**17/2695/RSP – Retrospective: Retention of the existing residential caravan site, with four Gypsy pitches/plots, consisting of four static caravans and four touring caravans, shared utility/day room and associated hardstanding and parking at Little Lily, Toms Lane, Kings Langley, WD4 8NJ for Mr John Wall-Cash**

◼

|  |  |
| --- | --- |
| Parish: Abbots Langley | Ward: Gade Valley |
| Expiry Statutory Period: 27.02.2018 Officer: Scott VolkerRecommendation: That Planning Permission be granted |
| This application is brought before the Committee as it has been called in by three Members of the Planning Committee and Abbots Langley Parish Council. |
|  |

1 **Relevant Planning History**

1.1 An Enforcement Notice was served in September 1983 against the unauthorised material change in the use of the land from agriculture to a use for the purposes of stationing caravans for human habitation (ref 8/956/85). An appeal against the enforcement notice was allowed, however permission for the caravan was only given for 3 years and the permission was made personal to the appellant Mr A Smith.

1.2 8/587/90 - (Outline) Detached bungalow and double garage – Refused 15.10.90 for the following reasons:

*R1 The site is within the Metropolitan Green Belt where it is the policy of the local planning authority as set out in the Approved Hertfordshire County Structure Plan and the Three Rivers District Plan not to allow development unless it is essential for the purposes of agriculture or other uses appropriate to the rural area. No such need has been proved.*

*R2 The proposed bungalow would constitute an undesirable intensification of building development detracting from the rural character of this locality within the Metropolitan Green Belt.*

1.3 99/01573/FUL – Erection of 2 detached houses – Refused 19.08.99 for the following reasons:

*R1 The site is within the Metropolitan Green Belt where it is the policy of the Local Planning Authority as set out in the Approved Hertfordshire Structure Plan Review 1991-2011, the Three Rivers District Plan Review 1991 and the Three Rivers Local Plan 1996-2011 (Deposit Draft) not to allow development unless it is essential for the purposes of agriculture or other uses appropriate to the rural area. No such need has been proved. Accordingly the proposal is contrary to Policies GB1 and GB6 of the Three Rivers District Plan Review 1991 and Policy GB1 of the Three Rivers Local Plan 1996-2011 (Deposit Draft).*

*R2 The proposal, if allowed, would set an undesirable precedent for further development of a similar nature which, cumulatively would be detrimental to the character of the locality and would undermine the established planning policies for this area. Accordingly, the proposal is contrary to Policies GB1 and GB6 of the Three Rivers District Plan Review 1991 and Policy GB1 of the Three Rivers Local Plan 1996-2011 (Deposit Draft).*

*R3 The proposal would lead to an increase in the use of the existing private drive access which currently has sub-standard access onto Toms Lane in terms of visibility splays. To allow the proposal in its current form would be prejudicial to the free flow of traffic and the general safety on the neighbouring highway.*

*R4 The proposed private drive access would have sub-standard access in terms of visibility where it meets the existing private drive. To allow the proposal in its current form would be prejudicial to the free flow of traffic and general safety.*

*R5 The proposed development would increase the number of dwellings being served by the existing private drive beyond the maximum recommended within 'Roads in Hertfordshire'. The existing access is of insufficient width and design to serve the proposed development and existing uses. As a result, the additional traffic generated would be detrimental to the existing users of the private drive as well as potential users of the proposed dwelling.*

1.4 05/1876/OUT - Outline application: Erection of a detached dwelling (means of access details only) - Refused 10.02.06 for the following reason:

*R1 The proposal constitutes inappropriate development in the Metropolitan Green Belt and this is to the detriment of the open character and visual amenity of the landscape. No very special circumstances have been demonstrated as to why planning permission should be granted and therefore the proposal is contrary to Policy GB1 of the Three Rivers Local Plan 1996-2011 and National Green Belt Policy as contained in Planning Policy Guidance Note 2.*

 The application was dismissed at appeal (APP/P1940/A/06/2018147/NWF).

1.5 07/1694/OUT - Outline Application: Use of mobile home on vacant site – Refused 20.12.07 for the following reason:

*R1 It has not been sufficiently demonstrated that very special circumstances exist to overcome the presumption against inappropriate development in the Metropolitan Green Belt, contrary to Policy GB1 of the Three Rivers Local Plan 1996-2011.*

1.6 08/1740/RSP – Part retrospective: Change of use of land to stationing of mobile homes for one gypsy pitch, erection of a detached outbuilding (utility/day room) and hardstanding for use for residential purposes – Refused 23.01.09 for the following reason:

*R1 The proposal constitutes inappropriate development in the Metropolitan Green Belt and this is to the detriment of the open character and visual amenity of the landscape. No very special circumstances have been demonstrated as to why planning permission should be granted and therefore the proposal is contrary to Policy GB1 of the Three Rivers Local Plan 1996-2011 and National Green Belt Policy as contained in Planning Policy Guidance Note 2.*

1.7 The application was granted at appeal in August 2009 for a temporary period of five years. The Inspector concluded that the urgent need to provide gypsy and traveller sites within the district of Three Rivers and the lack of alternative sites outweighed the harm caused by reason of inappropriate development in the Green Belt. The permission was not made personal to the applicant.

1.8 11/0040/FUL - Use of land to include the stationing of caravans for an additional double gypsy pitch containing 2 no. mobile homes with shared utility/day room building and hardstanding ancillary to that use, as well as retention and reorganising the existing single residential gypsy pitch - Approved 05.04.11 subject to the following conditions (amongst others):

C1 The use hereby permitted shall be for a limited period being the period of 5 years from the date of the appeal decision for application 08/1740/RSP (appeal reference APP/P1940/A/09/2097096). On or prior to 6 August 2014 the use hereby permitted shall cease, all structures, materials and equipment brought on to the land in connection with the use shall be removed, and the land restored to its former condition in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority.

REASON: To allow the Local Planning Authority an opportunity to assess the effect of the use or development hereby permitted on the openness of the Metropolitan Green Belt and the amenities of surrounding the area, and to allow the Local Planning Authority an opportunity to assess the level of Gypsy and Traveller site provision in accordance with Policies GEN1, GB1, H1, H3 and Appendix 1 of the Three Rivers Local Plan 1996 – 2011

C3 The site shall not be occupied by any persons other than John Wall-Cash, his wife Elizabeth Wall-Cash, their son James Wall-Cash, their daughters Cathlene Wall-Cash and Margaret Wall-Cash or John Wall-Cash’s Uncle John Curney.

 REASON: In granting this permission the Local Planning Authority has had regard to the special circumstances of the case; the nature of the planning permission (temporary/personal) allows the Local Planning Authority an opportunity to assess the effect of the use hereby permitted on the Green Belt in accordance with the requirements of Policies GEN1, GB1, H5 and Appendix 1 of the Three Rivers Local Plan 1996-2011 and Government Circular 01/2006.

1.9 11/2317/FUL - Revised site layout and the erection of a utility/day room in place of 2 no. utility/day rooms ancillary to an existing gypsy site with permission for 3 no. residential pitches - Approved 13.04.12 – Temporary permission expired 6 August 2014

1.10 12/1915/FUL - Variation of Condition 3 of planning permission 11/2317/FUL to allow substitution of plans to reflect a revised site layout (approved utility/day room to be sited further away from existing mobile home) – Approved 06.12.12.

1.11 13/1823/FUL – Permission for two additional caravans (no more than one of which to be a static caravan) with parking for two vehicles and associated hardstanding – Approved 22.11.2013.

1.12 14/1661/FUL – Retention of the existing residential caravan site, with four Gypsy pitches/plots, consisting of four static caravans and four touring caravans, shared utility/dayroom and associated hardstanding and parking – Temporary and personal planning permission approved for 3 years (expires 21 November 2017).

**Other Gypsy and Traveller Sites in Three Rivers:**

 ***Langleybury Lane, Langleybury***

1.13 11/0725/FUL – Use of land for the stationing of caravans for residential purposes for 2 no. Gypsy pitches together with the formation of additional hard standing and utility/ dayroom ancillary to that use. Planning permission was refused 19.08.11 for the following reason:

R1 The change of use of the land to create two Gypsy pitches constitutes inappropriate development in the Metropolitan Green Belt. No very special circumstances have been demonstrated to overcome the presumption against inappropriate development in the Metropolitan Green Belt. Furthermore the siting of caravans on this site, with associated urbanising development, fails to preserve the openness and rural character of the Metropolitan Green Belt and character and amenities of the locality, to the detriment of the visual amenities of the area. This is contrary to PPG2, Policy GB1 of the Three Rivers Local Plan 1996-2011 and Policies CP1, CP5, CP11 and CP12 of the Core Strategy Submission Version / Proposed Changes (February and July 2011).

In considering the resultant appeal, the Inspector determined that the personal circumstances of the appellant, in conjunction with the general level of unmet need in Three Rivers, outweighed the harm caused to the openness of the Green Belt and therefore resolved to grant temporary permission for a period of three years from the date of the decision (decision dated 9 July 2012). Costs were also awarded against the Council for its failure to adequately assess the level of Gypsy/Traveller site provision in Three Rivers, the merits of granting a temporary permission and the human rights of the applicant.

1.14 13/2256/FUL - Use of land for the stationing of caravans for residential purposes for 3 no. gypsy pitches together with the formation of additional hardstanding and utility/dayrooms ancillary to that use – Three years temporary permission was approved on 03.02.14.

1.15 16/0958/FUL - Removal of Conditions 1 (Personal) and 3 (Temporary Period) of planning permission 13/2256/FUL (Use of land for the stationing of caravans for residential purposes for 3 no. gypsy pitches together with the formation of additional hardstanding and utility/dayrooms ancillary to that use] to allow use as a permanent site for 3 no. gypsy pitches – Approved 01.07.2016 in so far as extending the temporary period. A subsequent appeal was lodged referenced APP/P1940/W/16/3164710 which was allowed and granted a permanent and personal permission.

 ***The Oaklands (Land between Bedmond Road and M25), Bedmond***

1.15 02/0482/FUL - Use of land as a residential caravan site for eight caravans with associated hardstanding areas. Following a called-in appeal by the Secretary of State, planning permission was granted in December 2003. The Secretary of State found that there was a shortage of Gypsy sites in the District for general need and that the personal circumstances of the appellant justified granting planning permission for the site in the Metropolitan Green Belt.

1.16 09/0831/FUL - Removal of condition 2 of planning permission 02/00482/FUL to remove personal restriction and variation of condition 3 to increase the number of caravans from 18 to 24. Permission granted 21.08.2009.

1.17 ***Fir Trees, Dawes Lane, Sarratt***

1.18 04/0404/FUL - Change of use to residential for the purpose of stationing of 2 caravans for human habitation. Planning permission originally refused in August 2004. Planning permission was granted on appeal in December 2005. The Inspector also concluded there was a shortage of Gypsy sites in the District for general need and that the personal circumstances of the appellant justified granting planning permission for the site in the Metropolitan Green Belt.

1.19 14/1570/FUL - Variation of Condition 2 (restriction on number caravans) of planning permission 04/0404/FUL to allow for an additional two caravans, one of which to be a static caravan – Approved 23.01.2015.

 ***Land Adjacent 321B Uxbridge Road, Rickmansworth:***

1.20 13/0522/RSP - Part retrospective: Change of use of land to a residential caravan site for one gypsy family. The site to contain one static caravan, one touring caravan and parking for two vehicles with associated hardstanding and portaloo. Permanent and personal permission granted; not implemented.

 ***Green Acres, Oxhey Lane, Carpenders Park:***

1.21 13/0475/FUL - Change of use of land from use for the stabling and keeping of horses to use as a residential caravan site for 6 Gypsy families, each with two caravans, Including laying of hardstanding and conversion of stables to provide 6 day rooms. Planning permission was refused on 31 May 2013 for the following reason:

R1 *The change of use of the land to create six gypsy pitches constitutes inappropriate development in the Metropolitan Green Belt, which by definition is harmful. The harm to the Metropolitan Green Belt is exacerbated by reason of the encroachment into the surrounding fields for the siting of caravans, with associated urbanising development which fails to preserve the openness and rural character of the Metropolitan Green Belt. The Council accepts that there is a significant unmet need and it cannot demonstrate a 5 year supply of deliverable Gypsy and Traveller sites but considers that this need does not outweigh the harm to the Metropolitan Green Belt. Therefore, no very special circumstances exist to justify the grant of planning permission. The proposal is therefore contrary to the NPPF (March 2012), Planning Policy for Traveller Sites (March 2012), Policies CP1, CP5, CP11 and CP12 of the Core Strategy (adopted October 2011), Saved Policy GB1 of the Three Rivers Local Plan 1996-2011 and Policy DM2 of the Development Management Policies LDD (Proposed Submission Version).*

1.26 The resultant appeal was recovered for the Secretary of State’s determination on 11 March 2014. The Inspector had recommended that the appeal be allowed and planning permission be granted for a temporary period of three years, subject to conditions. However, the Secretary of State disagreed with the Inspector and dismissed the appeal.

2. **Detailed Description of Application Site**

2.1 The application site is a rectangular piece of land approximately 0.21ha in area situated to the rear of 59 Toms Lane, Kings Langley within the Metropolitan Green Belt. 59 Toms Lane is one of a row of residential properties on the north side of Toms Lane.

2.2 The site is served by a track leading off Toms Lane, approximately 3m in width. The track is a cul-de-sac and also serves several residential dwellings including Kings View Farm on the opposite side of the track and Bel Air and Oak Lodge to the north of the site. Access to the application site is from the track with the access approximately 10m to the north west of the boundary with 59 Toms Lane. There are recessed solid timber gates and brick walls/piers at the entrance with a large gravel driveway/hardstanding area within the site. The boundary treatment to the site consists of close boarded fencing, brick walls and vegetation. The site slopes up gently to the northern corner.

2.3 The site supports a central mobile home built on a brick platform with three further static caravans to the north of the site. There is also temporary permission for four touring caravans on the application site. There is a separate pitched-roof outbuilding towards the south east of the site which provides a utility/dayroom. The majority of the site is gravel hardstanding with limited soft landscaping around the periphery of the site. A small outbuilding is sited along the western boundary.

3. **Detailed Description of Proposed Development**

3.1.1 This application seeks full planning permission for retention of the existing residential caravan site, with four Gypsy pitches/plots, consisting of four static caravans and four touring caravans, shared utility/dayroom and associated hardstanding and parking.

3.1.2 A single Gypsy or Traveller pitch can include two stationed caravans, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, although only one of these can be a residential mobile home. This latter Act and the Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of Caravan) (Amendment) (England) Order 2006 defines a residential mobile home as being no larger than 20 metres in depth 6.8 metres in width and 3.05 metres internal height.

3.1.3 The site currently includes four pitches consisting of a central mobile home on a raised platform and three static mobiles homes along the northern aspect of the site and four touring caravans and a shared utility/day room measuring 6m by 10 metres with a height of 4.5 metres with a pitched roof and gable ends.

3.1.4 The site already accommodates these structures and no alterations to the existing number of pitches or layout of the site are proposed; this application seeks approval for the retention of the existing use of the site.

4. **Consultation**

4.1 **Statutory Consultation**

4.2 Abbots Langley Parish Council [No Objection]

 No objections providing permission is granted for a temporary period of three years.

 The Parish Council requests that this application is referred to Three Rivers Planning Committee for their consideration.

4.2 Local Plans Section [No Objection]

 Planning Policy for Traveller Sites (2015) sets out that for the purposes of planning policy, gypsies and travellers means:

 ‘Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.’

 The application proposes the retention of the existing residential caravan site with four Gypsy pitches/plots and associated infrastructure at Little Lily, Toms Lane, Kings Langley. The application site has been identified as a traveller site in the Council’s Draft Gypsy, Traveller and Travelling Showpeople (GTTS) LDD (Preferred Options October 2014) and is referred to in the Draft document as ‘Rear of 59 Toms Lane, Kings Langley’.

 The Draft GTTS LDD proposes amendments to the Green Belt boundary to remove two sites, including this site, from the Green Belt in order to meet the identified current and future needs for traveller sites in the District to 2023, and to safeguard these sites for this use as long as the needs exist. As such Local Plans have no objection to the principle of the retention of the site’s existing use. However, since the Draft GTTS has not been adopted by the Council, the application site has not been allocated as a Gypsy and Traveller site and is still designated as part of the Green Belt.

 Policy H of the ‘Planning policy for traveller sites’ (PPTS) (August 2015) sets out that Local Planning Authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

a) The existing level of local provision and need for sites

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

c) Other personal circumstances of the applicant

d) That the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites

e) That they should determine applications for sites from any travellers and not just those with local connections.

 The Three Rivers Gypsy and Traveller Accommodation Assessment (February 2017) concluded that there is a need for 2 additional pitches, over the period 2016-2031, for Gypsy and Traveller households that meet the planning definition (2 pitches between 2016-21 and 0 between 2021-2031). The Council will not be able to demonstrate a 5 year supply of deliverable sites until the land identified in the GTTS has been allocated for Gypsy and Traveller sites through adoption of a new Local Plan or until a permanent planning permission is granted. Granting permanent permission offers the opportunity to meet the current and future needs of the travelling community within the District.

 In regards to the lack of a 5-year-supply of deliverable sites, Policy H of 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.

 This means that when considering a proposal for a traveller site situated in the Green Belt, the lack of a demonstrable 5 year supply is still a material consideration but one that should not be afforded significant weight.

 The proposal for a Gypsy and Traveller site in the Green Belt is in objection to Policy CP11 of the adopted Core Strategy (2011) and Policy DM2 of the Development Management Policies LDD (2013). Policy CP11 states that there will be a presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it. Policy DM2 considers that construction of new buildings in the Green Belt is inappropriate, with certain exceptions listed in paragraph 89 of the National Planning Policy Framework (NPPF). Policy E of PPTS (August 2015) similarly states that Gypsy and Traveller sites are considered inappropriate development within the Green Belt and should not be approved, except in very special circumstances. Policy E of PPTS also sets out that ‘subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances’. According to the NPPF, very special circumstances will not exist unless the potential harm to the Green Belt by reasons of inappropriateness, and any other harm, is clearly outweighed by other considerations (paragraphs 87-88). If Development Management Officers consider that harm to the Green Belt is outweighed by the existing level of provision and need for sites, needs of the applicant and the lack of alternative sites, then Local Plans would support the granting of permanent planning permission.

 As there has been a past identification of the site as a future Gypsy and Traveller site in the GTTS LDD, Local Plans would suggest granting permanent planning permission where special circumstances are judged to outweigh harm to the Green Belt. If permanent permission is not granted, consideration should be made to granting permission for a further temporary period, until the site can be removed from the Green Belt and allocated as a Gypsy and Traveller site, through the adoption of the new Local Plan.

4.3 National Grid – [No Response]

4.4 Landscape Officer [No Response]

5. **Neighbour Consultation**

* 1. Site Notice: Posted 15 January 2018 and expired 05 February 2018.

5.1.2 Neighbours consulted: 12

5.1.3 Number of responses: 0

5.1.4 Summary of Responses: Not applicable.

6. **Reason for Delay**

6.1 Committee Cycle.

7. **Relevant Local Planning Policies:**

7.1 National Planning Policy Framework (NPPF)

7.1.1 On 27 March 2012, the framework of government guidance in the form of Planning Policy Statements and Planning Policy Guidance Notes was replaced by the National Planning Policy Framework (NPPF). The adopted policies of Three Rivers District Council reflect the content of the NPPF.

7.1.2 Planning Policy for Traveller Sites (PPTS) (August 2015) produced by Department for Communities and Local Government.

7.1.3 CLG Good Practice Guide ‘Designing Gypsy and Traveller Sites’ (May 2008) is also relevant.

7.2 The Three Rivers Local Plan

7.2.1 The Core Strategy was adopted on the 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP5, CP9, CP10, CP11 and CP12.

7.2.2 The Development Management Policies Local Development Document (LDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM2, DM4, DM6, DM13 and Appendix 5.

7.2.3 The emerging Gypsy, Traveller and Travelling Showpeople Local Development Document (February 2013) was subject to consultation between 8 February and 22 March 2013; the Gypsy, Traveller and Travelling Showpeople Local Development Document (Preferred Options) (October 2014) is currently out for six week consultation which closes on 14 November 2014.

7.5 Other

7.5.1 The following Acts and legislation are also relevant:

* Localism Act 2011
* Human Rights Act 1998
* Equalities Act 2010
* Housing Act 2004
* Children Act 2004
* Wildlife and Countryside Act 1981
* Habitat Regulations 1994
* Conservation of Habitats and Species Regulations 2010
* Natural Environment and Rural Communities Act 2006

7.5.2 The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

8. **Analysis**

8.1 Overview

8.1.1 The applicant has relied upon temporary and personal planning permissions to stay on the site which falls within the Metropolitan Green Belt. Temporary planning permission for a period of five years for one gypsy pitch was initially granted by the Planning Inspector in August 2009. Subsequent planning application 11/0040/FUL was granted for an additional two gypsy pitches and application 11/2317/FUL was granted for an additional fourth pitch on the site; however this permission did not extend the temporary permission which expired on 9 August 2014. Planning permission 14/1661/FUL granted a further three year temporary permission for *‘Retention of the existing residential caravan site, with four Gypsy pitches/plots, consisting of four static caravans and four touring caravans, shared utility/dayroom and associated hardstanding and parking’* . The temporary permission granted under application 14/1661/FUL expired on 21 November 2017. As such there is currently no lawful use of the site to support the existing four gypsy pitches and associated works.

8.1.2 Since the previous grant of planning permission there have been notable changes in planning policy at both national and local level. At national level, the Government has made revisions to “Planning Policy for Traveller Sites” (August 2015) (PPTS) whilst at local level there is an emerging Gypsy, Traveller and Travelling Showpeople LDD document which is being progressed through the preparation of the new Local Plan. However, it should be noted that the latter document has not been subject to an independent examination nor has it been adopted by the Council.

8.2 Principle of Development

8.2.1 Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development and makes it clear that this is the basis of the planning system in relation to plan making and decision taking.

8.2.2 Planning Policy for Traveller Sites was published in August 2015 and is a material consideration in planning decisions. It should be considered in conjunction with the NPPF and sets out that the overarching aim of the Government is to ensure fair and equal treatment for travellers in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community. To help achieve this, Planning Policy for Traveller Sites sets out a number of aims in respect of traveller sites:

* That local planning authorities should make their own assessment of need for the purposes of planning
* To ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites
* To encourage local planning authorities to plan for sites over a reasonable timescale
* That plan-making and decision taking should protect Green Belt from inappropriate development
* To promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites
* That plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective
* For local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies
* To increase the number of traveller sites in appropriate locations with planning permission to address under provision and maintain and appropriate level of supply
* To reduce tensions between settled and traveller communities in plan-making and planning decisions
* To enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure
* For local planning authorities to have due regard to the protection of local amenity and local environment.

8.2.3 Core Strategy Policy CP5 states that in considering planning applications for sites for Gypsies or Travellers, a criteria-based approach will be used. Criteria include avoiding an adverse impact on the openness of the Green Belt, being within or near to existing settlements with access to local services and the circumstances of the applicant and their need for pitches on the application site.

8.2.4 The application site is located within the Metropolitan Green Belt. Planning Policy for Traveller Sites paragraph 16 highlights that traveller sites (temporary or permanent) within the Green Belt are inappropriate development and that inappropriate development is harmful to the Green Belt and should not be approved. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

8.2.5 The NPPF and Core Strategy Policy CP11 also set out that there is a general presumption against inappropriate development in the Green Belt and this is reflected by Policy DM2 of the Development Management Policies document.

8.2.6 The Council has prepared a Draft Gypsy, Traveller and Travelling Showpeople Local Development Document (GTTS LDD) to review needs for Gypsies, Travellers and Travelling Showpeople in the District and to allocate sites to meet identified needs. The Development Plans Department have confirmed that the recent Three Rivers Gypsy and Traveller Accommodation Assessment (February 2017) concluded that there is a need for 2 additional pitches, over the period 2016-2031, for Gypsy and Traveller households that meet the planning definition (2 pitches between 2016-21 and 0 between 2021-2031). The application site has been identified as a traveller site in the Council’s Draft GTTS LDD and is referred to in the Draft document as ‘Rear of 59 Toms Lane, Kings Langley’. However, since the Draft GTTS has not been adopted by the Council, the application site has not been allocated as a Gypsy and Traveller site and is still designated as part of the Green Belt. In February 2017, the Council resolved that the LDD, which was never adopted nor the subject of public examination, is to be progressed through the preparation of a new Local Plan with adoption expected early 2020.

8.3 Impact on Green Belt

8.3.1 *Inappropriate Development*

8.3.2 The National Planning Policy Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. The National Planning Policy Framework sets out that Green Belt serves five purposes:

* To check the unrestricted sprawl of large built-up areas;
* To prevent neighbouring towns merging into one another;
* To assist in safeguarding the countryside from encroachment;
* To preserve the setting and special character of historic towns; and
* To assist in urban regeneration by encouraging the recycling of derelict and other urban land.

8.3.3 Core Strategy Policy CP11 sets out that there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purposes of including land within it.

8.3.4 Policy DM2 of the Development Management Policies document also advises that within the Green Belt, except in very special circumstances approval will not be given for new buildings other than those specified in national policy and other relevant guidance.

8.3.5 Paragraph 87 of the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. As set out above, paragraph 16 of Planning Policy for Traveller Sites confirms that traveller sites are inappropriate development within the Green Belt. The proposal would therefore result in harm to the Green Belt by reason of inappropriateness.

8.3.6 The NPPF further advises that 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, is clearly outweighed by other considerations.

8.3.7 The use of the land for residential purposes does not fall within any of the exceptions as set out in the NPPF and constitutes an inappropriate development within the Green Belt. Furthermore, the extent of built form and use of the site to support four residential pitches including mobile homes, touring caravans and hardstanding has a harmful and urbanising impact on the openness of the Green Belt; although this harm is not considered to be significant as set out in more detail below.

8.3.8 The site is surrounded by residential development to the north, south and west of the site. In addition, while screening cannot be solely relied upon, the site is relatively well screened by fencing and trees along the boundary with the access road. As such, the existing development does not result in encroachment into the countryside. The development would therefore not result conflict with the five purposes of including land within the Green Belt, as set out in the NPPF.

8.3.9 It is acknowledged that there are wider views of the site from, for example, the north east and from neighbouring properties such as those fronting Toms Lane. However, the existing buildings are only single storey in nature and no buildings are proposed as part of the application. As a result, it is considered that the impact on openness is localised, not of significant harm in comparison to the previously permitted schemes and is not a prominent feature from any open landscape vantage points.

8.3.10 Notwithstanding the above, the development would result in harm by reason of inappropriateness and the proposal would therefore be contrary to Policies CP1 and CP11 of the Core Strategy, Policy DM2 of the Development Management Policies LDD and the National Planning Policy Framework. Any additional harm to the openness is not considered to be significant but this does weigh against the proposal.

* 1. Very Special Circumstances:

8.4.1 Notwithstanding the inappropriateness of the development and the identified harm to openness to the Green Belt, it is important to consider whether there are any very special circumstances which would outweigh the harm to the Green Belt by reason of inappropriateness and any other harm as a result of the proposals, as well as the sustainability of the site and other factors such as human rights legislation.

* + 1. ***The general need for and supply of Gypsy sites in Three Rivers***
		2. Planning Policy for Traveller Sites sets out that Local Planning Authorities should consider the following issues amongst other relevant matters when determining planning applications for traveller sites:
1. The existing level of local provision and need for sites
2. The availability (or lack) of alternative accommodation for the applicants
3. Other personal circumstances of the applicant
4. That the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
5. That they should determine applications for sites from any travellers and not just those with local connections.
	* 1. Planning Policy for Traveller Sites allows local authorities to make their own assessment of need for provision for Gypsies, Travellers and Travelling Showpeople.

8.4.4 There are currently 21 (excludes Uxbridge Road which has not been implemented) existing pitches with full planning permission in the District. The current site at Rear of 59 Toms Lane does not benefit from any permission while the Land adjacent 321B Uxbridge Road was not implemented. The current position is summarised in the table below:

|  |  |  |  |
| --- | --- | --- | --- |
| **Site** | **Number of pitches** | **Status** | **Expiry date** |
| The Oaklands, Bedmond | 12 | Permanent | n/a |
| Fir Trees, Sarratt | 2 | Permanent | n/a |
| **Rear of 59 Toms Lane, Kings Langley** | **4** | **Temporary** | **21.11.17 (expired)** |
| Langleybury Lane, Langleybury | 3 | Permanent | n/a |
| Land Adjacent 321B Uxbridge Road, Rickmansworth | 1 | Permanent | Not implemented |

* + 1. The Three Rivers Gypsy and Traveller Accommodation Assessment (February 2017) concluded that there is a need for 2 additional pitches, over the period 2016-2031, for Gypsy and Traveller households that meet the planning definition (2 pitches between 2016-21 and 0 between 2021-2031).
		2. The Gypsy, Traveller and Travelling Showpeople LDD Policy GT1 proposes the retention of 59 Toms Lane as a permanent Gypsy site stating:

‘*The following sites have been identified for traveller site use:*

*1. Rear of 59 Toms Lane, Kings Langley (****application site****)*

*2. Land between Langleybury Lane and Old House Lane, Langleybury*

*These sites are considered to be suitable, available and achievable for traveller use. The development of the sites will be subject to other relevant policies in the adopted development Plan and national planning policy’*

* + 1. Thus, this document seeks to retain the application site as a permanent site to meet the identified need for Gypsy and Travellers within the District. This is a material planning consideration in the retention of the current site. It should be noted that the site at Langleybury Lane is now a permanent site after it was allowed at appeal by the Planning Inspector referenced APP/P1940/W/16/3164710.
		2. Planning Policy for Traveller Sites sets out that Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of sites against their locally set targets. However, as this document is in draft form only it holds limited weight. Within the appeal for Langleybury Lane it was agreed that the Council does not have a five year land supply in respect of Gypsy and Traveller sites. Failure of policy is a further material consideration that carries weight in favour of the proposal.
		3. Planning Policy for Traveller Sites Policy H advises that if a local planning authority cannot demonstrate an up-to-date five 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 or permanent planning permission.

8.5 ***Human Rights and accommodation needs of the applicant and their personal circumstances***

8.5.1 Planning Policy for Traveller Sites sets out that for the purposes of planning policy, gypsies and travellers means:

*‘Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.’*

8.5.2 The Design and Access Statement confirms that this application is for the retention of the residential Gypsy pitches on an existing Gypsy site and that the applicant is a member of the Gypsy/Traveller community and has Gypsy status for planning purposes. The Council is not in possession of any evidence to dispute the applicant’s status as a Gypsy/Traveller.

8.5.3 The Design and Access statement also details that is important that the family have a stable place to live for various reasons including access to education, healthcare, welfare, employment infrastructure, social and community cohesion.

8.5.4 The Design and Access Statement also states:

*‘It is also important that the family have a stable place to live to access healthcare (healthcare information has previously been provided which is still relevant)’.*

8.5.5 This information referred to relates to the information submitted for application 13/1823/FUL, where evidence was submitted detailing that there were medical reasons why the applicant requires a stable place to live in order to receive continuity of care and the applicant contends that significant weight should be attributed to the health needs of the applicant. Up-to-date medical certificates have been provided during the course of the application signifying the personal circumstances of the applicant.

8.5.6 Paragraph 3 of Planning Policy for Traveller Sites sets out that:

 ‘*The Government’s overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community’.*

8.5.7 When considering an application for planning permission for the retention of the existing four gypsy pitches, the Council needs to consider whether Article 8(1) of the European Convention on Human Rights (ECHR) is engaged. Article 8(1) provides that everyone has the right to respect for his private and family life, his home and his correspondence.

8.5.8 Case law has established that Article 8(1) of the ECHR is engaged in applications for planning permission for residential Gypsy caravan pitches irrespective of whether the applicants are occupying the site as their home at the time the application is made.

8.5.9 Article 8(2) of the ECHR allows interference by a public authority with the right to respect for private and family life where the interference accords with the law and is necessary in a democratic society for the wider public interest, in terms of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals or for the protection of rights and freedoms of others.

8.5.10 Case law has also established that the greater the interference with ECHR rights, the greater will be the need to justify that interference by reference to necessity and proportionality. The concept of proportionality can be equated to the balancing exercise which should be undertaken by all decision makers and in the case of applications for Gypsy sites, any action must be evenly balanced and fully considered in order to avoid the criticism that it is disproportionate relative to the harm caused. These cases suggest that legally it will not be sufficient for local authorities to rely on a breach of Development Plan policies in refusing planning permission. Rather there must be clear evidence of demonstrable harm which outweighs the consequences of the Council’s decision for Gypsies. There is thus a need for the Council to weigh demonstrable harm against the consequences of a refusal for the applicant, including health, education, other social issues and the availability of alternative sites. It has however been found that the fact that no alternative site has been identified does not necessarily mean that it is disproportionate to refuse planning permission.

8.5.11 The application site is within the Green Belt and the proposal constitutes inappropriate development in the Green Belt. There would be harm to the Green Belt by reason of inappropriateness, as well as some harm to the openness of the Green Belt.

8.5.12 The application site meets many sustainability criteria as set out in national policy and the Development Plan. However, as a result of the impact on the Green Belt it would not be considered sustainable in all regards.

8.5.13 Regard is therefore had to Article 8(2) of ECHR which allows interference by the local planning authority where the interference accords with the law and is necessary in a democratic society for the wider public interest. The protection of the openness of the Green Belt is in the public interest, and therefore there is justification for some level of Human Rights interference by the Local Planning Authority.

8.5.14 However, in this case given the circumstances of the application site, the impact on the Green Belt and that the Council acknowledges that there is a general level of unmet need in Three Rivers, there is a lack of available sites, and that one of the residents on site has health needs which mean that a settled base is required, it is considered that withholding planning permission would be disproportionate with regards to the human rights of the applicant and the wider public interest.

* 1. ***Alternative Sites***
		1. There is a general level of unmet need for pitches for Gypsies and Travellers in Three Rivers and the Council does not have an identified five year supply of deliverable sites to meet the identified need. The existing pitches with planning permission in the District are private sites and there are substantial waiting lists for pitches on public sites within Hertfordshire. The lack of alternative sites and the fact that alternatives are likely to be in the Green Belt are further considerations in favour of the application.
	2. ***Sustainability and Suitability of Site***
		1. The NPPF makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development and at the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 7 of the NPPF states that there are three dimensions to sustainable development – economic, social and environmental and that it is not sufficient to consider each dimension in isolation; there must be a balance between the three.
		2. Core Strategy Policy CP1 also seeks to promote sustainable development and as part of this requires applications for new residential development to be accompanied by an Energy and Sustainability Statement’ demonstrating the extent to which sustainability principles have been incorporated into the design, construction and future use of proposals.
		3. Policy DM4 of the Development Management Policies states that from 2013, applicants will be required to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply.
		4. The applicant has not submitted an Energy Statement in support of the application. The application is for the retention of the existing four gypsy pitches and associated built form and does not include the construction of any buildings; it is not realistic to expect the proposed caravans to be fitted with features such as solar panels and rainwater harvesting.
		5. Planning Policy for Traveller Sites specifically advises that local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally and should ensure that their policies:
* Promote peaceful and integrated co-existence between the site and the local community
* Promote, in collaboration with commissioners of health services, access to appropriate health services
* Ensure that children can attend school on a regular basis
* Provide a settled base that reduces the need for long-distance travelling and possible environmental damage caused by unauthorised encampment
* Provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development
* Avoid placing undue pressure on local infrastructure and services
* Do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans
* Reflect the extent to which traditional lifestlyes (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability.
	+ 1. Policy CP5 of the Core Strategy broadly reflects these requirements and sets out that when considering planning applications for sites for Gypsies and Travellers, a criteria based approach will be used. The criteria set out in Policy CP5 are considered below.
1. **Avoid areas at risk from flooding**
	* 1. The site is not within an area identified as being at risk of flooding and therefore would comply with this requirement.

**b) Avoid causing an adverse impact on areas of recognised wildlife, heritage or landscape importance, and on the openness of the Green Belt**

* + 1. An assessment of the harm to the openness of the Green Belt is set out in section 8.3 above.
		2. The site is not within an area of recognised heritage or landscape importance and therefore the proposal would not result in an adverse impact on these.
		3. Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.
		4. The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application. The site is not in or located adjacent to a designated wildlife site. The Local Planning Authority is not aware of any records of protected species within the immediate area that would necessitate further surveying work being undertaken and given the nature of the proposed development there would not be any adverse impacts on biodiversity.
		5. There are trees within and on the boundary of the application site. Policy DM6 of the Development Management Policies document sets out that development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible and should demonstrate that existing trees and hedgerows will be safeguarded and managed during and after development in accordance with the relevant British Standards.
		6. The submitted plans indicate that all existing trees and hedgerows would be retained. The proposed retention of the existing use of the site would not result in any alterations to the layout of the site or increase in built form or hardstanding, as such, the retention of the site in its existing use would not impact on the vegetation sited within or outside of the site.

**c) Be in or near existing settlements with access by foot and/or public transport to local services, including shops, schools and healthcare**

* + 1. The site is within 400m of a bus stop, although this stop is only served by routes R8 and H19 which provide a very limited service. The site is within 800m of a local shop and a bus stop served by route 322 which does provide a more regular (hourly) daytime service to Watford and Hemel Hempstead.
		2. Although provision of other local services in the immediate vicinity of the application site is limited, in considering the previous appeal for the site (application reference 08/1740/RSP), the Planning Inspector commented:

*“The appeal site is on the edge of Kings Langley and it is possible to access shops and public transport within a reasonable walking distance although the return journey would be uphill. The centre of the settlement is some 1.5km away but, in view of the nearer facilities I consider that the provisions of policy CP5iii would be met.”*

* + 1. Therefore it is not considered that an objection to the site on grounds of access to services would be justified.

**d) Be well located to the highway network, with safe and convenient vehicular and pedestrian access to the site**

* + 1. Core Strategy Policy CP10 sets out that development will need to demonstrate that it provides a safe and adequate means of access.
		2. While the proposal would result in the retention of four pitches on the site, it is not considered that there would be a material impact on the highway in terms of additional traffic movements by virtue of the existing residential pitches. The NPPF states that development should not be refused permission on transport grounds unless residual impacts are severe. However, it is considered appropriate to attach the conditions attached to 14/1661/FUL requiring that no vehicles over 3.5 tonnes are to be stationed, parked or stored on the site and no commercial activities are to take place.
1. **Provide adequate on-site facilities for parking, storage, play and residential amenity**

 Parking

* + 1. Core Strategy Policy CP10 states that development should make adequate provision for all users, including for car and vehicle parking.
		2. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards. While there are no standards specifically for pitches for Gypsies and Travellers, it was identified on site that sufficient parking provision is provided on site to serve the existing four residential pitches.

 Storage

* + 1. It is expected that the caravans provide storage for domestic paraphernalia to meet the needs of residents of the site and the dayroom could also provide storage space. However, given the location of the application site within the Green Belt, it is considered appropriate to include a condition on any consent to restrict additional external storage on the site.
		2. In relation to storage of refuse/recycling facilities, CLG guidance ‘Designing Gypsy and Traveller Sites’ states that ‘*standard domestic waste disposal arrangements must be provided for each pitch in accordance with local authority requirements for the disposal of domestic waste*’.
		3. Core Strategy Policy CP1 states that development should provide opportunities for recycling wherever possible. Policy DM10 of the Development Management Policies document also sets out that adequate provision for the storage and recycling of waste should be incorporated into proposals and that new development will only be supported where the siting or design of waste/recycling areas would not result in any adverse impact to residential or workplace amenities, where waste/recycling areas can be easily accessed (and moved) by occupiers and local authority/private waste providers and where there would be no obstruction to pedestrian, cyclists or driver sight lines.
		4. The retention of the existing use of the site would not impact on the collection or storage of refuse and recycling facilities serving the site.

 Play

* + 1. The CLG guidance ‘Designing Gypsy and Traveller Sites’ states that it is ‘*recommended that the inclusion of a communal recreation area for children of all ages is considered where suitable provision is not available within walking distance on a safe route or using easily accessible public transport, and for larger sites*’.
		2. Paragraph 24 of Planning Policy for Traveller Sites also sets out that when considering applications, local planning authorities should attach weight to promoting opportunities for healthy lifestyles, such as ensuring adequate play areas for children.
		3. The application site does not include specific provision for onsite play. There are play areas in the surrounding area including at Primrose Hill, although this would be approximately 900m from the application site which is considered sufficient to serve the site.
1. **Provide adequate levels of privacy and residential amenities for occupiers and not be detrimental to the amenities of adjacent occupiers**
	* 1. Core Strategy Policy CP12 requires development proposals to protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.
		2. The proposed retention of the existing residential pitches would not result in any increase in built form or intensification of use of the site. Thus, it is not considered that the temporary retention of the existing use of the site would result in any significant impact on neighbouring residential amenity and a condition on any consent would restrict any further structures on the site.
		3. CLG Guidance ‘Designing Gypsy and Traveller Sites’ states that ‘as with a settled community, site layout and design should ensure a degree of privacy for individual households, but without inhibiting the important sense of community’. As a result of the boundary treatment to the site, the existing site benefits from suitable privacy from the surrounding neighbouring properties. No further boundary treatment would be required to be implemented to protect the privacy of the occupants of the site.
		4. It is considered that the site benefits from adequate levels of privacy and residential amenities for occupiers and the retention of the use of the site to support four gypsy pitches and associated built form would not result in any detrimental harm to the amenities of adjacent occupiers in comparison to the existing use of the site. The site is therefore considered acceptable in this regard in accordance with Policies CP5 and CP12 of the Core Strategy (adopted October 2011).
2. **The circumstances of the applicant and their need for pitches on the application site**
	* 1. This is addressed in section 8.5 above.
		2. In summary, it is noted that the proposal meets many of the sustainability criteria set out in Planning Policy for Traveller Sites and reflected in Core Strategy Policy CP5. However, the site would have an impact on the Green Belt and therefore would not meet all criteria.
	1. The Planning Balance
		1. Traveller sites in the Green Belt are inappropriate development and the application would result in harm to the Green Belt by reason of inappropriateness and some actual harm to openness. However, the actual harm to the openness would be limited as a result of the site circumstances previously expressed within the report. These factors weigh against the development proposal.
		2. Factors concerning the sustainability and suitability of the site are considered to be of neutral benefit; neither weighing against or in favour of the proposal.
		3. However, the general need for pitches in Three Rivers, the lack of an identified supply of sites to meet this need, the lack of available alternative sites to meet needs and the applicant’s personal circumstances are considered to be very special circumstances which would all weigh in favour of the development proposal. When considering whether to grant temporary permission, it is acknowledged that this would not count towards the Council’s level of unmet need. Nevertheless, when considering the planning balance, it is clear that the factors cumulatively contribute to very special circumstances which clearly outweigh the harm to the Green Belt to justify the grant of permanent planning permission.
		4. Due to the personal circumstances of the applicant and his family which are significant factors in support of the proposal it is necessary to restrict the occupancy of the site to named persons.
		5. Finally, to avoid additional harm to the Green Belt it is considered necessary to restrict further development on the site.

8.9 **Recommendation**

8.9.1 That RETROSPECTIVE PLANNING PERMISSION BE GRANTED and has effect from the date of that the development was carried out subject to the following conditions::-

C1 The site shall not be occupied by any persons other than John Wall-Cash, his wife Elizabeth Wall-Cash, their son James Wall-Cash, their daughters Cathlene Wall-Cash, Margaret Wall-Cash and Mary Wall-Cash, or John Wall-Cash’s uncle John Curney and niece Margaret Rooney or John Wall-Cash’s uncle Michael Connors.

 Reason: In granting this permission the Local Planning Authority has had regard to the special circumstances of the case; the nature of the planning permission (temporary/personal) allows the Local Planning Authority an opportunity to assess the effect of the use hereby permitted on the Green Belt in accordance with the requirements of in accordance with Policies CP1, CP5, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

 C2 The development hereby permitted shall be maintained in accordance with the following approved plans:

 TRDC001 (Location Plan), TRDC002 (Layout Plan), 08\_193B\_005, BP-01.

 Reason: For the avoidance of doubt, in the proper interests of planning, the protection of the openness and rural character of the Metropolitan Green Belt, amenities of the area and neighbouring residential amenity in accordance with Policies CP1, CP5, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011), Policies DM2, DM4, DM6, DM9, DM10, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013) and the Gypsy, Traveller and Travelling Showpeople Local Development Document (Preferred Options) (draft October 2014).

C3 When the premises cease to be occupied by those named in Condition 1 above, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought on to the land, or works undertaken to it in connection with the use shall be removed and the land restored in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority.

 Reason: To protect the openness of the Metropolitan Green Belt and amenities of the area in accordance with Policies CP5 and CP11 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

C4 The site shall not be occupied by any persons other than gypsies and travellers as defined in paragraph 15 of ODPM Circular 01/2006.

 Reason: To satisfy the requirements of Policies CP5 of the Core Strategy (adopted October 2011) and Government Circular 01/2006.

 C5 No more than 8 caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, of which only 4 caravans shall be static caravans or mobile homes, shall be stationed on the site at any time

 Reason: To protect the openness of the Metropolitan Green Belt and amenities of the area in accordance with Policies CP5 and CP11 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

C6 No sheds, amenity/utility buildings or structures other than those hereby approved shall be erected on the site at any time.

 Reason: To protect the openness of the Metropolitan Green Belt and amenities of the area in accordance with Policies CP1, CP5, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

C7 No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site

 Reason: To protect the openness of the Metropolitan Green Belt, the amenities of the area and neighbouring residential amenity in accordance with Policies CP1, CP5, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

C8 No commercial activities shall take place on the land, including the storage or burning of materials

 Reason: To protect the openness of the Metropolitan Green Belt, the amenities of the area and neighbouring residential amenity in accordance with Policies CP1, CP5, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

8.10 **Informatives**

I1 With regard to implementing this permission, the applicant is advised as follows:

 All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

 There may be a requirement for the approved development to comply with the Building Regulations. The Council's Building Control section can be contacted on telephone number 01923 727132 or at www.threerivers.gov.uk for more information and application forms.

 Community Infrastructure Levy (CIL) - If your development is liable for CIL payments, it is a requirement under Regulation 67 (1) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

 Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

 Where possible, energy saving and water harvesting measures should be incorporated. Information on this is also available from the Council's Building Control section. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

I2 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.

I3 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.