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**F/YR22/0596/F**

**Applicant: Mr M Codona**

**Agent : Tom Beer, MH Planning**

**Land North West Of Nampula, Begdale Road, Elm, Cambridgeshire**

**Change of use of land for the use of travellers including the formation of 8 x caravan pitches (consisting of 2 x touring caravans per pitch), the erection of 2 x utility block buildings (8 x utility rooms) and a stable block, and the formation of hardstanding and an access**

**Officer recommendation: Grant**

**Reason for Committee: Parish Council objection contrary to Officer recommendation**

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**Government Planning Guarantee**

**Statutory Target Date for Determination: 23 August 2022**

**EOT in Place: No**

**EOT Expiry: 12<sup>th</sup> February 2025**

**Application Fee: £1386**

**Risk Statement:**

**This application is over time**

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**1 EXECUTIVE SUMMARY**

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| <p>1.1 The application is seeking permission for the change of use of land for the use of travellers including the formation of 8 x caravan pitches (consisting of 2 x touring caravans per pitch), the erection of 2 x utility block buildings (8 x utility rooms) and a stable block, and the formation of hardstanding and an access.</p> <p>1.2 The original submission generated objections from County Council's Highways based on the plans submitted not suitable to understand the proposal whilst the Lead Local Flood Authority objected based on insufficient information.</p> <p>1.3 Following the appointment of an agent, additional information was submitted which addressed the objections subject to conditions.</p> <p>1.4 The proposal engages the tilted balance on the basis of a lack of 5-year land supply for Gypsy &amp; Traveller pitches in the district. It is considered that the proposal is acceptable in principle, on balance, by contributing towards achieving the required supply.</p> <p>1.5 The proposal is considered to be acceptable in terms of the overall planning balance and it is therefore recommended that permission is granted in this</p> |
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instance. subject to conditions controlling highway impacts, future use of the site and appropriate drainage measures.

## **2 SITE DESCRIPTION**

- 2.1 The application site comprises an area approximately 1.2ha situated to the west of New Bridge Lane on the western outskirts of Elm, within the open countryside. To the south and south-west of the site is a solar farm with the Fenland Livery and Equestrian centre beyond to the west.
- 2.2 To the direct east of the site edged red is an existing traveller site in the same ownership. This was approved in 2020 for 6no traveller pitches, 6no mobile homes, 8no touring caravans and associated utility buildings. The existing access taken from New Bridge Lane is to be utilised with the access road within the site extended.
- 2.3 The application site is relatively flat throughout and encompasses Flood Zones 1, 2 and 3.

## **3 PROPOSAL**

- 3.1 The application seeks permission for the change of use of land for the use of travellers including the formation of 8 x caravan pitches (consisting of 2 x touring caravans per pitch), the erection of 2 x utility block buildings (8 x utility rooms); a stable block and the formation of hardstanding. These pitches are intended to accommodate the transient families moving in or travelling through the area of Fenland.
- 3.2 In respect of the touring caravans, no details submitted, however, these will meet the definition of a caravan as prescribed by the Caravan Sites Act 1968. Each of the 8no pitches will make provision for the stationing of 2no caravans per pitch.
- 3.3 The proposal includes the provision of two utility block buildings which will comprise 8no individual units. The buildings are to measure 6m x 6m with an eaves height of 2.2m and pitched roof with overall ridge height of 3.4m. Each building will comprise toilet/shower facilities.
- 3.4 There also proposes a stable block in an 'L-shape' to the western end of the site along with a tack room. The block will measure 24m wide along the western elevation and 17m along the northern elevation. The stable block will be constructed of timber cladding with an eaves height of 2m and shallow pitched roof with an overall ridge height of 3.4m.
- 3.5 The site will be enclosed to the western, northern and southern boundaries by a 2m close boarded fence with an extension to the existing access roads within the site. One will run to the southern end to serve the stables whilst the other will run to the northern end to serve the pitches.
- 3.6 Full plans and associated documents for this application can be found at:  
<https://www.publicaccess.fenland.gov.uk/publicaccess/>

## 4 SITE PLANNING HISTORY

Reference	Description	Decision
F/YR21/3027/COND	Discharge of conditions 5 (layout), 7 (slab level) and 14 (fire hydrants) of planning permission F/YR20/0458/F	Approved 25.05.2021
F/YR20/0458/F	Change of use of land to a 6no pitched travellers site involving the siting of 6 x mobile homes and 8 x touring caravans and 6 x utility buildings with associated works (part retrospective)	Granted 08.10.2020

## 5 CONSULTATIONS

### 5.1 Gypsy Traveller and Diversity Manager (Initial comments: 19/8/22)

*Advises that they have met with the applicant and that the site is not an extension of the adjacent site, as per the application it is for a Gypsy Traveller Transit site for people who meet the PPTS Gypsy Traveller definition who are temporarily working in and/ or travelling through the district, and want to stop for a short time on this site.*

*Occupancy of these pitches is envisaged to be between 2-12 weeks. The application highlights the potential health and welfare benefits of this site to these families – although future occupiers are unknown. It is anticipated that the people will be extended members of the applicant's family or anyone else who has need of rest bit from travelling to address any health/ welfare concerns.*

*The site will be managed by the applicant's family who are living on the adjacent site. The current GTANA was completed in 2016. A new study was commissioned, however, the consultants are no longer engaged on this. So, until this happens and the project is completed, the 2016 assessment is the current assessment. There are challenges with the age of this data.*

#### **Further comments received (22/8/22)**

*No objection to the proposal as it is a TRANSIT site as it may well help to address unauthorised encampments and can be seen as an environmentally acceptable proposal in addition to my other comments.*

*Although we already have one transit site, the need to consider further provision has been discussed at the Cambridgeshire sub-housing plus region group in relation to the GTANA.*

### 5.2 Elm Parish Council

*Elm Parish Council objects to proposals submitted under planning application ref. F/YR22/0596/F on the following grounds;*

- 1. The Drainage Strategy is incomplete and it appears that local Drainage Boards have not been consulted (Middle Level & Hundred of Wisbech).*
- 2. Access to the site is of poor quality and not fit for purpose.*
- 3. Members fully support the objections raised by the LLFA (CCC) and Cambridgeshire Highways in respect of the proposals.*

### 5.3 **CCC Highways (1/7/22)**

*Seeks further details of road widths and access arrangements.*

### **CCC Highways (29/10/24)**

*Raises no objection*

This application seeks the introduction of a further 8 pitches to the rear of the consented scheme (planning ref. F/YR20/0458/F), which provided two points of access from New Bridge Lane.

It is however noted that as part of the previous planning consent, a pre-commencement condition was imposed which involved the removal of the access restrictions along New Bridge Lane, which is pertinent for the site to achieve access. A review of the Traffic Regulation Order identifies that this order, whilst advertised, was never implemented and therefore would be required to be implemented prior to the occupation of the site. The application for the TRO is required to be undertaken separately.

The Planning Authority should apply Condition 5 of the previous planning consent (planning ref. F/YR20/0458/F) and the County Council will seek compliance via FDC enforcement.

### 5.4 **Environment Agency**

*No objection*

*Supports the recommendation in the FRA that the occupiers of the site sign up to Floodline Warnings Direct to receive advance warning of flooding.*

*Advice to the Applicant Flood Resilient Measures: Any proposed flood resilient measures should follow current Government Guidance.*

*Foul Drainage - The site is located in an area which is not served by the public foul sewer. Accordingly, the proposal will need to be served by a non-mains drainage system. In addition to planning permission an Environmental Permit may be required from the Environment Agency.*

*Provides further advice on surface water drainage arrangements*

*Flood Risk Sequential test - In accordance with the National Planning Policy Framework, development in flood risk areas should not be permitted if there are reasonably available alternative sites, appropriate for the proposed development, in areas with a lower risk of flooding. The sequential test establishes if this is the case.*

### 5.5 **CCC Lead Local Flood Authority (Comments 21/6/22 & 29/10/2024)**

*Initially objected on the basis of insufficient information to suitably review the application. Matters of drainage strategy and IDB consent to address.*

### **Latest comments (26/11/24)**

*Based on the documents listed, as Lead Local Flood Authority (LLFA) we have no objection in principle to the proposed development.*

- Surface Water Drainage Strategy, WE Consulting, Ref: WECE/24/427/RP/C/001, Dated: October 2024*

- *SuDS Maintenance Plan, WE Consulting, Ref: WECE/24/427/RP/C/002, Dated: October 2024*
- *Proposed Surface Water Drainage Layout, WE Consulting, Ref: WECE/24/427/A1/C/100, Rev: P02, Dated: November 2024*
- *Flood Exceedance Layout, WE Consulting, Ref: WECE/24/427/A1/C/102, Dated: November 2024*
- *FEH and FSR Hydraulic Calculations, WE Consulting, Ref: WECE/24/427, Dated: 22nd November 2024*

*Conditions recommended:*

1. *Detailed design of the surface water drainage of the site (pre-commencement)*
2. *Scheme detailing measures to manage surface water construction run off (pre-commencement)*

## 5.6 **Cambridgeshire Constabulary - Designing Out Crime**

*Considers this to be an area of low vulnerability to crime. No further comments.*

## 5.7 **Environmental Health**

*No Objections: unlikely to have a detrimental effect on local air quality and the noise climate, or be affected by ground contamination.*

*Should planning permission be granted, the site will fall under the relevant licensing regime.*

### **Local Residents/Interested Parties**

None received to date.

## **6 STATUTORY DUTY**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).
- 6.2 The Council has a duty Under the Equality Act 2010, Section 149, to have due regard to the need to:
  - eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## **7 POLICY FRAMEWORK**

### **National Planning Policy Framework (NPPF)**

## **National Planning Practice Guidance (NPPG)**

Determining a Planning Application

## **National Design Guide 2021**

## **Planning Policy for Traveller Sites 2024 (PPTS)**

Policy B Planning for Traveller Sites

Policy C Sites in rural areas and the countryside

Policy H Determine planning application for traveller sites

Policy I Implementation

## **Fenland Local Plan 2014**

LP1 A Presumption in Favour of Sustainable Development

LP2 Facilitating Health and Wellbeing of Fenland Residents

LP3 Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 Housing

LP5 Meeting Housing Need

LP12 Rural Areas Development Policy

LP13 Supporting and Managing the Impact of a Growing District

LP14 Responding to Climate Change and Managing the Risk of Flooding in Fenland

LP15 Facilitating the Creation of a More Sustainable Transport Network in Fenland

LP16 Delivering and Protecting High Quality Environments across the District

LP17 Community Safety

## **Emerging Local Plan**

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 48 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

LP1: Settlement Hierarchy

LP2: Spatial Strategy for the Location of Residential Development

LP4: Securing Fenland's Future

LP5: Health and Wellbeing

LP7: Design

LP8: Amenity Provision

LP11: Community Safety

LP12: Meeting Housing Needs

LP14: Gypsies and Travellers and Travelling Showpeople

LP18: Development in the Countryside

LP20: Accessibility and Transport

LP22: Parking Provision

LP24: Natural Environment

LP32: Flood and Water Management

## **Supplementary Planning Documents/Guidance**

Delivering & Protecting High Quality Environments in Fenland SPD (2014)

## 8 KEY ISSUES

- Principle of Development
- Character and appearance impact
- Impact on amenities
- Flood Risk and Drainage
- Parking provision and highway safety
- Biodiversity Net Gain (BNG)

## 9 BACKGROUND

- 9.1 Application F/YR20/0458/F was approved on the site adjacent for the Change of use of land to a 6no pitched travellers site involving the siting of 6 x mobile homes and 8 x touring caravans and 6 x utility buildings with associated works.
- 9.2 This site is not an extension of the adjacent site, referenced above, but is for a Gypsy Traveller transit site for people who meet the PPTS Gypsy Traveller definition who are temporarily working in and/ or travelling through the district and want to stop for a short time. The site will be managed by the applicant, Mr Codona.

## 10 ASSESSMENT

### Principle of Development

- 10.1 The site is situated outside of the built area of the settlement of Elm and is deemed to be open countryside. Except on statutorily designated Green Belt land (not applicable anywhere in Fenland) the Planning Policy for Traveller Sites (PPTS) (revised in December 2024) is not opposed in principle to Traveller sites in the countryside. It does however state in Policy H (paragraph 26) that Local Planning Authorities (LPAs) 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.
- 10.2 Furthermore, paragraph 26 states that LPA's 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. In its recent decisions the Council has accepted that planning permission can be granted on sites in the countryside, having regard to Fenland Local Plan policy LP5, acknowledging that the identified need will not be met by land within existing towns and villages. As such, the principle of traveller sites in the countryside is supported. The means by which new traveller development is to be controlled are set out in further policies in the PPTS and in local policies, and these are considered below.

*PPTS policies and criteria under PPTS*

- 10.3 Policy B planning authorities should, amongst other things, set pitch targets for Gypsies and Travellers which address likely needs in their area, working collaboratively with neighbouring local planning authorities. In producing their local plans they should:
- a) identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets;
  - b) identify a supply of specific, developable sites or broad locations for growth, for years six to ten and, where possible, for years 11-15;
  - c) consider production of joint development plans that set targets on a crossauthority basis, to provide more flexibility in identifying sites, particularly if a local planning authority has special or strict planning constraints across its area (local planning authorities have a duty to cooperate on planning issues that cross administrative boundaries)
  - d) relate the number of pitches to the circumstances of the specific size or location of the site and the surrounding population's size and density;
  - e) protect local amenity and environment.
- 10.4 Paragraphs 23 and 24 of Policy H of the PPTS notes that planning law requires applications for planning permission to be determined in accordance with the provisions of the development plan, unless material considerations indicate otherwise. Applications should also be assessed and determined in accordance with the presumption in favour of sustainable development in the NPPF and the PPTS.
- 10.5 Paragraph 25 states that that local planning authorities should consider the following issues, amongst other relevant matters, when considering planning applications:
- 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 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.

- 10.6 As such, in respect of Policy H the following is considered:

*(a) The existing level of provision and need for Traveller pitches*

Policy LP5 Part D states there is no need for new pitches as per the findings of the Fenland Gypsy and Traveller Accommodation Needs Assessment (GTANA) update. However, due regard has also been given to recent planning appeals wherein it has been established the Council are unable to identify and demonstrate the current need for Gypsy & Traveller plots within the district and therefore are unable to demonstrate a five-year land supply in this regard. The GTANA is due to be reviewed as part of the emerging Local Plan and until this time, Officers are unable to accurately assert what the District's need is or how this will be met. In the absence of an adequate supply, significant weight in favour of the proposal must be given as a means of helping to meet the need in the district.



10.7 When having due regard to this position, the provision of additional Gypsy & Traveller plots in this development proposal weighs significantly in favour of the application, notwithstanding any harm identified and conflict with Fenland Local Plan policies arising from the location of the site. Therefore, when considering the principle of development in this instance, it is considered to be acceptable when having regard to the Council's lack of evidence to identify the need for Gypsy & Traveller pitches in the district and acknowledging that this development would offer a modest contribution towards meeting this.

*(b) The availability (or lack) of alternative accommodation for the applicants*

10.8 Based on the current status of the GTANA, it is concluded that the Council is unable to adequately demonstrate that they have a 5-year supply of Traveller pitches at present. Therefore, it can be reasonably concluded that the Council would be unable to confirm the availability of alternative accommodation for the applicants as per part (b) of the PPTS.

Policy H states that where an authority cannot demonstrate an up to date five year supply, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of planning permission.

*(c) Other personal circumstances of the applicant*

10.9 The application would meet the accommodation need of transient families moving in, or travelling through the area and will assist in reducing/eliminating unauthorised encampments within the District whilst meeting a current unmet need.

10.10 The supporting statement states that the transient site will be to accommodate a number of the applicants extended family along with those who move to the area for temporary land work and fruit picking seasonal work, as well as to visit family and friends and as a stopover point. This also captures criteria (c) and (d) of paragraph H of the PPTS. Should it be necessary to take into account any personal circumstances, these are to be considered separately but nonetheless added to the planning balance.

**Impact on amenity of neighbours and dominance of the nearest settled community**

10.11 Impact on amenity can arise as a result of a range of factors, including noise, overlooking and overbearing/overshadowing. The development is sufficiently separated from adjacent mobile homes and other dwellings, so as not to impact on residential amenity in terms of loss of the factors outlined above.

10.12 Notwithstanding that the site lies adjacent to an established gypsy traveller site of 6no households, the site is set a notable distance away from the nearest settled community at Begdale Lane to the south. In this regard, the development is considered to be small scale providing a transit site for 8no pitches for touring caravans in that it would not dominate the nearest settled community.

10.13 Paragraph 28 of the PPTS states that *if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, the provisions in*

*paragraph 11(d) of the National Planning Policy Framework apply. Local planning authorities should consider how they could overcome planning objections to particular proposals using planning conditions or planning obligations including: a) limiting which parts of a site may be used for any business operations, in order to minimise the visual impact and limit the effect of noise; b) specifying the number of days the site can be occupied by more than the allowed number of caravans (which permits visitors and allows attendance at family or community events); c) limiting the maximum number of days for which caravans might be permitted to stay on a transit site. In this regard, planning conditions can be imposed accordingly.*

### **Character and Appearance**

- 10.14 For gypsy and traveller accommodation, Policy LP5 Part D sets out criteria as to a site's suitability for occupation by those who meet the planning definition set out in Planning Policy for Traveller Sites 2015 (PPTS). Decisions are made on a "case by case" basis subject to; no conflict with national planning policy; a peaceful and integrated coexistence with the local settled community; and no unacceptably adverse impact on local character or appearance. PPTS, Policy H also sets out similar criteria for determining planning applications for traveller sites.
- 10.15 Policy LP16 of the Fenland Local Plan (2014) requires development proposals to deliver and protect high quality environments throughout the district. Proposals must demonstrate they make a positive contribution to the local distinctiveness and character of the area, enhancing their local setting and both responding to and improving the character of the local built environment whilst not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area.
- 10.16 As noted in the site description, the site is in the open countryside. New Bridge Lane comprises of sporadic development within predominantly open countryside. Immediately adjacent to the site to the south is a solar farm with a livery and equestrian centre to the west. To the east of the application site is an already established traveller site which has changed what was the original rural environs to an extent where it could be argued that the additional pitches planned would not have a significant adverse impact on the character of the locality as it currently presents. A close boarded boundary fence is proposed for security and will see an extension of the existing fencing enclosing the site adjacent.
- 10.17 In conclusion, whilst some harm will be caused by an extension to the existing close boarded fencing, the development would not demonstrably detract from the rural and open character of the area and immediate surroundings given other forms of development within the vicinity. This harm therefore needs to be weighed against the benefits of the proposal.

### **Flood Risk**

- 10.18 The site encompasses flood zones 1, 2 and 3. Policy LP14 as well as paragraph 172 of the NPPF seek new developments to adopt a sequential approach to flood risk, where new developments are steered to areas with the lowest possibility of flooding.
- 10.19 Given that the application site is situated within the open countryside, it would be appropriate for the area of search to be all open countryside areas within the District to demonstrate that there are no reasonably available sites elsewhere in

sequentially preferable locations. However, recent appeal decisions have considered the matter of 'available' sites, citing the national Planning Policy for Traveller Sites (PPTS) document which identifies that to be considered developable, traveller sites should be in a suitable location and that there should be a reasonable prospect that they are available now. The Local Plan does not allocate land for any traveller sites and officers are not aware of any other sites 'available now' that could otherwise accommodate the development and which are in a lower area of flood risk.

10.20 In view of this, it is concluded that the sequential test is met. Following successful completion of the sequential test, as per NPPF paragraph 177-178, the exception test must be met which requires:

- (a) development to demonstrate that it achieves wider community sustainability benefits having regard to the districts sustainability objectives, and
- (b) that it can be made safe for its lifetime and will not increase flood risk elsewhere ('flood risk management').

*(a) Wider community sustainability benefits*

10.21 Sustainability objectives are outlined under 2.4 of the Fenland Local Plan and, relevant to this application includes, point 6.1, the aim to thrive in safe environments and decent affordable homes and point 6.3, redress inequalities related to age, gender, disability, race, faith, location and income. In respect of the proposal, it would assist in addressing a shortfall of accommodation needs for the traveller community where an inadequate supply of housing currently exists.

*(b) Flood safety*

10.22 The application was supplemented with a Flood Risk Assessment for which the Environment Agency were consulted and raised no objection subject to the development being carried out in accordance with the submitted FRA focussing on finished floor levels being set at a minimum of 400mm above existing ground level at 3.1m AOD and that there is the recommendation that the occupiers of the site sign up to Floodline Warnings Direct.

10.23 Following earlier objections from the LLFA, an updated Surface Water Drainage Strategy, SuDS Maintenance Plan, Proposed Surface Water Drainage Layout, Flood Exceedance Layout, and Hydraulic Calculations were submitted.

10.24 The additional details and information demonstrate that surface water from the proposed development can be managed through the use of an attenuation tank and gravel surfacing, restricting surface water discharge to 1.9l/s. The LLFA is supportive of the use of gravel surfacing as, in addition to controlling the rate of surface water leaving the site, it also provides water quality treatment which is of particular importance when discharging into a watercourse. Water quality has been adequately addressed when assessed against the approach outlined in the SuDS Manual.

10.25 Despite the site's rural location, it has been confirmed that there will be a connection to the existing drainage system. The applicant has confirmed that foul water will be managed by way of existing sealed sewer septic tanks, as indicated on the proposed site layout plan.

10.26 Following reconsultation with the LLFA, and based on the additional details submitted, the objection was removed subject to the imposition of conditions.

10.27 It is concluded therefore, that the site, whilst located in an area at high risk of flooding, could be made safe from the effects of flooding through the proposed mitigation and would not cause the risk or impacts of flooding to increase elsewhere in accordance with policy LP14 of the FLP.

### **Highway safety**

10.28 This application seeks the introduction of a further 8no. pitches to the rear of the approved scheme adjacent to the site (planning ref. F/YR20/0458/F), which provided two points of access from New Bridge Lane.

10.29 The proposed site plan identifies that the southern access road will benefit from a carriageway width circa 10m and the northern access road will benefit from a carriageway width circa 5m. It is however noted that as part of the previous planning consent, a pre-commencement condition was imposed which involved the removal of the access restrictions along New Bridge Lane, which is pertinent for the site to achieve access.

10.30 County Highways latter comments state that on the basis of the information submitted, the proposed development is acceptable, however, noted that as part of the previous planning consent, a pre-commencement condition was imposed which involved the removal of the access restrictions along New Bridge Lane, which is pertinent for the site to achieve access. Following a review of the Traffic Regulation Order (TRO) it identifies that this order, whilst advertised, was never implemented and therefore would be required to be implemented prior to the occupation of the site. The application for the TRO is required to be undertaken separately and County Highways state that the LPA should apply Condition 5 of the previous planning consent (planning ref. F/YR20/0458/F)

10.31 County Highways team has raised no objection to the proposal, subject to a condition, and it is therefore considered that the scheme has the potential to meet the requirements of policies LP15 and LP16 with regard to access and that a reason for refusal would not be warranted or reasonable.

### **Access to services/facilities**

10.32 The site is approximately 0.6km from the western edge of Elm where key services such as a local store, school and doctors are sited. It is considered that the site, whilst in relatively close proximity to these key services would not be easily accessed by foot due to the lack of footpaths which does conflict with the local and national policy in respect of achieving sustainable transport options, as it would likely mean occupiers relying on private motor car for most journeys to essential services. However, despite this, it would not be considered reasonable to conclude that the site has insufficient access to local services.

10.33 The PPTS identifies that traveller sites in the countryside can be acceptable and it can be reasonably assumed therefore that a reliance on private motor car to access services would be common in these instances. As such, whilst the lack of sustainable travel options weighs against the scheme, it is not uncommon for such development to place a reliance on private motor car to undertake most trips. Furthermore, those essential services are generally within 1 to 2 miles of the site which is considered acceptable and would satisfactorily meet the day to day needs of the occupants.

### **Biodiversity Net Gain (BNG)**

- 10.34 The Environment Act 2021 requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach accords with Local Plan policies LP16 and LP19 which outlines a primary objective for biodiversity to be conserved or enhanced and provides for the protection of Protected Species, Priority Species and Priority Habitat.
- 10.35 There are statutory exemptions, transitional arrangements and requirements relating to irreplaceable habitat which mean that the biodiversity gain condition does not always apply. In this instance, one or more of the exemptions/ transitional arrangements are considered to apply and a Biodiversity Gain Condition is not required to be approved before development is begun as the planning application was made before the mandatory BNG came into force.

## **11 CONCLUSIONS**

- 11.1 The proposal when considered strictly in accordance with local and national planning policy conflicts with the aims of those policies. However as set out under Section 38(6) of the Planning and Compulsory Purchase Act 2004, the LPA is required to determine applications in accordance with the Development Plan unless material planning considerations indicate otherwise.
- 11.2 The application seeks permission for the Change of use of land for the use of travellers including the formation of 8 x caravan pitches (consisting of 2 x touring caravans per pitch), the erection of 2 x utility block buildings (8 x utility rooms) and a stable block, and the formation of hardstanding and an access.
- 11.3 The proposal engages the tilted balance on the basis of the Development Plan housing policies failure to identify a 5-year supply of land for Gypsy & Traveller pitches in the district. It is considered that the proposal is therefore acceptable in principle having regard to national policy, by contributing towards achieving the required supply.
- 11.4 It is acknowledged that there is a policy conflict in respect of flood risk and drainage by virtue of the site's location in flood zone 3. However, it is considered that this is sufficiently mitigated by the measures set out in the submitted Flood Risk Assessment, along with conditions to be imposed to ensure compliance with this for the lifetime of the development. Furthermore, subject to a condition securing a TRO as per previous approvals on adjacent land, the scheme raises no highways concerns.
- 11.5 The proposal, having regard to the policies of the development plan and the NPPF is, on balance, considered to be acceptable and it is therefore recommended that permission is granted in this instance.

## **12 RECOMMENDATION**

- 12.1 **GRANT** subject to conditions
- 12.2 Section 100ZA(5) of the Town and Country Planning Act 1990 provides that planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition (except in the circumstances set out in the Town and

Country Planning (Pre-commencement Conditions) Regulations 2018). The applicant has been consulted on the proposed conditions and has confirmed their agreement to these in writing. It is therefore considered that the requirements of section 100ZA(5) have been met.

12.3 The proposed conditions are as follows;

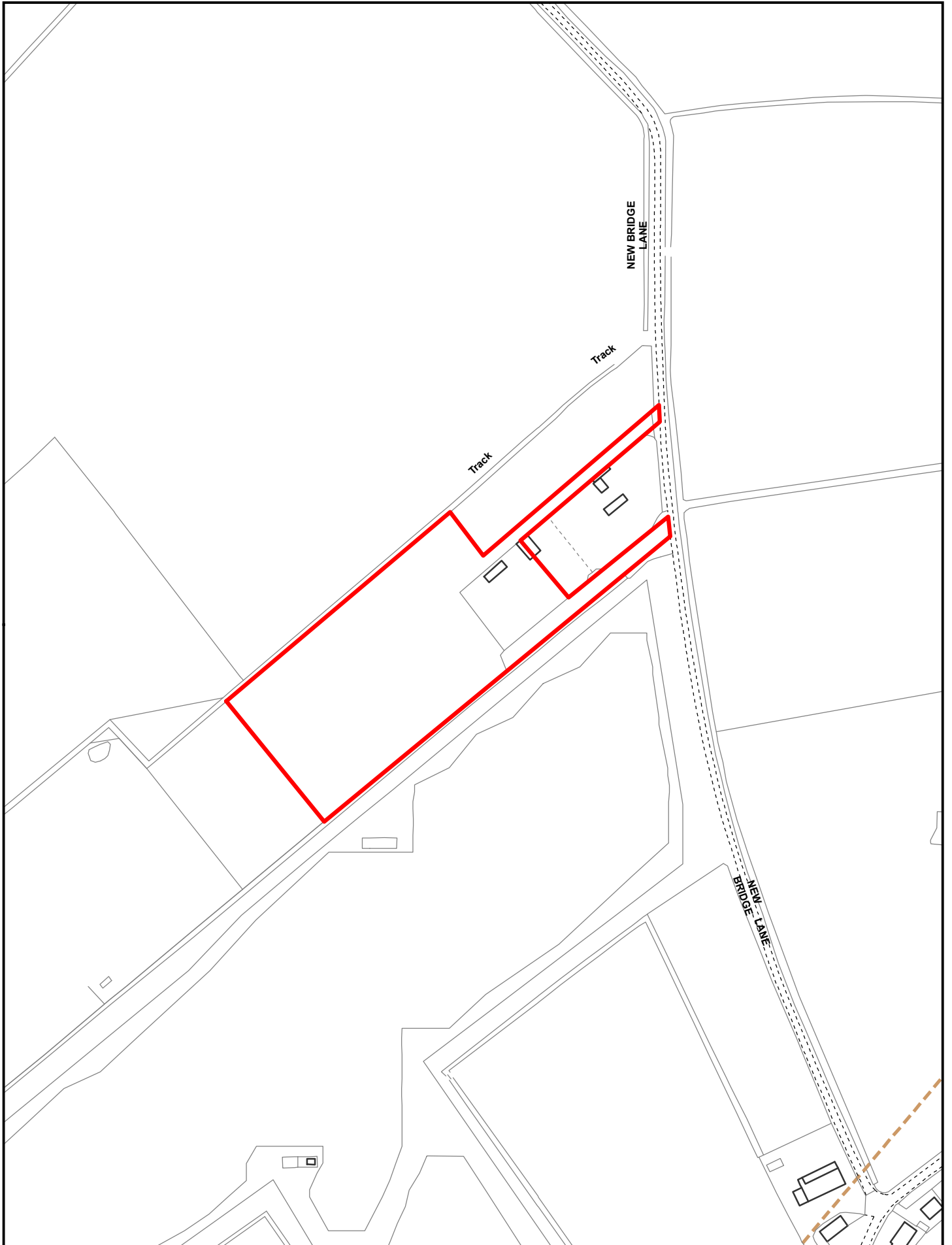
1	<p>The site shall be limited to two pitches each containing no more than four caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968.</p> <p>Reason - In order that the Local Planning Authority can control the impact of the use of the site on the locality, in accordance with Policy LP2, LP15 and LP16 of Fenland Local Plan 2014.</p>
2	<p>The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 to 'Planning policy for traveller sites' (Department for Communities and Local Government, December 2024), namely "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".</p> <p>Reason - The site is in an area where residential development other than in particular circumstances would be contrary to policy LP3 of the Fenland Local Plan, 2014. Planning permission has only been granted in order to provide accommodation for occupation by gypsies and travellers having regard to the specific policies for development of this nature in place at this time.</p>
3	<p>Prior to occupation, the 'No Entry' Traffic Regulation Order along New Bridge Lane shall be amended/ relocated in accordance with a scheme to have previously been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason - To ensure safe access to the site in the interests of highway safety and to ensure compliance with Policies LP2, LP14, LP15 and LP16 of the Fenland Local Plan 2014.</p>
4	<p>The floor levels of any habitable structure shall be set at a minimum of 400mm above existing ground level or at 3.1mAOD.</p> <p>Reason - In order to safeguard future occupiers and possessions in the event of flooding in accordance with LP14 of the Fenland Local Plan, 2014</p>
5	<p>Prior to any development above slab level, details of the materials to be used in the construction of the utility blocks shall be submitted to and approved in writing by the Local Planning Authority; all works shall then be undertaken strictly in accordance with the agreed details.</p> <p>Reason - To ensure that the appearance of the development is satisfactory and complies with Policies LP16 of the Fenland Local Plan</p>

	(2014).
6	<p>No commercial activities shall take place on the land, including the storage of materials.</p> <p>Reason - To protect the general amenity and character of the area in accordance with policy LP16 of the Fenland Local Plan, 2014 and Policy B and H of the Planning Policy for Traveller Sites, 2024</p>
7	<p>No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site. No more than one commercial vehicle per pitch shall be kept on the land for use by the occupiers of the caravans hereby permitted, and they shall not exceed 3.5 tonnes in weight. No person other than a permanent resident of the pitch to which this planning permission relates shall bring a laden commercial vehicle to the site, or park, or keep laden commercial vehicles on the site.</p> <p>Reason - To protect the general amenity and character of the area in accordance with policy LP16 of the Fenland Local Plan, 2014 and Policy B and H of the Planning Policy for Traveller Sites, 2024</p>
8	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification) no development covered by Class A to Part 2 of Schedule 2 to that Order (the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure) shall be carried out without planning permission granted by the Local Planning Authority.</p> <p>Reason - To protect the general amenity and character of the area in accordance with policy LP16 of the Fenland Local Plan, 2014 and Policy B and H of the Planning Policy for Traveller Sites, 2024.</p>
9	<p>Space shall be made available at all times to enable the turning and parking of all vehicles calling at the site.</p> <p>Reason - In order to ensure the free flow of traffic along Newbridge Lane in the interests of highway safety in accordance with policy LP15 of the Fenland Local Plan, 2014.</p>
10	<p>All hard and soft landscape works shall be carried out in accordance with the approved details. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased (except those contained in enclosed rear gardens to individual dwellings) 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. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning</p>

	<p>Authority.</p> <p>Reason - To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
11	<p>No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.</p> <p>Reason - To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts.</p>
12	<p>No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan.</p> <p>The scheme shall be based upon the principles within the agreed Surface Water Drainage Strategy prepared by WE Consulting (ref: WECE/24/427/RP/C/001) dated October 2024 and shall also include:</p> <ul style="list-style-type: none"> <li>a) Full results of the proposed drainage system modelling in the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP plus climate change (1 in 100) storm events, inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;</li> <li>b) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);</li> <li>c) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);</li> <li>d) Site Investigation and test results to confirm infiltration rates;</li> <li>e) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;</li> <li>f) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;</li> <li>g) Full details of the maintenance/adoption of the surface water drainage</li> </ul>



	<p>system;</p> <p>h) Permissions to connect to a receiving watercourse or sewer;</p> <p>i) Measures taken to prevent pollution of the receiving groundwater and/or surface water</p> <p>Reason - To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development and to ensure that the principles of sustainable drainage can be incorporated into the development, noting that initial preparatory and/or construction works may compromise the ability to mitigate harmful impacts and to accord with policy LP14 of the Fenland Local Plan (2014)</p>
13	<p>The development hereby permitted shall be carried out in accordance with the approved plans and documents:</p> <p>Reason - For the avoidance of doubt and in the interest of proper planning.</p>



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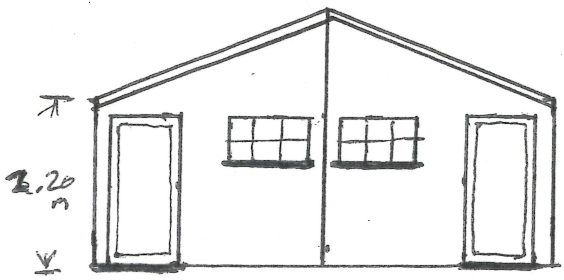
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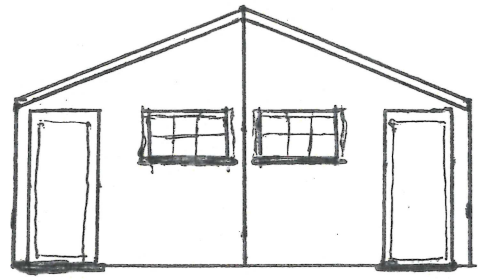




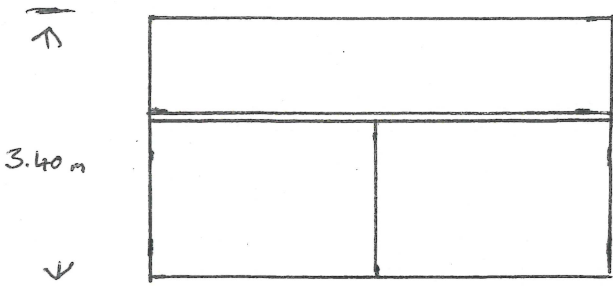




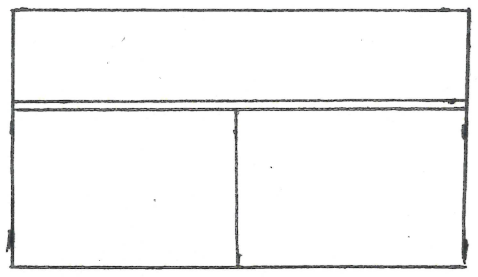
6m  
Front Elevation



6m  
REAR Elevation

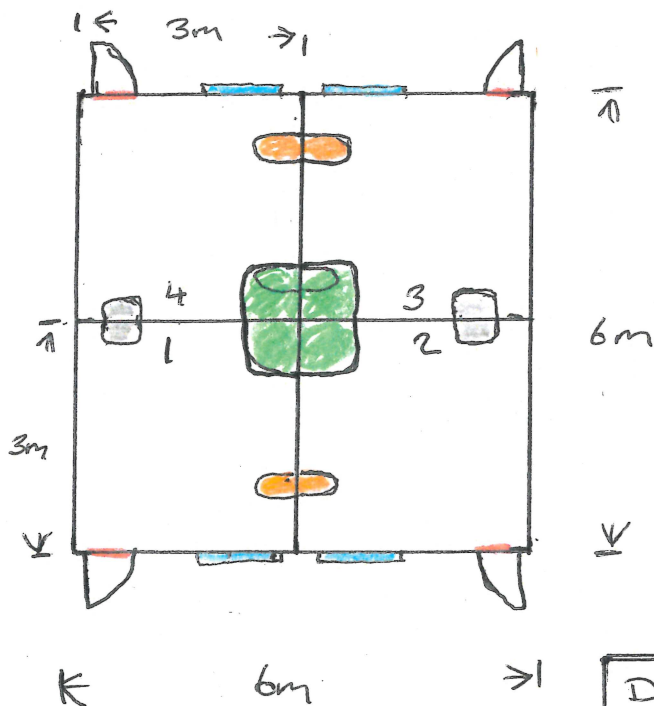


6m  
Side Elevation

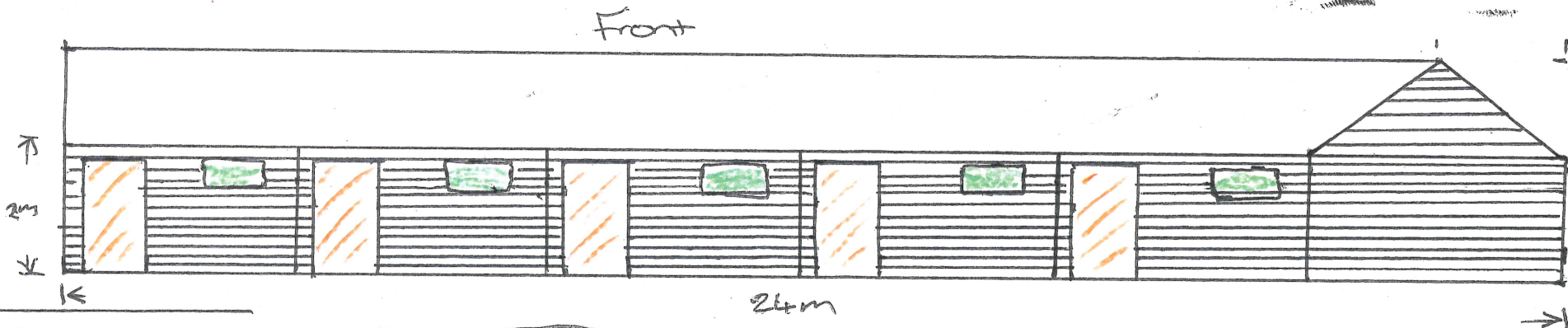


6m  
Side Elevation

	Windows
	DOORS
	SHOWERS.
	TOILETS.

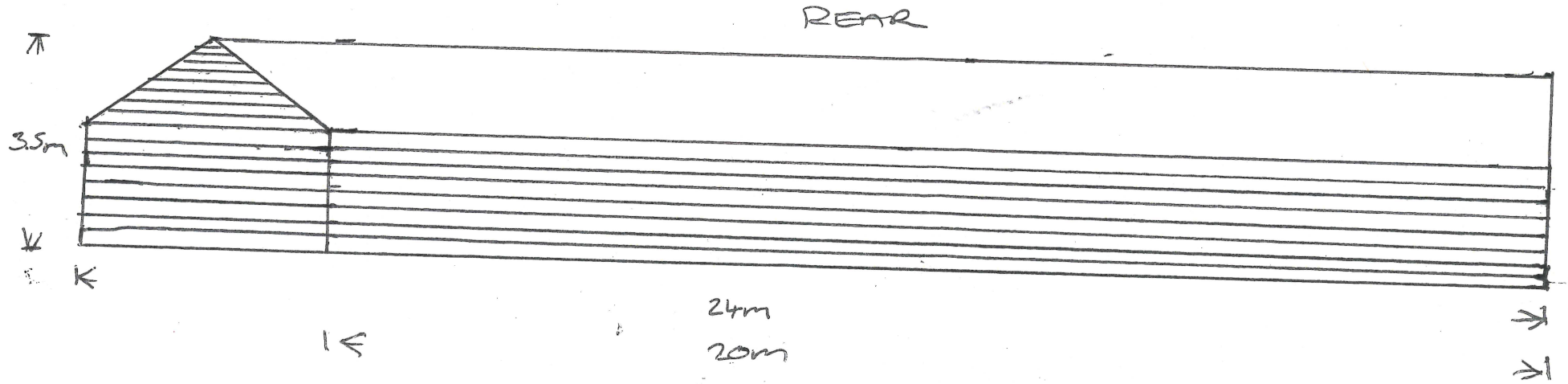


Drawing of  
utility buildings  
Floor and Elevation  
Plans.  
Scale 1:100 at A4



	Felt roof
	Timber doors
	Timber cladding
	Plastic windows

Drawing 05  
 Scale 1:100 at A4  
 Front and rear  
 Elevations.





Drawing 03

Scale 1:100 at A4

Stable block floor plan