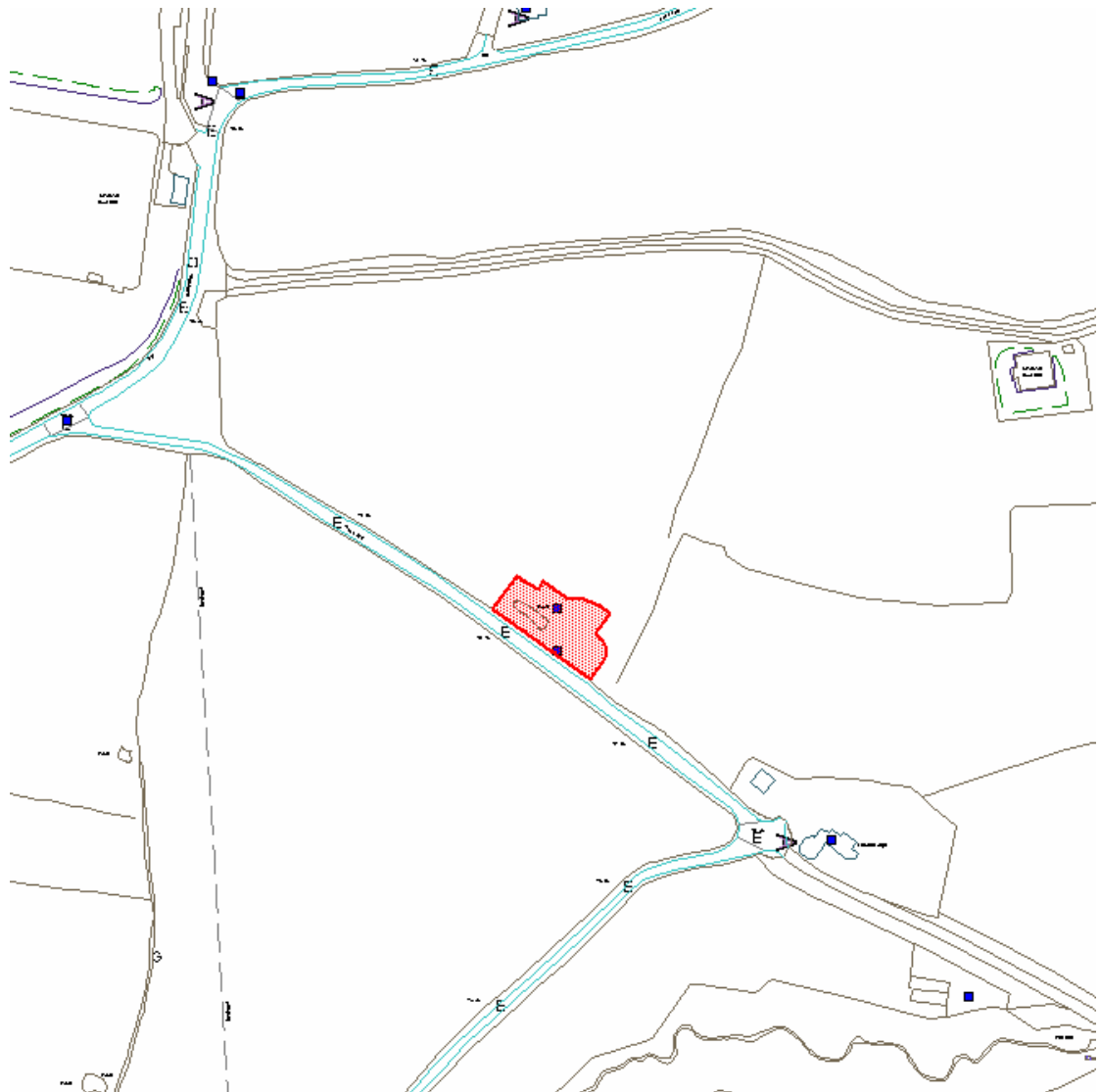


APPLICATION NO: 13/01459/COU	OFFICER: Mrs Wendy Hopkins
DATE REGISTERED: 22nd August 2013	DATE OF EXPIRY: 17th October 2013
WARD: Battledown	PARISH: Charlton Kings
APPLICANT:	Ms J Cox
AGENT:	Mr Adam Gatier
LOCATION:	Castle Dream Stud, Mill Lane, Charlton Kings
PROPOSAL:	Change of use of land for the permanent residential occupation by a traveller family. retention of day room, hard standing, access, fencing, stables and use of associated land for keeping of horses

RECOMMENDATION: Permit (subject to a temporary personal permission)



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is located to the north east side of Mill Lane, Ham Hill and forms the southwest corner of a wider field which is within the applicants' ownership. The site is occupied on a temporary basis (3 year personal permission) by the applicant who is of established gypsy origin and comprises two stable buildings, a static caravan, hardstanding and associated hard and soft landscaping. An extant permission further allows for the addition of a touring caravan and the erection of a detached 'day room' building. To date, the erection of a 'day room' has not been implemented and a touring caravan has since been removed from the site.
- 1.2 The site lies outside the principle urban area (PUA) of Cheltenham and wholly within the Cotswold Area of Outstanding Natural Beauty (AONB).
- 1.3 The proposal seeks a change of use from a personal temporary permission for the "residential occupation by a gypsy family and the keeping of horses" (10/01839/COU) to the "permanent residential occupation by a traveller family" (13/01459/COU). To increase the number of static caravans on-site from 1 to 3 and retrospective permission for unauthorised works to extend the southern stable building from 3 to a 4 bay building.
- 1.4 The application has been brought to Committee at the request of the Chair and Vice Chair.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Ancient Woodland
Area of Outstanding Natural Beauty
Landfill Sites boundary

Relevant Planning History:

10/01839/COU 10th February 2011 REFUSED – ALLOWED AT APPEAL reference APP/ B1605/A/11/2149169

Change of use from agricultural to residential occupation by a gypsy family with the stationing of two caravans and erection of an ancillary "day room" building and construction of new access, hard standing and associated landscaping. Retention of stable building for the purpose of keeping horses

12/00271/CLPUD 29th March 2012 CERTPU
Vehicular access and permeable hard standing

12/01160/FUL Pending Consideration
Stationing of one additional caravan (Retrospective)

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 3 Sustainable environment
CP 5 Sustainable transport
CP 7 Design
CO 1 Landscape character
CO 2 Development within or affecting the AONB
UI 2 Development and flooding

UI 3 Sustainable Drainage Systems

National Guidance

National Planning Policy Framework (2012)

National Planning Policy for Traveller Sites (2012)

4. CONSULTATIONS

Landscape Architect

24th October 2013

The application site lies within the Cotswold Area of Outstanding Natural Beauty (AONB). The primary purpose of the AONB designation is to conserve and enhance the natural beauty of the landscape.

Planning Policy Context

Local authorities have a statutory duty under the Countryside and Rights of Way Act 2000 (Section 85) to 'have regard to the purpose of conserving and enhancing the natural beauty of AONB'. The planning policy context within which Cheltenham Borough Council carries out its statutory duty with regard to the Cotswold AONB includes:

National Planning Policy Framework (NPPF)

Para 115: 'Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to landscape and scenic beauty' Para 116 gives clear protection against major development in these areas.

Joint Core Strategy (JCS)

The emerging Gloucester, Cheltenham and Tewkesbury Joint Core Strategy sets out a more local policy in relation to the Cotswold AONB which covers smaller scale developments.

Policy S7: Cotswold AONB

Development proposals within or adjacent to the AONB will be required to conserve and enhance landscape, scenic beauty, wildlife, cultural heritage and other special qualities of the Cotswold AONB and be consistent with the policies set out in the Cotswold AONB Management Plan.

Cheltenham Borough Council Local Plan Second Review 2006

Policy CO1 - Landscape Character

Policy CO2 - Development Within or Affecting the AONB

Planning History of Proposal Site

A previous, similar application (10/01839/COU) was allowed at appeal in 2011 (Appeal Ref: 11/00016/PP1).

The Inspector recognised that the proposed change of use would not conserve and enhance the natural beauty of the AONB and would therefore be in conflict with the primary purpose of the designation. It was for this reason that the permission granted was only temporary, for a period of three years. A condition was set requiring the removal of any development and the return of the site to its original state on expiry of the planning permission. In addition, the temporary permission was granted only to the applicants.

If the current application were permitted it would be a consent for anyone to develop the site on a permanent basis. This should be resisted.

The Proposal

The planning application is for: change of use of land for the permanent residential occupation by a traveller family, retention of day room, hardstanding, access, fencing, stables and use of associated land for keeping of horses.

In terms of its effect on the landscape, the main concerns with this application are:

The visual impact of the proposal

The site is clearly visible from the public footpath to the north of the proposed development and when no leaves are on the trees, from Aggs Hill to the west. From these vantage points, the proposal site would be clearly visible as an encroachment into the countryside.

Intensification of development on the proposal site

The proposal is for change of use to residential and includes the retention of development proposed in the original application (10/01839/COU). The change of use is likely to bring with it residential paraphernalia and the associated building, storage and construction work constitute an intensification of development on a site within the AONB.

The intensification of development and the resulting visual impact would not conserve or enhance the scenic beauty of the AONB. The proposal is therefore in conflict with the primary purpose of the AONB and I would recommend it be refused.

Strategic Land Use Team

20th November 2013

Change of use of land for the permanent residential occupation by a traveller family, retention of day room, hard standing, access, fencing, stables and use of associated land for keeping of horses.

1. Comments

- 1.1 *The proposal has been assessed at a strategic level in relation to the Government's Planning Policy for Traveller Sites 2012, the National Planning Policy Framework, adopted policies in the Cheltenham Local Plan Second Review 2006, emerging policies in the Draft Joint Core Strategy (JCS) October 2013 and the associated evidence base. It briefly considers the recent temporary planning consent that was granted at appeal on 6 September 2011 (application number 10/01839/COU, council's appeal ref 11/00016/PPI). It does not assess the design or landscaping of the development in relation to its surroundings.*
- 1.2 *The case will need to be determined on its merits and within today's policy context, recognising that the context was different in 2011 and will be different a year from now as the JCS and Cheltenham Plan progress towards adoption.*

2. National Planning Policy for Traveller Sites, March 2012

- 2.1 *The Government's Planning Policy for Traveller Sites was released in 2012 alongside the National Planning Policy Framework and is a material consideration in planning decisions. This is a new piece of national policy which alters the context for decision making and is frequently afforded a high status in decisions on planning applications and appeals. This change of context will therefore be a very significant consideration in relation to the application proposal.*
- 2.2 *Planning Policy for Traveller Sites contains 9 policies (A-I) of which the key relevant sections are summarised below.*

- 2.3 *Policy A relates to the use of evidence to plan positively and manage development. This includes a requirement (c) that local planning authorities should 'use a robust evidence base to establish accommodation needs to inform the preparation of local plans and make planning decisions'. To this end, the Gloucestershire local authorities commissioned an independent assessment which is due to report in autumn 2013 while further work is ongoing to identify a supply of future gypsy, traveller and travelling showpeople sites. Further details of the evidence base are provided later in this document.*
- 2.4 *Policy B sets out the ways in which local authorities should plan for traveller sites through their local plans. It requires local planning authorities to set pitch targets to address likely accommodation needs, and to 'identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets'. Cheltenham Borough Council does not yet have an adopted pitch target although a requirement for the plan period has been identified by the independent assessment. As discussed, work is ongoing to identify a future supply of sites. These issues are also discussed later in these comments.*
- 2.5 *Policy C requires local authorities to ensure that in the countryside the scale of sites 'does not dominate the nearest settled community'. The application proposal is a minor development and of a limited physical scale and will not therefore dominate the nearest settled community.*
- 2.6 *Policy E states clearly that 'traveller sites (temporary or permanent) in the Green Belt are inappropriate development' and should not therefore be approved unless there are very special circumstances. At present the urban area of Cheltenham has Green Belt land to the north, south and west. The application site is not within the Green Belt, but this policy is relevant in so far as the existing Green Belt poses a significant constraint on the identification of new or alternative locations for gypsy and traveller accommodation. It should be noted that the Draft JCS proposes to revise the Green Belt boundary and it may therefore be possible in future to provide additional traveller accommodation in association with urban extensions to Cheltenham. This potential is reflected in draft policy C4 of the Draft JCS which is discussed later in these comments.*
- 2.7 *Policy H is a relatively detailed policy, setting out the way in which planning applications should be determined. Paragraph 22 requires local planning authorities to take account of the following issues (amongst other things):*
- 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*

In the case being considered, the applicant's need for accommodation is to some extent established by the current temporary consent which was granted on appeal. This need is also reflected in the pitch requirement for Cheltenham Borough identified in the Gloucestershire-wide assessment (discussed later). Work is ongoing to identify a future supply of sites within Gloucestershire local authorities, but as yet specific deliverable sites that may allow for alternative accommodation within Cheltenham Borough have not been identified by the Council. The personal circumstances of the applicant should also be taken into account.

Paragraph 23 states that 'local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements' and reiterates that sites in rural areas should respect the scale of, and not dominate, the nearest settled community. It is noted that the application site is outside of the

Principal Urban Area of Cheltenham but is close to the settlement area. It is also of a relatively small scale.

Paragraph 24 requires local planning authorities, in making decisions, to attach weight to a number of matters including effective use of previously developed, untidy or derelict land; planning and landscaping of the site; and opportunities for healthy lifestyles. The landscaping of the development in relation to its surroundings is therefore an important consideration. In assessing the landscaping and maintenance of the development, any significant improvement on the previous condition of the site is also relevant.

3. National Planning Policy Framework (NPPF)

- 3.1 *The NPPF contains provisions relating to Areas of Outstanding Natural Beauty (AONB). The application site is located within the Cotswolds AONB so paragraphs 115 and 116 of the NPPF are relevant. It should be noted that AONB is a landscape designation and there is no statement in the NPPF or Planning Policy for Traveller Sites indicating that traveller sites are 'inappropriate development', as there is for the Green Belt.*
- 3.2 *Paragraph 115 states that local planning authorities should give great weight to conserving landscape and scenic beauty in the AONB, including consideration of wildlife and cultural heritage. Any potential impact of the development on the landscape and scenic beauty of the AONB must therefore be carefully considered. Local policies relating to the AONB are discussed later in this response.*
- 3.3 *Paragraph 116 states that planning permission should be refused for major development in the AONB except in exceptional circumstances. This is not a major development so paragraph 116 does not apply.*
- 3.4 *The key question relating to policies in the NPPF is therefore whether any potential impact of the development on the landscape and scenic beauty of the AONB would outweigh the benefits, when assessed against national and local policy requirements.*

1. Cheltenham Local Plan Second Review 2006

- 4.1 *The adopted Local Plan does not contain a policy relating to provision of accommodation for gypsies and travellers, although there is some commentary on page 86. In this regard the plan is considered to be out-of-date in the context of national planning policy which requires local planning authorities to have targets, land allocations and/or criteria-based policies on which to base their decisions. The Draft JCS for Gloucester, Cheltenham and Tewkesbury seeks to address this issue through Core Policy C4 on Gypsy, Traveller and Travelling Showpeople Sites which is discussed later in this response.*
- 4.2 *The Local Plan does however contain policies CO1 'Landscape Character', and CO2 'Development Within or Affecting the AONB' which are relevant to this application.*
- 4.3 *Policy CO1 'Landscape Character' states that:*

Development will only be permitted where it would not harm:

- (a) *attributes (note 1) and features (note 2) which make a significant contribution to the character, distinctiveness, quality and amenity value of the landscape; and*

(b) the visual amenity of the landscape.

4.4 *The relevant part of Policy CO2 'Development within or affecting the AONB' states that:*

Development which would harm the natural beauty of the landscape within the AONB will not be permitted.

4.5 *These are key local policies to assess the layout and design of the application proposal in relation to its context.*

4.6 *It is worth noting here that there are other Local Plan policies posing a constraint to gypsy and traveller development on land around the urban area that is not within the AONB. The Green Belt is protected by adopted Local Plan policies CO5, CO6, CO7 and CO8 as well as the national policies previously discussed. Land to the west of the Cheltenham urban area is further constrained by its proximity to Hayden sewage treatment works. Local Plan Policy UI6 and an associated Development Exclusion Zone guard against any development in this area that would be seriously affected by odours.*

2. Draft Joint Core Strategy

5.1 *Draft JCS Policy C4 relates to Gypsy and Traveller accommodation. The draft policy states that the potential for provision should be considered as part of urban extensions and strategic allocations. The supporting text expands on this, saying that 'it may be possible for traveller communities to be provided as part of well master planned strategic allocations and the potential for such provision will be fully considered through the planning process'. However, specific sites have not been identified at this stage, and any potential non-strategic allocations will need to be considered through the Cheltenham Plan process. Draft policy C4 also provides a set of criteria against which speculative applications for gypsy and traveller accommodation will need to be considered in future and which now carry some weight. Potential future site allocations will also be assessed against these criteria.*

5.2 *The draft JCS also contains policies S6 'Landscape Policy' and S7 'AONB' which may be considered alongside the relevant national and Local Plan policies. Draft Policy S7 'AONB' seeks to ensure that the special qualities of the Cotswold AONB are conserved and enhanced in a way that is consistent with the Cotswolds AONB Management Plan. The Management Plan is a material consideration in determining planning applications. It contains policies LP1 and LP2 relating to landscape and also policies DTP1-DTP7 on development and transport. Within the plan, the housing needs of gypsies, travellers and travelling show people are acknowledged amongst the key issues for development and transport in the AONB (p41).*

5. Gloucestershire County Gypsy, Traveller and Travelling Showpeople Accommodation Assessment

6.1 *National Planning Policy for Traveller Sites requires 'that local planning authorities should make their own assessment of need for the purposes of planning'. It also introduced the requirement for council's to demonstrate a five-year supply of pitches/plots against locally set targets based on robust evidence.*

6.2 *The Gloucestershire local authorities have commissioned a Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTTAA) which is shortly to be published alongside the Draft Joint Core Strategy. The GTTAA establishes that a majority of Gypsies and Travellers in the area have a long period of residence in*

Gloucestershire and have lived on their current site for more than five years - this would indicate a need to provide accommodation for permanent pitches.

- 6.3 *The report identifies one existing household in Cheltenham which has temporary permission. This is the household that currently occupies the application site. The report then establishes a future requirement for Cheltenham of one private pitch during the years 2012-2017, with a further requirement of one pitch to be met in 2028-31. The initial five-year requirement is based on addressing any future backlog of need where it arises. The requirement for Cheltenham is therefore generated by the existing temporary consent at Castle Dream Stud. A permanent consent for this site would effectively deliver this requirement. It should be noted that there are significant additional needs within Tewkesbury Borough, and that Planning Policy for Traveller Sites states that local planning authorities should work collaboratively with neighbouring authorities to meet need.*
- 6.4 *The GTTAA identifies 'broad locations' for the identification of further gypsy and traveller residential sites which include land to the east of Cheltenham urban area in which the application site is located. The report re-iterates that 'AONBs are not absolute constraints, as national policy does not preclude development in these designated areas' (p106).*
- 6.5 *Cheltenham Borough Council (along with other Gloucestershire local authorities) is now undertaking work to identify a future supply of sites to meet need within the area. A 'call for sites' was recently completed which forms the first stage in carrying out a gypsy and traveller Strategic Housing Land Availability Assessment (SHLAA). It should be noted that within Cheltenham Borough only one site was submitted to the call for sites and that this was the application site. It is therefore accepted that at the current time Cheltenham Borough Council has not yet identified alternative sites to meet the five-year supply requirement for Cheltenham.*

7. Appeal decision on application 10/01839/COU

- 7.1 *The Inspectors decision on a recent appeal against refusal of application 10/01839/COU on the site suggests that identification by the Council of alternative sites should be a key consideration in this case:*

36. I recognise that the harm identified [to the AONB] is limited and localised and could be partially addressed by conditions relating to additional landscaping and external materials. In my judgment, the limited harm that would result from the development is outweighed by the current lack of alternative sites and the appellants' personal circumstances, including Human Rights considerations.

37. Consequently, I intend granting the appellants a personal permission for a period of 3 years. Subject also to other conditions discussed below, I consider this to be appropriate and reasonable until such times as less harmful, alternative sites may be identified and brought forward through the JCS process. The protection of the public interest cannot be achieved by means which are less interfering of the appellants' rights. They are proportionate and necessary in the circumstances and would not result in a violation of their rights under Article 8 of the ECHR.

- 7.2 *A critical question therefore remains as to whether the 'limited and localised harm' identified by the Inspector, along with any additional harm relating to further development of the site, has been (or could through the use of conditions be) adequately addressed through landscaping, design and materials to make the application for a permanent consent acceptable within the AONB. This must also be weighed against the current five-year land supply position and the desirability of meeting Cheltenham's identified pitch requirement in a timely manner to enable the*

Council to determine future applications for Gypsy and Traveller accommodation from a strong position based on criteria-based planning policies and land allocations in the JCS and Cheltenham Plan.

Parish Council

2nd October 2013

OBJECTION - The permission to occupy the land granted at appeal still has one year until its expiry. In the intervening period it is hoped that Cheltenham Borough Council will provide permanent facilities for travellers outside the AONB.

The occupants have consistently disregarded the conditions that were imposed when the temporary permission was granted.

The temporary permission was a personal permission for Mr and Mrs Cox the application is for a traveller family and is hence generic

The proposal seeks to increase to 3 the number of trailers permitted on the site. The temporary permission limited the number of vehicles and trailers to reduce the negative impact on the AONB

Ham Residents Association

30th September 2013

When the Planning Inspector gave a temporary permission for Mr and Mrs Cox to live on this stable site, he was very aware that a permanent site would cause "visual harm to the AONBII, but there was also a need for alternative Gypsy sites which were not forthcoming. Consequently he gave permission from September 2011 to September 2014 and all his conditions were agreed to by the Cox's legal representative.

Since that time there have been several Governmental directives and the formation of a Joint Core Strategy concerning the release of land for housing, sometimes in the Green Belt, but the AONB remains sacrosanct and has the highest status of protection under the National Planning Policy Framework. The site in question is in the Cotswold AONB and any decision to make it permanent should not be taken lightly, especially as it goes directly against the decree of a Government appointed Inspector.

The original reason for the application was that the applicants could carry on the main gypsy occupation of breeding horses, which they did for a while, but circumstances changed and there have been no horses on the site for around 18 months. There has also been a lot of unauthorised work carried out on the site, including the removal of a pond and installation of a lot of concrete hard core in its place, causing a drain to overflow onto Mill lane. A large static caravan was installed on the site; it has since been removed, but there is a planning application still extant for this, and more worryingly, there are three large caravans shown on the site plan accompanying this latest application.

A lot of local concern has also been voiced about the size of the Day Room (8.3 x 6.6 x 4 meters), which is about the size of a bungalow and could now be built on a permanent basis if permission is granted. The JCS is currently investigating alternative permanent gypsy sites, and who is to know what will arise from this exercise.

It is widely believed by local residents that this application for permanency for an unnamed gypsy family (as opposed to the personal permission for Mrs Cox) should not be considered, and that the current situation of temporary permission until September 2014 should be adhered to, when perhaps alternative sites will have been found. It may be that when the

time comes to reconsider the temporary position in September 2014, a further three years is considered to be appropriate. That is far more preferable in the long term than removing all future manoeuvres by making the site permanent at this stage.

We urge you to refuse this application.

p.s See appeal decisions, condition 3, no change of ownership

Tree Officer

8th October 2013

As per the previous application the Tree Section has no objections to this application.

Cheltenham Civic Society

2nd October 2013

No comment

3. PUBLICITY AND REPRESENTATIONS

Number of letters sent	
Total comments received	35
Number of objections	26
Number of supporting	7
General comment	2

- a. All third party representations have been reproduced in full and are attached at the end of this report. Below summaries the planning matters expressed in the representations received:
- In appropriate development within the AONB;
 - The permanent occupation of the site along with the additional static caravans would cause further harm to the Cotswold AONB;
 - Objection to the generic use of “traveller family” as stated in the description. This would enable any gypsy family to occupy the site contrary to the personal permission granted to Mr & Mrs Cox;
 - Application is premature. The appeal Inspector considered that a temporary personal permission would be “appropriate and reasonable until such times as less harmful, alternative sites may be identified and brought forward through the JCS process”.
 - No objection to temporary personal permission (subject to no increase in static caravans) to allow the allocation of suitable sites through the emerging Joint Core Strategy (JCS). This approach would accord with the findings of the appeal Inspectors decision;
 - No horses have been on site for the past 18 months which contravenes the original permission allowed at appeal;
 - Since Mrs Cox has been in residence the visual appearance of the site has improved;

- Concerns relating to traffic increase and highway safety.

4. OFFICER COMMENTS

Determining issues

- a. The planning matters to be considered in the determination of this application relate to i) the planning history of this site and the intervening change in national planning policy; ii) the impact the development would have on the Cotswold AONB, iii) the requirement of gypsy/ traveller site provision within this District and adjoining Councils and iv) any other material considerations.

Planning history & planning policy context

- b. Firstly, a comprehensive response has been provided in respect of this proposal from the Local Plan Team. These comments review in detail the planning policy context and the planning history of this site which can be found Section 4 of this report.
- c. A similar application (reference 10/01839/COU) to this proposal was refused by this Authority on 10th February 2011. The description of the development is detailed in Section 2 of this report.
- d. The previous application was principally refused for the reason that the development would not conserve or enhance the Cotswold AONB. This decision was appealed and subject to a number of conditions, the development allowed on 6th September 2011. Of particular relevance to this application were the Inspectors findings and resulting requirement to restrict the development to a temporary personal permission only. The Inspectors reasoning for this was that the harm to the Cotswold AONB could not be mitigated by condition and whilst mindful of the applicants housing need and lack of an alternate site with this District, the Inspector concluded that the issue of a temporary personal permission would “be appropriate and reasonable until such times as less harmful, alternative sites may be identified and brought forward through the JCS process” (Para. 37, APP/B1605/A/11/2149169).
- e. Since this appeal decision there has been a significant change in national planning policy. The appeal was considered under the old regime of PPS's which in 2012 were revoked and replaced with the National Planning Policy Framework (NPPF). At the same time as the NPPF was published the Government produced separate document entitled Planning Policy for Traveller Sites (PPTS). Both these documents are material to the consideration of the current proposal at Mill Lane.
- f. The NPPF does not preclude development within the AONB but requires that “great weight should be given to conserving landscape and scenic beauty in... Areas of Outstanding National Beauty, which have the highest status of protection in relation to landscape and scenic beauty” (Para. 115, NPPF).

Impact on Cotswold AONB

- g. The Landscape Officer has provided comments on the application which are reproduced in Section 4 of this report.
- h. In summary these comments conclude that the visual impact and intensification of the use would further encroach on the countryside and shall for that reason be

detrimental to the character of the wider landscape. A landscape that is accorded the highest protection in terms of landscape designations and scenic beauty.

- i. It is worthy to note that a 'Landscape and Visual Assessment' which is used to assess the effects of change on the landscape has not been submitted to accompany this application. Officers have suggested the submission of this type of assessment in respect of the proposal because landscape impact is a principle matter for consideration in the determination of this application.
- j. The previous appeal as referred to in this report makes a clear distinction between the visual impact of the stable buildings and the use of the land as a Gypsy and Traveller site. The Inspector finds that that the stable buildings (albeit the southern stable building has now been further extended by a single bay) fit into "the landscape without causing any visual harm to, or conflicting with, the purposes of the AONB and serves an equestrian purpose which is well-suited, and provides an acknowledged economic benefit to the AONB".
- k. In respect of the use of the site the Inspector acknowledges "that the site can be seen from several vantage points including the public rights of way running along the northern and western boundaries... this is especially the case in winter... otherwise the site is relatively well screened".
- l. For the above reasons, the Inspector finds the development would result in "limited and localised" visual harm. 'Limited' in terms of the harm relating only the use of the land and not the stables and 'localised' in terms of the site being "relatively well screened". The Inspector then goes on to say that "Nevertheless, the development as carried out and, particularly, as proposed would not conserve or enhance the natural beauty of the AONB. Nor do I consider that these that these concerns could be satisfactorily addressed by conditions relating to landscaping or the use of external materials".
- m. Over-and-above the extant permission, the current proposal would introduce a permanent use of the site and increase the number of large static caravans from 1 to 3. With the Inspector comments in mind this current proposal would clearly result in an increased level of visual impact further compounding the detrimental impact the development has on this landscape and its scenic beauty. The proposal would therefore result in unacceptable harm and is contrary to Local Plan Policies CP1, CP3, CP7 and CO2 and the NPPF (Para. 115).

Gypsy and Traveller site provision

- n. Cheltenham Borough Council does not have any allocated Gypsy and Traveller sites.
- o. The NPPF and PPTS requires that local planning authorities have an up-to-date five-year supply of deliverable housing sites. This requirement holds significant weight in the consideration of planning decisions.
- p. In respect of Gypsy and Traveller site provision the PPTS requires "that local planning authorities should make their own assessment of need for the purposes of planning". This has been undertaken as part of the JCS evidence base through the 'Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTTAA). This assessment establishes the need of one private pitch during the years 2012 – 2017 and a further pitch in the period 2028 – 2031. It should be noted that this level of pitch provision does not take account of our duty to cooperate with adjoining Districts to help them meet their need. It would be prudent to recognise that this pitch provision may increase as part of the JCS process.

- q. The Inspector in the previous appeal stated that “I give the lack of provision of any pitches in the borough, and the Council’s acknowledgement that there are no alternative site for the appellants to move to, substantial weight”.
- r. Paragraph 25 of the PPTS requires that “if a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable site, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission”.
- s. Although the application seeks a permanent permission this paragraph remains relevant due to local planning authorities having the ability to restrict any permission by condition to allow a temporary permission only.
- t. The grant of a temporary permission for 3 further years would concur with national planning policy and allow this District a reasonable time period to identify and allocate a suitable site/s to meet the needs of this family. The Inspector in the previous appeal reached a similar conclusion by “granting the appellants a personal permission for a period of 3 years... I consider this to be appropriate and reasonable until such times as less harmful, alternative sites may be identified and brought forward through the JCS process”.

Other material considerations

- u. The personal circumstances of the applicant have changed since the previous permission and Mr Cox no longer resides at the site. Therefore should a temporary personal permission be supported by Members, this would be limited to Mrs Cox and her dependants.
- v. Although Members should consider the application as it is presented and on its own merits the applicant has advised Officers that normally only 1 of the 3 static caravans will be on-site. The applicant has sought permission for 3 static caravans so that she is not in breach of planning permission when her children come home. Of course the frequency and duration of these visits is unknown. Should Members consider the number of static caravans on-site and/or the duration of their siting necessary to restrict this matter could be secured by condition of any permission given.

5. CONCLUSION AND RECOMMENDATION

- a. For the above reasons and on-balance, Officers consider that the lack of an alternative site/s outweighs the recognised landscape harm resulting from the development. Therefore, Officers recommend a temporary personal permission is granted for 3 years to allow the JCS process to identify and allocate suitable Gypsy and Traveller residential sites within the District.

6. CONDITIONS / INFORMATIVES

- a. Recommended conditions and informatives shall be provided for Members in an update to this report.