported in writing immediately to the Local Planning Authority. A new investigation and risk assessment must be undertaken in accordance with the requirements of condition 4 and where remediation is necessary a new remediation scheme must be prepared in accordance with the requirements of condition 4(c). This must be subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification plan must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 4(d).

6. Where long term monitoring and maintenance has been identified as necessary, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with the LPA, and the provision of plans on the same must be prepared, both of which will be subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency Land Contamination Risk Management (LCRM).

7. Prior to any further works being undertaken on site to implement the permission hereby approved the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

8. No works relating to the formation of the new access shall take place until details of the layout and construction of the access have been submitted to and approved in writing by the County Planning Authority.

9. The site access road shall be widened and maintained thereafter to not less than 6 metres for the first 10 metres back from its junction with the public highway and shall be provided with 10 metre kerb radii at the junction.

10. Visibility splays shall be provided, laid out and maintained for that purpose at the site access where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 600mm above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 215 metres in both directions.

11. The retained hedgerow habitats on site shall be protected for the duration of the works on site by the installation of a protective fence details of which shall be submitted to, and approved in writing by, the Local Planning Authority prior to installation on site. The fence shall be installed at least 2m from the base of the retained hedgerows for the duration of the works on site.

12. The development hereby permitted allows for the provision of 6 pitches only. Occupiers of this site will need to comply with the definition of a gypsy or traveller, being 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.

13. No more than 6 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, as amended shall be stationed on the site at any time. Any caravans positioned on the site shall be capable of being lawfully moved on the public highway.

14. Within 3 months of the date of this decision, notwithstanding the information submitted, a scheme of hard and soft landscaping including details of a the proposed hedgerow planting and a hedgerow establishment and maintenance plan, shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding and turfing comprised within the approved scheme, including the proposed new hedgerow and 'additional planting' depicted on the approved plans, shall be carried out in accordance with the details and timing agreed in accordance with the phasing plan to be approved in accordance with condition 3. Any trees or plants, including existing specimens to be retained, which within a period of 5 years from completion of the development

die, are removed or become seriously damaged or diseased shall be replaced in the next available planting season with others of a similar size and the same species.

15. Within 3 months of the date of this decision, there shall be submitted to and approved in writing by the Local Planning Authority details of the proposed foul drainage systems including arrangements for future maintenance. Only such approved systems shall be used for the management of foul drainage from the development hereby approved.

16. The development shall be undertaken in full accordance with the recommendations, mitigation and enhancement measures contained in the submitted preliminary ecological appraisal (Western Ecology, dated 3rd August 2021). The proposed enhancement measures as set out at section 7 of the report shall be provided within 6 months of the substantial completion of the development.

17. Prior to the installation of any exterior lighting on the site full details including design, siting and illumination-type shall be submitted to the Local Planning Authority for approval. Only lighting that has been approved in writing by the Local Planning Authority shall be installed and operational.

18. Within 6 months of the date of this decision, the windows within the south elevation of the caravan on pitch 6 shall be obscure glazed in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority. The obscure glazing shall be retained in perpetuity.

REASONS FOR CONDITIONS

1. In order to establish a legal commencement date for the development to enable the development to be monitored by the Local Planning Authority.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure the provision of access, drainage and landscaping features in a timely manner in relation to the provision of the residential pitches in order to safeguard the character and appearance of the area, the amenity of neighbouring occupiers in accordance with policies S14, DM1 and DM7 of the Mid Devon Local Plan 2013- 2033.
4. To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
5. To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
6. To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
7. In the interests of highway safety and the general amenity of the area.

8. To provide adequate visibility from and of emerging vehicles.
9. To ensure the layout and construction of the access is safe and suitable
10. To minimise congestion of the access
11. In the interests of the character and appearance of the area and biodiversity in accordance with policy S14 of the Mid Devon Local Plan 2013-2033.
12. For the avoidance of doubt and to outline the special circumstances for this development within a countryside location in line with Policy S14 of the Mid Devon Local Plan 2013-2033.
13. In order to protect the character, appearance and general amenity of the area of countryside in accordance with policy S14 of the Mid Devon Local Plan 2013-2033.
14. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with policy DM1 of the Mid Devon Local Plan 2013-2033.
15. To ensure foul drainage is appropriately managed in the interests of the environment and the amenities of neighbouring occupiers in accordance with policy DM1 of the Mid Devon Local Plan 2013-2033.
16. In the interests of nature conservation and in accordance with the guidance contained in the National Planning Policy Framework.
17. To safeguard the character and appearance of the area, the amenities of neighbouring occupiers and ecology in accordance with policies S14 and DM1 of the Mid Devon Local Plan 2013-2033.
18. In accordance with the details shown on the submitted block plan and to safeguard the amenities of neighbouring occupiers in accordance with policy DM1 of the Mid Devon Local Plan 2013-2033.

REASON FOR APPROVAL

The proposed change of use of land for the provision of 6 permanent pitches for the use of gypsy and traveller family, formation of a new vehicular access, hardstanding and associated works is considered to be supportable in policy terms. It is not considered that the proposed development would result in significant harm to the character and appearance of the rural area subject to the imposition of planning conditions or detrimentally impact amenity of any neighbouring property. The proposed development is considered to be acceptable in terms of its impacts to highways, drainage and ecology. Overall it is considered that the proposal is supportable in accordance with policies S1, S3, S9, S14, DM1, DM3, DM4, DM5, DM7 of the Mid Devon Local Plan 2013- 2033 and government advice in the NPPF and Planning Policy for Traveller Sites.

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.

