**13. 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 at Land between Langleybury Lane and Old House Lane, Langleybury, WD4 8RW for Mr Cash**

◼(DCES)

|  |  |
| --- | --- |
| Parish: Abbots Langley | Ward: Gade Valley |
| Expiry Statutory Period: 29 June 2016 | Officer: Matthew Roberts |
|  |  |
| Recommendation: That Temporary Planning Permission be granted subject to conditions.  |
|  |
| This application is brought before the Committee as it has been called in by Abbots Langley Parish Council. |

1. **Relevant Planning History at application site:**

1.1 94/133/8 - Erection of stable block. Refused for the following reasons:

 R1: *The proposed stables would be situated in a prominent position and would represent a sporadic and isolated development harmful to the rural character and appearance of this locality which is situated within the Metropolitan Green Belt and is designated as a Landscape Conservation Area. Accordingly the proposal is contrary to Policies 50, the new Policy inserted after Policy 53 and Policy 73A of the Three Rivers District Plan Review 1991.*

 R2: *The proposed stables would be situated on an insufficient area of land to support the proposed number of animals without adverse consequences for the condition of the land. This would result in harm to the character and appearance of this attractive rural area which is within the Metropolitan Green Belt and is designated as a Landscape Conservation Area. Accordingly the proposal is contrary to Policy 73A of the Three Rivers District Plan Review 1991.*

 R3: *The proposal would result in the removal of a substantial number of saplings which would otherwise grow into a substantial woodland area providing an attractive feature in the landscape, and a buffer on the eastern edge of the M25 motorway.*

 This application subsequently was dismissed at appeal: T/APP/P1940/A/94/243003/P7. Whilst the appeal was dismissed, the Inspector stated that the building would not be visually intrusive, and that a condition limiting the number of horses to three would likely overcome the issue of over-grazing.

1.2 97/0938 - Erection of single storey stable block. Approved.

1.3 99/0068 - Erection of hay barn. Approved and implemented.

1.4 02/01634/FUL - Retrospective application: Retention of agricultural barn. Refused for the following reason:

R1: *The proposed barn, by reason of its increased size would result in a Green Belt. No justification has been given why a building of this size is reasonably required in this Green Belt location and this is therefore contrary to Policy GB1 of the Three Rivers Local Plan 1996- 2011.*

1.5 02/00649/OUT - Outline application: Erection of a detached dwelling. Refused July 2002 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 Review 1991-2011 (Policy 5) and the Three Rivers Local Plan 1996-2011 (Policy GB1), 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. As such the proposal is contrary to GB1 of the Three Rivers Local Plan 1996-2011.*

 R2: *The level of annual dwelling completions in Three Rivers is such that without intervention, the allocated number of dwellings for the District is likely to be significantly exceeded. Policy H3 of the adopted Local Plan provides the appropriate mechanism to restrain further release of housing sites and is considered relevant in this case. The proposal is considered to be contrary to Policy H3 (iii) of the adopted Local Plan.*

 R3: *The existing visibility splays, due to the intensification of the use of the access, are inadequate by current standards as detailed in 'Roads in Hertfordshire'. The inadequacy of the visibility splays would be to the detriment of the safety and free flow of traffic on the highway and to the detriment and safety of all other road users. This is contrary to Policy T7 of the Three Rivers Local Plan 1996-2011.*

1.6 04/0245/FUL - Erection of a barn. Withdrawn.

1.7 10/1570/FUL - Erection of a stable block. Refused for the following reason:

 R1: *The proposed stable block by reason of its siting, scale, design and the spread of urbanising development across the site; would result in an overly prominent form of development that fails to protect the countryside from encroachment and would be to the detriment of the openness of the Metropolitan Green Belt. As such, the proposal represents inappropriate development in the Metropolitan Green Belt, and no very special circumstances have been demonstrated to outweigh the harm to the Metropolitan Green Belt. This is contrary to Policy GB1 of the Three Rivers Local Plan 1996-2011.*

1.8 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. Refused 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).*

 Temporary planning permission permitting the use of the site for four caravans of which no more than two should be static caravans up until July 2015 was subsequently allowed on appeal: APP/P1940/A/11/2160486/NWF and APP/P1940/C/11/2164949 (relating to Enforcement Case 10/0439/COMP). 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.

1.9 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. Permitted and implemented.

1.10 13/1033/DIS - Discharge of Conditions 4i (Foul Water Drainage) pursuant to planning application 11/0725/FUL (granted on appeal references APP/P1940/C/11/2164949 and APP/P1940/A/11/2160486). Determined.

1.11 14/0367/DIS - Discharge of Conditions 5 (Landscaping and Lighting Scheme), 10 (Construction Management Plan) and 12 (Domestic Waste) pursuant to planning application 13/2256/FUL. Determined.

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

 ***Land Rear of 59 Toms Lane, Kings Langley:***

1.12 08/1740/FUL - 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 January 2009 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.*

 This application was granted on 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.

1.13 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. Temporary and personal planning permission approved for 5 years.

1.14 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 and implemented.

1.15 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). Permitted.

1.16 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. Permitted.

1.17 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).

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

1.18 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.

1.19 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.

1.20 ***Fir Trees, Dawes Lane, Sarratt***

1.21 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.

1.22 13/1550/FUL - Erection of 15 dwellings including access, parking and landscaping - Withdrawn 21.11.13

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

1.23 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. Permission granted**.**

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

1.24 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).*

1.25 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. **Site Description:**

2.1 The application site is located on the northern side of Old House Lane, positioned near to the corner with Langleybury Lane in Langleybury, situated approximately 1.5km from the Village of Hunton Bridge.

2.2 The application site is enclosed by a dense wooded area which is afforded protection via a blanket Tree Preservation Order (TPO 325) otherwise known as a Woodland Order which covers the entire parcel of land bounded by the M25 Motorway to the west and Langleybury Lane to the east and thus encompasses the application site.

2.3 The application site is roughly rectangular in shape and is accessed via Old House Lane via a gated entrance at the south eastern corner. Within the site there are extensive areas of hardstanding with landscaping along with three static homes, touring caravans, small timber sheds, children’s play equipment and a pitched roofed timber barn located within the south western corner.

2.4 The application site includes land beyond the enclosed area; essentially this additional land consists of woodland to the east and west of the clearing. Storage of building materials is evident on the parcel of land to the west.

2.5 With regards to other policy designations, the site is located within the Metropolitan Green Belt.

3. **Description of Proposed Development:**

3.1 This application seeks the removal of Conditions 1 (personal) and 3 (temporary permission) of planning permission 13/2256/FUL.

3.2 The planning permission granted by the Local Planning Authority under reference 13/2256/FUL was for the 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. This permission was granted on a temporary basis for 3 years from the date of the decision 3 February 2014 and was also restricted to certain persons. The Conditions relevant to this application include:

3.3 Condition 1:

 *“The use hereby permitted shall be carried on only by Mr Jimmy Cash and Mrs Nan Cash, Mr Miles and Mrs Leanne Cash and Mr Keith Nash and their resident dependants, and shall be for a limited period being the period of 3 years from the date of this decision, or the period during which the premises are occupied by them, whichever is the shorter.*

 *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 CP1, CP5, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).”*

3.4 Condition 3:

 *“When the premises cease to be occupied by those named in condition 1 above, or at the end of 3 years from the date of this decision, whichever shall first occur, 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 to its condition before the development took place.*

*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).”*

3.5 The application has been submitted on the basis that the Conditions 1 and 3 should be removed and that another temporary permission would not be reasonable or necessary.

3.6 The application was supported by a brief Planning Statement prepared by Green Planning Studio.

4. **Consultation:**

4.1 **Statutory** **Consultation:**

4.1.1 Abbots Langley Parish Council: Objection to permanent permission.

 *“Members object to this application for a permanent site on land within the green belt and feel that all the conditions of the previous approval - 13/2256/FUL; should continue for a further period of 3 years. If officers are minded to approve this application then Members request that it is referred to Three Rivers Planning Committee for consideration.”*

 A further email was received on 20 June from Sarratt Parish Council which stated:

 *“Whilst the site is not in Sarratt Parish Council it does affect many of our residents and the Council objects to the removal of condition 1 of permission 13/2256/FUL.  Furthermore it understands that Mr Cash’s uncle has now died and therefore this should remove the need for 3 pitches and it should revert back to the original 2 pitches original granted for the use of Jimmy Cash and Family and Miles Cash and family and should remain personal and temporary to them.”*

4.1.2 Local Plans: No objection.

*“The proposed development is situated within the Metropolitan Green Belt and the Chilterns Landscape Area, as shown on the Local Plan Policies Map 2014.*

 *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.’*

*This application is for the retention of the residential Gypsy pitches on an existing Gypsy site. 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.*

*The applicant has advised that the occupiers of the site are Mr Jimmy Cash and Mrs Nan Cash and their daughter, Mr Miles and Mrs Leanne Cash and their two children.*

*The application site has been identified as a traveller site in the Council’s Draft Gypsy, Traveller and Travelling Showpeople LDD (Preferred Options Oct 2014) and is referred to in the Draft document as ‘Land between Langleybury Lane and Old House Lane, Langleybury’*

*The Draft Gypsy, Traveller and Travelling Showpeople LDD (GTTS) proposes amendments to the Green Belt boundary to remove two sites, including this site, from the Green Belt 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.*

*The Travellers Needs Assessment Update (December 2013) concluded that the estimated extra site provision that is required to address the needs for the existing households on the sites with temporary permission (which includes the application site) and a small amount of household growth over time will be a total of 7 pitches (5 pitches between 2013 – 2018 and 2 pitches between 2019-2023).*

*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 or a permanent planning permission is granted. The anticipated timescales for adoption of the Gypsy Traveller and Travelling Showpeople LDD is October 2017 as set out in the Local Development Scheme (June 2016) which was approved by the Policy & Resources Committee on 13 June 2016.*

*The Draft GTTS is a material planning consideration and has been subject to several consultations but yet to be subject to an Independent examination and adopted by the Council. Until the Gypsy, Traveller and Travelling Showpeople LDD has been through this process and adopted the application site remains unallocated and in the Green Belt.*

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

*Policy H goes on to say 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.*

*Policy CP11 of the adopted Core Strategy (2011) 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 of the Development Management Policies Local Development Document (2013) 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 Planning policy for travellers sites also states:*

*Inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development and 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.*

*As the site has been identified by the Council to be allocated as a traveller site in the draft GTTS consideration should be given to granting planning permission or to granting a permission for a further temporary period of 18 months to enable the Gypsy, Traveller and Travelling Showpeople LDD to be progressed through to adoption.”*

4.1.3 Highway Authority: No objection.

 *“The removal of the two planning conditions will facilitate the permanent use of the site for 3 No. gypsy pitches. The Highway Authority does not have any record of Personal Injury Collisions at or close to the use during the last three years. The existing use of the site, therefore, does not appear to have had a detrimental impact on the safe movement of traffic on the adjacent highway. The Highway Authority has therefore not identified any highway related concerns with the proposal and does not raise any objection to the application.”*

4.1.4 Highways Agency: No objection.

4.1.5 Environmental Health Officer: No comments received. Any comments received will be verbally updated at Committee.

4.1.6 National Grid: No comments received. Any comments received will be verbally updated at Committee.

4.1.7 Affinity Water Asset Sustainability: No comments received. Any comments received will be verbally updated at Committee.

4.1.8 Thames Water: No comments received. Any comments received will be verbally updated at Committee.

4.2 **Public Consultation:**

4.2.1 Number consulted: 70

4.2.2 Site Notice: Expired: 7 June 2016

* + 1. Number of responses received: 14
		2. Summary of responses:
* Suitable conditions should be imposed to prevent further development
* Rubble and general building materials outside the site
* Ever increasing number of caravans on site
* Council has a responsibility to find acceptable alternatives on brownfield sites
* Three Rivers should not let down local residents a second time
* Land was intended to be a natural break between motorway and surroundings
* Inappropriate use in Green Belt
* Eye-sore and damaging local environment
* No special circumstances that justify any form of residential use.

4.2.5 Representations were also received from CPRE Hertfordshire which are set out below:

* Inappropriate development in the Green Belt.
* Temporary permission granted to enable the Local Planning Authority an opportunity to assess the effect of the use or development on the openness of the Metropolitan Green Belt and an opportunity to assess the level of Gypsy and Traveller site provision.
* The Council can only consider whether or not Conditions 1 and 3 are reasonable and necessary.
* The clear intent of the Inspector in granting a temporary permission was to enable the Council to assess Gypsy and Traveller provision. It has not yet been issued as a formal document subject to examination, or adopted by the Council as policy. Consequently it remains open to modification following that consultation. As such it carries little weight until such time as it has been subjected to formal examination.
* To grant permanent status to this site through removal of Conditions 1 and 3 would contravene both of these criteria.
* Equally, for sites in land designated as Green Belt the absence of an up to date five year supply of deliverable sites is no longer a significant material consideration. Recent case law has also held that absence of a five year supply does not negate the force of existing Local Plan policies.

4.2.6 Officer response to representations:

4.2.7 The applicant was advised during a site visit that the building materials within the woodland towards the west should be removed.

4.2.8 CPRE Hertfordshire has stated that the Council can only consider whether or not Condition 1 and 3 are reasonable and necessary. The application has been made under Section 73 of the Town and Country Planning Act 1990 which states:

*“On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and*

1. *if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and*
2. *if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.”*

4.2.9 It is acknowledged that the Local Planning Authority (LPA) under a Section 73 application cannot vary the time limit for implementation; however, the planning permission subject to this application (13/2256/FUL) has been implemented.

4.2.10 The following analysis section will assess the development against national and local planning policies.

5. **Reason for Delay:**

5.1 Planning Committee cycle.

6. **Relevant Planning Policy, Guidance and Legislation:**

6.1 National Planning Policy Framework (NPPF)

6.1.1 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.

6.2 The Three Rivers Local Plan Core Strategy:

6.2.1 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.

6.3 Development Management Policies LDD:

6.3.1 The Development Management Policies LDD was adopted on 26 July 2013 having been through a full public participation process and Examination in Public. Relevant policies include: DM2, DM4, DM6, DM13 and Appendix 5.

6.4 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) was subject to consultation between 3 October and 14 November 2014.

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

6.6 Written Ministerial Statements on Planning and Travellers of 1 July 2013 and 17 January 2014.

6.7 Dacorum Borough Council and Three Rivers District Council Traveller Needs Assessment (January 2013).

6.8 Online National Planning Practice Guidance.

6.9 The following legislation is also relevant:

* Localism Act 2011
* Wildlife and Countryside Act 1981
* 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. **Planning Analysis:**

7.1.1 Overview:

7.1.2 Following an unauthorised encampment and the subsequent serving of an Enforcement Notice in October 2011 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 was initially granted by the Planning Inspector on 9 July 2012 following an Inquiry. In 2014, temporary planning was extended under 13/2256/FUL which also increased the number of pitches from 2 to 3 (3 static caravans and 3 touring caravans). Both permissions were also personal to specific individuals. The current extant permission expires on 3 February 2017, 3 years from the date of the decision as controlled by Condition 3 of 13/2256/FUL.

7.1.3 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. 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.

7.2. Reasonableness of Conditions 1 and 3 of 13/2256/FUL:

7.2.1 The NPPF (March 2012) under paragraph 206 states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

7.2.2 The crux of the applicant’s case it that the Local Planning Authority’s own emerging document, the Gypsy, Traveller and Travelling Showpeople LDD (October 2014) identifies the application site as a permanent site in order for the Local Planning Authority to meet its identified shortfall of 7 pitches (5 pitches between 2013 – 2018 and 2 pitches between 2019-2023) in the period 2013-2023. However, as previously mentioned this document is still under review and has not been subject to an independent examination or been adopted by the Council. As a consequence, whilst this document is a material consideration it should not be afforded significant weight. Nevertheless, the applicant is of the view that Condition 1 (personal) and Condition 3 (temporary period) of 13/2256/FUL no longer meet the six tests as outlined within the National Planning Policy Framework and therefore should both be removed to enable a permanent traveller site with no personal restriction prior to any formal adoption of the Gypsy, Traveller and Travelling Showpeople LDD.

7.2.3 To understand why the conditions were first imposed, it is necessary to have regard to the appeal decision of 11/0725/FUL in 2012 (Referenced: APP/P1940/C/11/2164949), a material planning consideration, which granted temporary planning permission. When making the decision the Inspector under paragraphs 92 to 95 of the appeal decision explains the rationale over their imposition. Firstly, with respect to Condition 1 the Inspector stated the following:

 *“I also consider that as the personal circumstances of the appellant and those residing with him have been material factors which have influenced my decision that a personal condition should be imposed limiting the occupation to the named occupiers and their dependants.”*

7.2.4 At the time of granting temporary permission the Inspector had regard to the fact that a personal permission was necessary, relevant to planning and to the development permitted, enforceable, precise and reasonable in all other respects. The personal circumstances were discussed in detail within the appeal decision and relate to a number of factors concerning overcrowding at other sites, lack of available sites (given constraints of Three Rivers and cost of land within urban/brownfield sites) and the medical and educational needs of the family which has strong family associations within the Hertfordshire area. At the time of the appeal decision and during the assessment of 13/2256/FUL there were personal circumstances to consider. In the 2012 appeal, the Inspector discussed the personal circumstances of the applicant’s uncle and stated that his medical needs and the requirement for a fixed abode carried considerable weight in the determination process. The Inspector also noted that no other significant health issues were raised. However, as it stands today, the applicant’s uncle is no longer alive and thus the personal circumstances relating to him are now lost. No supporting evidence has been submitted during this application which identifies any existing health issues of the current occupiers.

7.2.5 Notwithstanding the above, regard was also had to the daughter of the applicant who was at the time of the appeal just settling into reception class at Tanners Wood JMI School and, according to the teacher, making good progress. The Inspector acknowledged that without access to a school this would be detrimental to her education. It is understood that the applicant’s daughter is still at the said primary school.

7.2.6 When granting temporary permission the Inspector stated that:

 *“…as well as the general need situation, I considered that the personal accommodation needs of the appellant and those co-occupying the appeal site are considerable with little realistic lawful alternative to which they could move.”*

 *“The health needs of one of the occupiers are significant and, in the absence of any obvious short term alternative location, I conclude there is a strong possibility he could end up living on an unauthorised encampment, which would likely to be detrimental to his health.”*

7.2.7 When taking the above into account, the Inspector considered that the factors were not so great as to warrant the grant of a permanent planning permission. However, given the lack of deliverable sites and having regard to Article 8 and Article 1 of the European Convention on Human Rights (ECHR), the general need and personal circumstances identified in 2012 enabled a proportionate measure in granting a temporary permission. The planning permission under reference 13/2256/FUL also made specific reference to the general level of unmet need in Three Rivers, the lack of available sites, and the fact one of the residents on site had health needs which required a settled base. This resulted in the LPA extending temporary permission at the site for a further 3 years.

7.2.8 When considering whether Conditions 1 and 3 of planning permission 13/2256/FUL are still reasonable and meets the six tests for planning conditions, it is necessary to have regard to current national and local policy whilst also taking into account of the site circumstances.

7.3 Impact on the Metropolitan Green Belt:

7.3.1 The application site is located within the Metropolitan Green Belt. The NPPF outlines that the Government attaches great importance to Green Belts with the fundamental aim to prevent urban sprawl by keeping land permanently open. The Green Belt serves various purposes including restricting the sprawl of built up areas and assisting in safeguarding the countryside from encroachment. The extent to which the use of land fulfils these objectives is however not itself a material factor in the inclusion of land within a Green Belt, or in its continued protection. For example, although Green Belts often contain areas of attractive landscape, the quality of the landscape is not relevant to the inclusion of land within a Green Belt or to its continued protection. The purposes of including land in Green Belts are of paramount importance to their continued protection, and should take precedence over the land use objectives.

7.3.2 Policy CP11 of the Core Strategy (adopted October 2011) states that there will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt. Inappropriate development is, by definition, harmful to the openness of the Metropolitan Green Belt. 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.

7.3.11 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 16 of the PPTS confirms that traveller sites are inappropriate development within the Green Belt:

 *“…traveller sites (temporary or permanent) in the Green Belt are inappropriate development”.*

7.3.12 The proposal would therefore result in harm to the Green Belt by reason of inappropriateness. 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.

7.3.13 In relation to the level of actual harm arising from the development the Planning Inspector for the appeal in 2012 under paragraph 34 concluded that *“there is also significant harm caused due to the loss of openness and the encroachment of development into the Green Belt.”* As part of 13/2256/FUL, it was noted that the additional pitch, hardstanding and structures would further impact on the openness of the Green Belt.

7.3.14 However, 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.

7.4 The general need for and supply of Gypsy sites in Three Rivers:

7.4.1 The PPTS states that Local Planning Authorities should consider the following issues amongst other relevant matters when considering 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 access 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

7.4.2 Previously, the need for sites in the District was set out in the policies of the Regional Spatial Strategy (the East of England Plan). However, with the revocation of this Regional Strategy in January 2013 and the introduction of Planning Policy for Traveller Sites, local authorities can now make their own assessment of need for provision for Gypsies, Travellers and Travelling Showpeople.

7.4.3 Policy have advised that the need as assessed in the Travellers Needs Assessment Update (December 2013) is 7 pitches (5 pitches between 2013 and 2018 and 2 pitches between 2009 and 2023). There are currently 15 existing pitches with full planning permission in the District. There are also currently 7 pitches with temporary planning permission. The Inspector’s decision in 2012 confirmed that temporary consents cannot be seen as permanent contributions towards meeting needs.

7.4.4 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 | 21.11.2017 |
| **Langleybury Lane, Langleybury** | **3** | **Temporary** | **03.02.2017** |
| Land Adjacent 321B Uxbridge Road, Rickmansworth | 1 | Permanent | n/a |

7.4.5 At the time of writing this report the Gypsy, Traveller and Travelling Showpeople LDD has been subject to several consultations but as of yet has not been subject to an Independent Examination. Nevertheless, Policy GT1 of this emerging document states that the following sites have been identified for traveller site use and that these sites are considered to be suitable, available and achievable for traveller use and would offer an immediate opportunity to meet the identified current and future needs of the travelling community to 2023:

 Rear of 59 Toms Lane, Kings Langley

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

7.4.6 As it stands the emerging policy holds moderate weight and the Council’s intention is to formalise the application site in the future as a permanent traveller site. However, at the current time the Council cannot demonstrate an up-to date 5 year supply of deliverable sites to meet identified needs. In such circumstances, the revised PPTS states:

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

7.4.7 Consequently, based on the revised national guidance it is clear that general need alone is no longer a significant material consideration given the site’s location within the Green Belt. Based on previous decisions this clearly weighs against the applicant and reinforces the weight which should be attached to the harm to the Green Belt. Notwithstanding the above, the LPA is still required to consider the existing level of local provision and the lack of alternative accommodation for the applicants as these factors hinder the ability for the applicant and his family to move elsewhere.

7.4.8 Due to the death of the applicant’s uncle, there is also concern as to whether 3 pitches are now reasonably required given only two families occupy the site. However, it should be noted that planning permission 13/2256/FUL granted 3 pitches up to 3 February 2017 and this permission is still extant.

7.5 Human Rights and accommodation needs of the applicant and their personal circumstances:

7.5.1 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.”*

7.5.2 The Council is not in possession of any evidence to dispute the applicant’s status as a Gypsy/traveller. Whilst it is noted the applicant has been on site for a number of years, it could be argued that they have simply ceased to travel temporarily which still falls within the above definition.

7.5.3 In terms of personal circumstances, following the death of the applicant’s uncle it would appear that there are no current grounds to stay at the site for medical purposes. However, as previously mentioned the applicant’s daughter is still at a local school and therefore the rights of the child are paramount under the Human Rights Act. Additionally, the Council needs to consider whether Article 8(2) of the European Convention on Human Rights (ECHR) is engaged. Article 8(2) provides that everyone has the right to respect for his private and family life, his home and his correspondence.

7.5.4 Case law has established that Article 8(2) 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.

7.5.5 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.

7.5.6 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.

7.5.7 The application site is within the Green Belt and the proposal constitutes inappropriate development in the Green Belt. There is harm to the Green Belt by reason of inappropriateness, as well as significant harm to the openness of the Green Belt. The application site meets many sustainability criteria as set out in national policy and the Local Plan. However, as a result of the impact on the Green Belt it would not be considered sustainable in all regards. 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.

7.6 Very Special Circumstances:

7.6.1 The development in situ results in harm to the Green Belt by reason of inappropriateness and significant harm to the openness of the Green Belt as previously expressed within paragraph 7.3.13.

7.6.2 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 waiting lists for pitches on public sites within Hertfordshire.

7.6.3 With the exception of being in the Green Belt, the application site is considered to be generally sustainable in line with the Inspector’s 2012 appeal decision.

7.6.4 Notwithstanding the above, the PPTS states 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.”*

7.6.5 Consequently, it is evident that any decision made by the Local Planning Authority would need to be finely balanced. Whilst acknowledging that personal circumstances and unmet need are unlikely to outweigh the harm to the Green Belt, these factors should still be considered cumulatively and be given significant weight in any determination.

7.6.6 It is therefore considered that the general level of unmet need for pitches in Three Rivers, the lack of available sites, the absence of a five year supply of deliverable sites and the best interests of the child would constitute very special circumstances in this instance. These very special circumstances may outweigh the harm to the Green Belt by reason of inappropriateness.

7.7 Appropriateness of Temporary Permission:

7.7.1 It is clear that there are merits to granting a temporary planning permission in a District where there is a generally accepted level of unmet need. Indeed, the benefits of a temporary permission for Gypsy/Traveller sites in Three Rivers within this context were outlined by the Inspector in the 2012 appeal. He stated:

*“A proportionate measure in this case, which I consider strikes the appropriate balance between the human rights of the appellant…and the public interest, would be to grant temporary permission…This…would give the Council the opportunity of reviewing the situation at the end of the (three year) period subject to the progress on the Allocations DPD.”*

7.7.2 It is accepted that both temporary and permanent traveller sites are inappropriate development in the Green Belt and as discussed unmet demand and personal circumstances are now unlikely to outweigh the harm to the Green Belt and other harm to constitute the very special circumstances justifying inappropriate development in the Green Belt. Nevertheless, in this instance the absence of a 5 year supply of sites, no current available sites and in the best interests of the child should form significant material considerations in this application. Additionally, it is also recognised that the proposal does not conflict with any of the purposes of including land in the Green Belt in accordance with the Inspector’s appeal decision.

7.8 Appropriateness of Permanent Permission:

7.8.1 It is acknowledged that substantial weight should be given to the harm to the Green Belt. The harm to the Metropolitan Green Belt has been well documented within this report. Therefore, when considering the level of unmet need within the district, the lack of available sites and educational needs of the applicant’s daughter, these factors when taken cumulatively, would no longer be considered sufficient to justify a permanent permission in light of the revisions to PPTS.

7.8.2 On the other hand it is highly likely that any future Gypsy and Traveller pitches within the District would be located within the Metropolitan Green Belt, on sites that may be extremely open in character, therefore resulting in more harm. It should also be recognised that by granting temporary permission, the site would not count towards the Council’s supply against the level of unmet need.

7.8.3 Furthermore, it is clear that the Council is seeking to formally remove the application site from the Green Belt in the future and adopt the site as a permanent traveller site, albeit not with a personal restriction.

7.9 Conclusion:

7.9.1 When considering whether to grant temporary or permanent planning permission, it is felt that based on the current site circumstances and national and local policy, the significant harm to the Green Belt is such that it would not be appropriate to grant permanent permission at the current time. The Green Belt designation of the application site cannot be removed via the planning process. As such, the extension of the temporary period for 18 months would form a proportionate response and would enable sufficient time for the formal adoption of the Gypsy, Traveller and Travelling Showpeople LDD.

7.9.2 It is also clear that both Conditions 1 and 3 are still necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Both conditions are fundamental and form an integral part of the decision making process. Their removal would clearly be at odds with the current Government’s planning policy stance on traveller sites within the Green Belt and granting a permanent planning permission would be premature considering the Gypsy, Traveller and Travelling Showpeople LDD has to go through an independent examination before formal adoption.

7.9.3 Nevertheless, in this case, given the circumstances of the application site, the impact on the Green Belt, existing level of unmet need in Three Rivers, lack of available sites and in the best interests of the child, it is considered that withholding planning permission would be disproportionate with regards to the human rights of the applicant and the wider public interest. As such, a further extension of the temporary permission by 18 months is considered a reasonable and proportionate approach to the application at the current time.

7.9.4 As weight has been given to personal circumstances, personal consent is also reasonable and necessary given the location of the site within the Green Belt.

8. **Recommendation:**

9.1 That PLANNING PERMISSION BE GRANTED subject to the following conditions:-

C1 The use hereby permitted shall be carried on only by Mr Jimmy Cash and Mrs Nan Cash, Mr Miles and Mrs Leanne Cash and their resident dependants, and shall be for a limited period being the period of 3 years from the date of this decision, or the period during which the premises are occupied by them, whichever is the shorter.

 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 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 temporary development hereby permitted shall be carried out and maintained in accordance with the following approved plans:

 10\_381\_001, 10\_381\_002A (Indicative Existing Layout), 10\_381\_003B, 10\_381\_004

 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 and amenities of the area in accordance with Policies CP1, CP5, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2, DM4, DM6, DM7, DM9, DM10, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

 C3 When the premises cease to be occupied by those named in condition 1 above, or at the end of 18 months from the date of this decision, whichever shall first occur, 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 No more than 6 caravans, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, as amended, (of which no more than 3 shall be a static caravan) 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).

C5 The external lighting within the application site shall be permanently maintained in accordance with the information set out on Site Plan 001 approved under Approval of Details Reserved by Condition application 14/0367/DIS, dated 24 April 2014.

 Reason: In the interests of 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, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

C6 The soft landscaping areas shall be permanently maintained in accordance with the information set out on Site Plan 001 approved under Approval of Details Reserved by Condition application 14/0367/DIS, dated 24 April 2014.

 Reason: In the interests of 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, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

 C7 No more than one site container, for the use only in connection with the residential use hereby permitted, shall be stationed on the site at any one time. The ancillary buildings and materials not shown on the approved drawings as being retained shall be removed from the site prior to the occupation of the development hereby permitted.

 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).

 C8 No vehicle over 3.5 tonnes shall be stationed, parked or stored on this 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).

 C9 The foul water drainage arrangements shall be maintained in accordance with the information set out on Plan 10\_381\_003B and in accordance with the Foul Drainage Assessment (FDA1) form approved under Approval of Details Reserved by Condition application 13/1033/DIS, dated 21 June 2013.

 Reason: To prevent contamination of the surface water provision in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C10 The collection of domestic waste shall be permanently maintained in accordance with the information set out on Site Plan 001 approved under Approval of Details Reserved by Condition application 14/0367/DIS, dated 24 April 2014.

 Reason: To ensure that satisfactory provision is made, in the interests of amenity and to ensure that the visual appearance of such provision is satisfactory in compliance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

9.2 **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 application form; the relevant form is available on the Council's website (www.threerivers.gov.uk). Fees are £97 per request (or £28 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 the website above for more information and application forms.

 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.