

Planning Committee

Date	19 March 2024
Case Officer	Erica Buchanan
Application No.	22/01220/FUL
Site Location	Land Off Old Gloucester Road and South Part Parcel 5800, Old Gloucester Road, Boddington
Proposal	Change of use of land to private Gypsy/Traveller site.
Ward	Badgeworth
Parish	Staverton
Appendices	TDA.2807.01 Site Location Plan TDA.2807.02 Existing site plan TDA.2807.03 Proposed site layout and landscaping TDA.2807.04 Proposed dayroom
Reason for Referral to Committee	Parish Council objection
Recommendation	Permit

Site Location



1. The Proposal

- 1.1 Full application details are available to view online at:
[tewkesbury-central.oncreate.app/w/webpage/apptracker?context_record_id=2805049&webpage_token=5233c3723ce69149afeb5f09d21f2bb281a648f4a7d98e700cf0d3900e9e1814](http://central.oncreate.app/w/webpage/apptracker?context_record_id=2805049&webpage_token=5233c3723ce69149afeb5f09d21f2bb281a648f4a7d98e700cf0d3900e9e1814)
- 1.2 The application proposes the change of use of equestrian stables and associated land to create a pitch for a single family in order to site a mobile home, a touring caravan and on which to construct a day room. The family is made up of Romany gypsy parents and their three sons.
- 1.3 The site layout plan shows that the existing buildings on the site would be removed and the rear of the proposed mobile home would be sited parallel to the road and the proposed day room would be constructed at right angles to the mobile home and facing onto the proposed driveway and parking area. The layout would incorporate lawned garden areas adjoining the access track and native tree and hedgerow planting is proposed on the boundaries of the site and to separate it from the adjoining paddock land.

2. Site Description

- 2.1 The site is a roughly rectangular parcel of land which is located directly to the south east of the B4634. The site adjoins a larger triangular shaped field, traditionally used for grazing that adjoins the M5 motorway to the east. The field is bound by trees and hedges and there is a mature and substantial hedge on the boundary with the B4634 so that the site is only visible in glimpsed views.
- 2.2 The site is located within the open countryside and Green Belt. There is an existing field access in the southwestern corner of the field with an internal access road leading to two existing stable buildings. The site has been used for equestrian use for at least 30 years.
- 2.3 The nearest neighbouring dwelling is located approximately 150 metres to the southwest of the site. The site is within Flood Zone 1 as identified by the Environment Agency indicating the lowest probability of risk for surface water flooding.

3. Relevant Planning History

- 3.1 There is no recorded planning history for the access into the site however it is apparent that the site and buildings have been in use for a significant number of years.

4. Consultation Responses

Full copies of all the consultation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>.

- 4.1 County Highway Authority – Object
- The proposed access arrangements would provide safe and suitable vehicular access
 - The impact on highway network is also accepted and considered negligible.
 - Site is not in a sustainable location
 - Services are not readily accessible other than by private car.
 - B4634 is a 50mph highway with no street lighting and footways are of poor condition.
 - There are bus stops within an acceptable distance of the application site.
 - Poor environment connecting the application site will likely discourage walking or cycling
 - Increased dependency on private vehicle
- 4.2 Housing Strategy and Enabling Officer – Supports the application.

- 4.3** Staverton Parish Council – Object
- Inappropriate development in the Green Belt
 - This section of the B4634 has 4 fields in a line occupied by travellers including a newly developed Showpersons site
 - Issues at other sites with removal of vegetation and closure of footpaths
 - Cumulative impacts on Parish from this and other sites of which 7 are listed
 - The area floods and the form inaccurately states that it does not
 - Dangerous access
 - Visible from M5
- 4.4** Environmental Health – Concerns about noise from M5 however proposes a condition for the acoustic fencing details to be submitted and approved prior to occupation.
- 4.5** Drainage Officer – Further details need to be submitted relating to surface water run-off and foul water drainage.

5. Third Party Comments/Observations

- 5.1** Full copies of all the representation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>.
- 5.2** The application has been publicised through the posting of site notices and via a neighbour notification letter allowing for a period of 21 days and 19 representations were received. The contents are summarised below:
- Inappropriate development within the Green Belt.
 - Not allocated for this use.
 - Very Special Circumstances not demonstrated
 - Not a sustainable location
 - Impact on agricultural/ rural character
 - Impact on wildlife
 - Site prominently visible from road and visible from M5
 - Cumulative impact on area when considered along with other gypsy/ traveller sites which are located in close proximity
 - The village of Staverton has already accommodated significant development and more is proposed, including a large Cheltenham expansion and Cyber Park with associated traffic levels and disturbance
 - Lack of detail provided for proposed sewerage treatment plant
 - Accessibility of site to education, healthcare and employment in accordance with PPTS
 - Highway safety at access onto busy main road with other accesses/ junctions in vicinity
 - Precedent for development of rest of field and erosion of the Green Belt
 - Site is closer to Staverton village than stated
 - Although the council has a responsibility to house all communities, there is a disproportionately high amount of static caravan sites and gypsy sites in the immediate vicinity.
 - Increase in noise and light pollution

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The following planning guidance and policies are relevant to the consideration of this application:

6.2 National guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Planning Policy for Traveller Sites (PPTS)

6.3 Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) – Adopted 11 December 2017

Policy SP1 (The Need for New Development)
Policy SP2 (The Distribution of New Development)
Policy SD4 (Design Requirements)
Policy SD5 (Green Belt)
Policy SD6 (Landscape)
Policy SD9 (Biodiversity and Geodiversity)
Policy SD10 (Residential Development)
Policy SD12 (Affordable Housing)
Policy SD13 (Gypsy, Travellers and Travelling Showpeople)
Policy SD14 (Health and Environmental Quality)
Policy INF1 (Transport Network)
Policy INF2 (Flood Risk Management)
Policy INF3 (Green Infrastructure)

6.4 Tewkesbury Borough Local Plan to 2011-2031 (TBLP) – Adopted 8 June 2022

Policy RES2 (Settlement Boundaries)
Policy RES3 (New Housing Outside Settlement Boundaries)
Policy RES4 (New Housing at Other Rural Settlements)
Policy RES5 (New Housing Development)
Policy GTTS1 (Site Allocations for Gypsies and Travellers)
Policy GRB4 (Cheltenham – Gloucester Green Belt)
Policy LAN2 (Landscape Character)
Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)
Policy ENV2 (Flood Risk and Water Management)
Policy TRAC1 (Pedestrian Accessibility)
Policy TRAC9 (Parking Provision)

6.5 Relevant Case Law

Lisa Smith v Secretary of State for Levelling UP, Housing & Communities [2022] EWCA Civ 1391. Full details of the judgement are available online at: [Microsoft Word - Smith judgment 31 October 2022.docx \(gypsy-traveller.org\)](#)

7. Policy Context

- 7.1** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 7.2** The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), the Tewkesbury Borough Local Plan 2011-2031 (June 2022) (TBLP), and a number of 'made' Neighbourhood Development Plans.
- 7.3** The relevant policies are set out in the appropriate sections of this report.
- 7.4** Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2023 and its associated Planning Practice Guidance (PPG), the Planning Policy for Traveller Sites (PPTS), the National Design Guide (NDG) and National Model Design Code.

8. Evaluation

Principle of Development (including Green Belt)

- 8.1** Policy SD13 of the JCS states that:

“Proposals for new permanent and temporary, residential and transit Gypsy, Traveller and Travelling Showpeople sites will be assessed against the following criteria:

- i. Proposals on sites in areas of sensitive landscape will be considered in accordance with Policy SD6 (Landscape Policy) and Policy SD7 (The Cotswolds Area of Outstanding Natural Beauty). In all other locations the proposal must not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties, and should be sensitively designed to mitigate any impact on its surroundings;
- ii. The site has safe and satisfactory vehicular and pedestrian access to the surrounding principal highway network;
- iii. No significant barriers to development exist in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installation where other forms of housing would not be suitable;
- iv. The site is situated in a suitable location in terms of access to local amenities, services and facilities, including schools, shops, health services, libraries and other community facilities;
- v. The site can be properly serviced and is supplied with essential services, such as water, power, sewerage and drainage, and waste disposal. The site should also be large enough to enable vehicle movements, parking and servicing to take place, having regard to the number of pitches / plots on site, as well as enabling access for service and emergency vehicles, including circulation space along with residential amenity and play areas.”

Gypsy status

- 8.2** The legal definition of gypsies and travellers for the purposes of planning has recently changed. The former definition was set out within the PPTS however this definition has recently been found to be discriminatory by the 'Lisa Smith' Judgement (referenced above). The judgement confirms that there are now three separate definitions for Gypsies and Travellers which is dependent on their lifestyles; 1) the ethnic identity; 2) the PPTS definition (which encompasses the needs of families who have not permanently ceased to travel); and 3) the travel to work (TTW) identity.

- 8.3** The applicant's supporting statement confirms that the proposed occupiers of the site are Romany Gypsies. The Council has no reason to doubt their gypsy status and thus accept that the applicants meet the definition and are gypsies for the purposes of the determination of this application.
- 8.4** The principle of development / whether the proposal represents appropriate development in the Green Belt
- 8.5** Policy SD5 states that: "To ensure the green belt continues to serve its key functions, it will be protected from harmful development. Within its boundaries, development will be restricted to those limited types of development which are deemed appropriate by the NPPF, unless very special circumstances can be demonstrated."
- 8.6** Paragraph 142 of the Framework says: "The Government attaches great importance to Green Belts. The fundamental aim of green belt policy is to prevent urban sprawl by keeping land permanently open."
- 8.7** Paragraph 143 says that: "The green belt serves five purposes:
a) to check the unrestricted sprawl of large built-up areas;
b) to prevent neighbouring towns merging into one another;
c) to assist in safeguarding the countryside from encroachment;
d) to preserve the setting and special character of historic towns; and
e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land."
- 8.8** Paragraph 152 says: "Inappropriate development is, by definition, harmful to the green belt and should not be approved except in very special circumstances."
- 8.9** Paragraph 153 says: "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the green belt. 'Very special circumstances' will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."
- 8.10** In relation to the application site, as it has been used for equestrian purposes and the existing buildings are associated stables, the site is considered to constitute previously developed land.
- 8.11** Paragraphs 154 of the NPPF list several forms of development which are not inappropriate within the Green Belt. Of relevance to this application is development comprising:

"g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

– not have a greater impact on the openness of the Green Belt than the existing development; or

– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority".
- 8.12** Whilst traveller sites either temporary or permanent in the Green Belt are typically inappropriate development the proposal in this instance would result in the re-development of previously developed land and is not therefore inappropriate development and the principle of development is acceptable subject to other material planning considerations set out below.

Impact on openness

- 8.13** The proposed development seeks a change of use of land to comprise a single pitch for a gypsy family. The pitch would accommodate a static home, a day room and a touring caravan. There would also be parking and likely other paraphernalia associated with the residential use.
- 8.14** The proposed pitch and associated caravans and dayroom would be set to the southwestern part of the site and would occupy a smaller area than the existing stable yard at present. The caravan and dayroom would replace two substantial stable buildings at the site and would not have a greater impact on openness than the existing use.
- 8.15** The site is relatively enclosed by trees and hedges along the B4634 and further planting is also proposed along the eastern boundary of the site to provide screening. The site comprises only part of an existing open field and it contributes only modestly to the network of fields that surround the wider area which prevent the merging of Cheltenham and Gloucester.
- 8.16** The proposal would introduce low lying structures and associated development which would be partially screened from the roadside by existing vegetation and would replace existing equestrian buildings. As stated above as the site is previous developed land it falls within the exceptions set out in Paragraph 154 (g) and it is considered that the associated development and use of the land would not have a greater impact on the openness of the Green belt than development already present on the site.

Housing land supply

- 8.17** Further to the recent Trumans Farm, Gotherington Appeal decision (ref. 22/00650/FUL), and subsequently published Tewkesbury Borough Five Year Housing Land Supply Statement October 2023, the Council's position is that it cannot at this time demonstrate a five year supply of deliverable housing land. The published position is that the Council's five year supply of deliverable housing sites is 3.24 years supply of housing land. Officers consider this shortfall is significant. The Council's policies for the provision of housing are therefore out of date in accordance with footnote 8 of the NPPF.
- 8.18** Furthermore, Footnote 41 to Paragraph 77 of the NPPF states that 'for the avoidance of doubt, a five year supply of deliverable sites for travellers as defined in Annex 1 of the PPTS – should be assessed separately, in line with the policy in that document. Therefore, although the Council cannot currently demonstrate a 5 year housing land supply, the absence of such a supply is not relevant to this application and the need for pitches in the District is outlined below.

Need for pitches

- 8.19** Policy GTTS1 of the Local Plan provides site allocations for gypsies and travellers with a total of 38 pitches allocated until the end of the plan period in 2031. The policy was adopted based on the Gloucester Gypsy and Traveller Accommodation Assessment (GTAA) which was published at the end of 2017. This informed that an additional 2 pitches per annum through criteria-based Policy SD13 of the JCS would be required to meet the total need for travellers over the plan period, including those of 'unknown' status.

- 8.20** Since the adoption of the policy, the GTAA was updated in November 2022 which changes the projected need moving forwards. This assessment is different for two reasons: 1) the definition of Gypsy and Traveller has changed since the previous GTAA and thus the need is now assessed differently; and 2) based on the different definitions, the shortfalls have changed.
- 8.21** Tewkesbury Borough has an identified need for an additional 96 Gypsy, Roma and Traveller pitches, over the GTAA (November 2022) period up until 2041. 29 of those pitches are to be delivered within the period 2021 – 2026, as well as an additional 21 between 2026-2031.
Paragraph 27 of the PPTS states that ‘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).’
- 8.22** There is therefore, a significant identified shortfall of pitches and this should be afforded significant weight. It should also be noted that while Green Belt sites would not typically be appropriate for such development, as the current site comprises previously developed land, the proposed use would therefore not be inappropriate development as the proposal would comprise the complete redevelopment of previously developed land and is an identified exception.

Other considerations

- 8.23** The Human Rights Act establishes a right to respect for private and family life and the Public Sector Equality Duty requires that a public authority must foster good relations between persons who share a relevant protected characteristic and those who do not. The United Nations Convention on the Rights of the Child, under Article 3, requires a child’s best interests to be a primary consideration, and no other consideration must be regarded as more important or given greater weight than the best interests of any child.
- 8.24** In this context, the implications of Article 3 of the UNCRC in planning decisions is addressed in *Stevens v Secretary of State* [2013] EWHC 792 concerns the implications of Article 3 of the UNCRC in planning decisions. Hickinbottom J said at paragraph 69: ‘From these authorities, in respect of the approach of a planning decision-maker, the following propositions can be derived.
- 8.25** Given the scope of planning decisions and the nature of the right to respect for family and private life, planning decision-making will often engage article 8. In those circumstances, relevant article 8 rights will be a material consideration which the decision-maker must take into account. Where the article 8 rights are those of children, they must be seen in the context of article 3 of the UNCRC, which requires a child’s best interests to be a primary consideration.
- 8.26** This requires the decision-maker, first, to identify what the child’s best interests are. In planning context, they are likely to be consistent with those of his parent or other carer who is involved in the planning decision-making process; and, unless circumstances indicate to the contrary, the decision-maker can assume that that carer will properly represent the child’s best interests, and properly represent and evidence the potential adverse impact of any decision upon that child’s best interests.

- 8.27** Once identified, although a primary consideration, the best interests of the child are not determinative of the planning issue. Nor does respect for the best interests of a relevant child mean that the planning exercise necessarily involves merely assessing whether the public interest in ensuring planning controls is maintained outweighs the best interests of the child. Most planning cases will have too many competing rights and interests, and will be too factually complex, to allow such an exercise.
- 8.28** However, no other consideration must be regarded as more important or given greater weight than the best interests of any child, merely by virtue of its inherent nature apart from the context of the individual case. Further, the best interests of any child must be kept at the forefront of the decision-maker's mind as he examines all material considerations and performs the exercise of planning judgment on the basis of them; and, when considering any decision he might make (and, of course, the eventual decision he does make), he needs to assess whether the adverse impact of such a decision on the interests of the child is proportionate.
- 8.29** Whether the decision-maker has properly performed this exercise is a question of substance, not form. However, if an inspector on an appeal sets out his reasoning with regard to any child's interests in play, even briefly, that will be helpful not only to those involved in the application but also to the court in any later challenge, in understanding how the decision-maker reached the decision that the adverse impact to the interests of the child to which the decision gives rise is proportionate. It will be particularly helpful if the reasoning shows that the inspector has brought his mind to bear upon the adverse impact of the decision he has reached on the best interests of the child, and has concluded that that impact is in all the circumstances proportionate ...'
- 8.30** The application sets out that family are Romany Gypsies and the parents formerly travelled but then travelling became limited to school holidays due to the educational needs of their children. The family now no longer travel due to the health needs of their youngest child. The family currently reside on an extended family site with their relatives in Twyning; however, the pitch is too small for the family and not appropriate for their specific care needs.
- 8.31** The youngest son of the family has healthcare needs and will require full time care throughout his lifetime including safe and suitable outdoor space. The supporting information advises that this cannot be provided effectively on the family's current site due to the scale of the site and the vehicle movements associated with other occupiers. These circumstances and needs are corroborated in several documents provided by appropriate professionals associated with the child's welfare.
- 8.32** It is considered that the submitted healthcare and specialist education needs make a compelling case that providing a settled home on the application site would be in the best interests of the child. As detailed above the rights of a child are a primary consideration and great weight should be given to the best interests of any child in accordance with the provisions of the Human Rights Act and UN Convention on the Rights of the Child.
- 8.33** While the application site lies outside of a defined settlement, within the green belt and away from local services, the proposal would allow the family to be located closer to support services than their present site and would allow for the specific needs of the family. The principle of the use of the site is considered acceptable on balance and subject to other considerations set out below.

Highways and Accessibility

Suitability of the site's rural location

- 8.34** The PPTS states that issues of sustainability should not be considered narrowly solely in terms of transport mode and distances from services.
- 8.35** Paragraph 109 of the NPPF states that: "Significant development should be focused on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes."
- 8.36** Paragraph 25 of the PPTS states that: "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."
- 8.37** Concerns have been raised by the local community that the cumulative impact of the proposal when considered along with other gypsy and traveller sites within the Parish and immediate vicinity of the site would dominate the community. However, the application is for a single pitch for a single family and the proposed pitch would not be located within immediate proximity to any neighbouring dwellings and separated from the settlement of Staverton by the B4634 and open fields.
- 8.38** Joint Core Strategy Policy SD13 seeks a suitable location in terms of access to local amenities, services and facilities, including schools.
- 8.39** The Local Highway Authority (Gloucestershire Council County) has objected to the proposed location of the development based on the fact that services and facilities are not readily accessible from the site other than access via private car.
- 8.40** The site is located along the Old Gloucester Road (B4634), which is a busy road that connects Staverton and west Cheltenham as well as providing links to the M5 motorway. The site is not well served by footways and street lighting and it is therefore likely that the occupiers of the site would be reliant on the use of the private motor vehicle to reach the majority of community facilities and other services. The fairly remote location of the site is therefore considered to be a disadvantage to the application.
- 8.41** However, the site is significantly closer to the special school attended by the youngest son than where the family currently resides in Twyning and given the nature of the case that has been submitted the private car would have to be used for all trips for the youngest child to school and medical appointments regardless of the location of the family's pitch. The site is located in relatively close proximity to Cheltenham and all facilities required by the family would be only a short journey away.
- 8.42** A cycleway linking Cheltenham and Gloucester has recently been created along the B4063 which is under half a mile from the application site and there is also a regular bus service running along the B4063 although pedestrian access from the site to the B4063 is not ideal with no footways or street lighting.
- 8.43** In conclusion, the location of the site is considered suitable for the siting of a new Gypsy and Traveller pitch given the particular circumstances that have been outlined within the application.

Access

- 8.44** Paragraph 114 of the NPPF states that: “In assessing specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users.”
- 8.45** Paragraph 115 states that: “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.”
- 8.46** The Local Highways Authority have stated ‘In terms of safe and suitable vehicular access to this site, the proposed arrangements are deemed acceptable and the impact on highway network is also accepted and considered negligible.’ It is therefore considered that the proposed access is acceptable in terms of highway safety.

Landscape Impact

- 8.47** Policy SD13 of the JCS states, amongst other things, that: “Proposals for new permanent and temporary, residential and transit Gypsy, Traveller and Travelling Showpeople sites will be assessed against the following criteria: i. Proposals on sites in areas of sensitive landscape will be considered in accordance with Policy SD6 (Landscape Policy) and Policy SD7 (The Cotswolds Area of Outstanding Natural Beauty). In all other locations the
- 8.48** proposal must not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties, and should be sensitively designed to mitigate any impact on its surroundings.”
- 8.49** Section 15 of the NPPF relates to “Conserving and enhancing the natural environment” and, at paragraph 184, specifies that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and protecting and enhancing valued landscapes.
- 8.50** Policy SD6 (Landscape) specifies that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. It also states that all applications for development will consider the landscape and visual sensitivity of the area in which they are to be located or which they may affect.
- 8.51** Policy C of the PPTS states that: “When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.”
- 8.52** Policy H of the PPTS states that: “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.”

- 8.53** A Landscape Design document has been submitted with the application which proposes:
- The removal of existing surfacing and the re-instatement of the paddock area to the north east of the site to improve the amenity value of the land.
 - The introduction of 8 no. native trees, in-keeping in character with those already present, to provide landscape structure/screening and enhance the arboricultural fabric and value of the site.
 - The introduction of 63 linear metres of new native hedgerows to provide landscape structure, define the proposed pitch and improve the sites landscape fabric and bio-diversity value.
 - The introduction and careful positioning of 77 square metres of new native understorey planting to improve screening provided by existing peripheral vegetation and further filter views of the development from Old Gloucester Road
 - The utilisation of post and rail fences and gates sensitive to the setting of the site and in-keeping in character with those already present in the locality, to define the proposed residential area.
 - The creation of new lawn areas for general amenity and the development of a sensory garden between the mobile home and day room for use by an autistic child resident at the site.

8.54 The site is located within a rural location in green belt land west of Cheltenham and the land currently comprises an open field surrounded by trees and hedging and with two buildings to the northern end of the site. The proposed caravans and day room would be positioned to the north of the site adjoining the boundary hedging alongside the B4634 and would replace the existing buildings. The site is not currently prominently visible from the road due to the existing boundary treatment and as outlined above additional native planting and landscaping is proposed to define and screen the site from the M5.

8.55 Whilst the proposal will result in some harm to the rural landscape, it is not considered that the proposed pitch would result in significant landscape impact such that would warrant a refusal of planning permission. Furthermore the provision of additional soft landscaping as proposed is appropriate with regards to Policy H of the PPTS as detailed above and would enhance the site over time.

Residential Amenity

8.56 Policy SD14 states that: “New development must: i. Cause no unacceptable harm to local amenity including the amenity of neighbouring occupants; ii. Result in no unacceptable levels of air, noise, water, light or soil pollution or odour, either alone or cumulatively.”

8.57 Policy SD4 states that: “New development should enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space, and the avoidance or mitigation of potential disturbances, including visual intrusion, noise, smell and pollution. New development should be designed to contribute to safe communities including reducing the risk of fire, conflicts between traffic and cyclists or pedestrians, and the likelihood and fear of crime.”

8.58 The nearest neighbouring dwelling is located over 150 metres from the site and the proposed development will not result in any harm to the amenity of neighbouring occupiers by virtue of loss of privacy or light.

8.59 The proposed scale of the pitch is considered sufficient to ensure a good standard of amenity for future occupiers and the layout of the pitch would provide an appropriately sized outside amenity space. However, the site is located in close proximity to both the B4634 and the M5 which could result in noise disturbance for future occupiers. Environmental Health have been consulted and have raised a concern regarding the noise from both the M5 and the B4634 and have noted that the applicant is proposing an acoustic fence along the boundary however more details are needed and have recommended a condition for the details to be submitted.

8.60 In addition to the above Environmental Health have raised concerns relating to potential contamination from the historic agricultural uses however this can be addressed by a suitably worded condition to deal with any potential contamination from the use of the buildings as stables.

Design and Layout

8.61 Policy SD4 of the JCS requires that new development should respond positively to, and respect the character of, the site and its surroundings including through its layout, mass and form.

8.62 As stated above the proposed layout is considered acceptable given the replacement of existing equestrian buildings and the existing screening of the site which is to be enhanced with additional native planting. The development is for a single pitch and the scale and form of the development is considered acceptable with regards to the provisions of Policy SD4 of the JCS.

Drainage and Hydrology

8.63 Policy SD13 of the JCS states that: "Proposals for new permanent and temporary, residential and transit Gypsy, Traveller and Travelling Showpeople sites will be assessed against the following criteria: No significant barriers to development exist in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installation where other forms of housing would not be suitable."

8.64 Policy ENV2 states that: "In order to avoid and manage the risk of flooding to and from new development in the Borough, proposals should incorporate sustainable drainage systems where appropriate and proportionate to the scale of the development."

8.65 The scheme proposes surface water drainage to soakaway and installation of a package treatment plant for foul drainage. Following consultation with the Council's Land Drainage Officer, it is advised that the applicant needs to submit a plan showing how the surface water runoff from the proposed site will be drained and clearly showing the location of outfall.

8.66 Additionally, details will need to be submitted for foul water drainage as the applicant is proposing to use a non-mains drainage (Package treatment plant) and a drainage field, the package treatment plant will discharge into the drainage field, and therefore the following information needs to be provided:

- A plan with dimensions showing the location and position of the key elements, package treatment plant and drainage field.
- A scaled map showing the nearest public sewer connection point to the site.
- An environmental permit may be required depending on the distance from the site to the public sewer connection point.
- Applicant is proposing a drainage field which is a system of infiltration pipe placed

in trenches and arranged so that effluent can be discharged into the ground. Ground percolation tests to BRE365 is required to ensure that ground conditions are suitable for infiltration.

- A written explanation of why it is not feasible to connect into the public foul sewer.

These details can be secured by condition.

Planning Balance

- 8.67** The site lies within the open countryside and within the green belt where such development would be considered inappropriate. However, the council can not presently demonstrate an up to date 5 year supply of sites and this weighs heavily in favour of the development as does the personal circumstances of the applicant. The green belt location is considered acceptable as the proposal would constitute appropriate development as defined in Paragraph 154(g) of the NPPF in that it would entail the redevelopment of previously developed land and would not have a greater impact on the openness of the green belt than the existing development.
- 8.68** There would be some landscape harm from the proposed development and associated domestication of the site however this would be localised and the harm would reduce over time as the proposed landscaping establishes.
- 8.69** Matters in respect of drainage, contamination and noise would have a neutral impact as they can be adequately addressed by condition.

9. Overall Conclusion

- 9.1** Section 38(6) of the Town and Country Planning Act 1990 provides that, if regard is to be had to the development plan, the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. Section 70 (2) of the Act provides that the Local Planning Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.

- 9.2** The Council cannot demonstrate a five-year supply of gypsy and traveller sites; and this lack of available sites weighs in favour of the proposal. Furthermore, the proposal constitutes a green belt exception category under Paragraph 154 (g) and would meet the specific needs of a child. These benefits clearly outweigh any harms identified.

10. Recommendation

- 10.1** Given the above, the recommendation is to PERMIT the application subject to the following conditions:

11. Conditions

- 1.** The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved documents: -
TDA.2807.01 Site Location Plan
TDA.2807.02 Existing site plan
TDA.2807.03 Proposed site layout and landscaping
TDA.2807.04 Proposed dayroom

except where these may be modified by any other conditions attached to this permission.

Reason: To ensure that the development is carried out in accordance with the approved plans.

3. There shall be no more than one pitch on the site and no more than two caravans (of which no more than one shall be a static caravan), as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the pitch at any time.

Reason: To protect the character of the area and openness of the Green Belt.

4. Prior to the commencement of the development hereby permitted, a scheme (hereafter referred to as the Site Development Scheme) shall be submitted to, and approved in writing by, the local planning authority, which shall include:

- a) details of external lighting within the site;
- b) a hard and soft landscaping scheme. Hard landscaping shall include means of enclosure and surfacing materials. Soft landscaping (to be broadly in accordance with details shown on TDA.2807.03) shall include identification of all trees, shrubs, and hedges to be planted and retained showing their species, spread and maturity; new tree, hedge and shrub planting including details of species, plant sizes and proposed numbers and densities; and a schedule of landscape maintenance for a period of 5 years following initial planting;

The development shall be carried out in accordance with the Site Development Scheme which shall be implemented in full prior to the occupation of the pitch hereby permitted. Following implementation of the approved Site Development Scheme, that scheme shall thereafter be maintained.

No lighting, hardstandings or means of enclosure other than those forming part of the approved scheme shall at any time be constructed or erected on the site.

Reason: In the interests of visual amenity and the character of the area.

5. All planting, seeding or turfing in the approved details of landscaping within the Site Development Scheme, the subject of condition 4 shall be carried out in the first planting and seeding season following the first occupation of the site or completion of the development, whichever is the sooner, and if any trees or plants which within a period of four years from the completion of the development die, are removed or become seriously damaged or diseased they shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity.

6. Prior to first use of the site, an acoustic fence shall be constructed in accordance with details which shall first be submitted to and approved in writing by the local planning authority. The details of the fence shall be outlined on a map and should enclose the site and outdoor living area.

Reasons: to protect the living conditions of future occupiers.

7. Prior to commencement of works, details shall be submitted and approved in writing showing how the surface water runoff from the proposed site will be drained and clearly showing the location of outfall. Details will need to be submitted for foul water drainage as the proposed use is for a non-mains drainage (Package treatment plant) and a drainage field.

The following will need to be included in the details:-

- A plan with dimensions showing the location and position of the key elements, package treatment plant and drainage field.
- A scaled map showing the nearest public sewer connection point to the site.
- An environmental permit may be required depending on the distance from the site to the public sewer connection point.
- Ground percolation tests to BRE365 is required to ensure that ground conditions are suitable for infiltration.
- A written explanation of why it is not feasible to connect into the public foul sewer.

Reason: To ensure a satisfactory form of drainage

12. Informatives

- 1 In accordance with the requirements of the NPPF the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating amendments and additional information to support the proposal.