



Planning Committee Report

Application Number: WND/2021/0369

Location: Land At Stowe Hill Watling Street Weedon (Stowe Nine Churches Parish) Northamptonshire NN7 4RZ

Development: Use of land for the stationing of caravans for residential use (part retrospective)

Applicant: Mr E Biddle

Agent: M Green

Case Officer: Eamon McDowell

Ward: Woodford & Weedon Ward

Reason for Referral: Call in by Cllr David Smith

Committee Date: 3rd April 2024

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT BE GIVEN DELEGATED POWERS TO FORMALLY REFER THE APPLICATION TO THE DEPARTMENT FOR TRANSPORT TO ADVISE THAT THE COUNCIL IS MINDED TO APPROVE THE APPLICATION SUBJECT TO CONDITIONS SET OUT IN THE REPORT AND ON RECEIPT OF A FAVOURABLE RESPONSE FROM THE DEPARTMENT OF TRANSPORT TO GRANT PERMISSION.

Proposal

Use of land for the stationing of caravans for residential use.

Consultations

The following consultees have raised **objections** to the application:

- Weedon Bec Parish Council
- Stowe IX Parish Council
- Dodford Parish Meeting
- National Highways

The following consultees have raised **no objections** to the application:

- Planning Policy
- Conservation Officer
- Local Lead Flood Authority
- Canals and Rivers Trust
- Environment Agency
- Crime Prevention Design Adviser

5 letters of objection have been received and 0 letters of support have been received.

Conclusion

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 4 of the report.

The key issues arising from the application details are:

- Principle of Development
- Impact on local landscape
- Impact on Canal Conservation Area
- Impact on residential amenity
- Highway Safety

The report looks into the key planning issues in detail, and Officers conclude that on balance the proposal is acceptable subject to conditions listed and formal referral to Secretary of State for Transport .

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1 APPLICATION SITE AND LOCALITY

- 1.1 The application site is located to the southeast of Weedon village on the west side of the A5 and immediately south of Church Street. To the south is the Grand Union Canal a designated Conservation Area. Directly opposite the site is a long established commercial garage site. Also just further south there is a pub/restaurant (The Narrow Boat) on the east side of the A5 immediately north of Heyford Lane. A detached dwelling (Canal Cottage) lies some 100m to the south of the application site. To the south west of the site is a sewage treatment plant accessed off a track from Church Street to the north.
- 1.2 The site comprises a relatively flat area of land sitting within a larger well screened plot accessed directly off the A5. Access to the site is via a relatively steep access road that drops from the A5 down into the site.
- 1.3 The site is laid to compressed hard-core although the wider plot is primarily laid to grass and screened for the most part by field hedges along its western and northern boundaries and a fence/hedges to the A5 frontage. The land rises to the south towards the canal which itself is well screened from the site by numerous canal side trees and hedges. A water course runs along the western edge of the wider plot within which sits the application site.
- 1.4 The application site is presently occupied by 7 mobile homes and one caravan and a day room building. Some additional domestic paraphernalia occupies the wider plot comprising children's play equipment including goal points and a climbing frame/slide. Some containers occupy the northern corner of the wider plot but are not the subject of this application.

2 DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 The development is seeking permission for the use of the application site for the stationing of caravans for residential use. In effect the proposal seeks to regularise the existing additional units brought on to site following the grant of permission for a single traveller unit under DA/2019/0195 and to allow for their retention on site to serve the needs of the family. This will be a total of 7 static units with associated mobile units.

3 RELEVANT PLANNING HISTORY

- 3.1 The following planning history is considered relevant to the current proposal:

DA/2015/0195 Use of land for stationing of caravans for residential purposes 1 No. Gypsy and traveller pitches, formation of hardstanding, resurfacing of partially overgrown access track and conversion of existing building to dayroom ancillary to that use . Part retrospective. Approved February 2016

DA/2019/1003: Variation of condition 3 of planning permission DA/2015/0195 To regularise the breach of condition 3 by constructing the access within 12 months of the date of this application. Secretary of State for Transport directs that the application be deferred indefinitely. Finally Disposed Of.

4 RELEVANT PLANNING POLICY AND GUIDANCE

Statutory Duty

- 4.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 4.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to preserving or enhancing the character or appearance of a conservation area.

4.3 Development Plan

West Northamptonshire Joint Core Strategy Local Plan (Part 1) (December 2014)

Policies

SA Presumption in Favour of Sustainable Development

Settlements and Countryside Local Plan (Part 2) For Daventry District (February 2020)

Policy HO9 Gypsies, Travellers and Travelling Show people

4.4 Material Considerations

West Northamptonshire Emerging Local Plan – Consultation Draft April 2024

National Policies the National Planning Policy Framework (NPPF, 2023)

National Planning Practice Guidance (NPPG) (as revised)

Planning Policy for Travellers sites (December 2023)

5 RESPONSE TO CONSULTATION

5.1 Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website.

Consultee Name	Position	Comment
Weedon Parish Council	Object	<p>1.The existing permission was based on false information</p> <p>2.The site is operating a business which is not covered by the existing or proposed development</p> <p>3. The existing access does not meet the required standard of the highway authority and is a danger to users of the A5. There is already increased vehicular/pedestrian activity in the immediate locality as a result of staycations on the nearby canal.</p> <p>4. There are more than 5 living units on site and these do not look suitable. There are concerns about sewage disposal.</p> <p>5. No identified need for additional traveller accommodation the area.</p> <p>6. If this were a scheme for residential units it would be refused for being outside the confines of the village. Fail to see why policies restricting development in the open countryside are not equally applied here.</p>
Dodford Parish Meeting	Object	<p>1. The site lies in open countryside contrary to all relevant planning policies.</p> <p>2.Access to and from A5 poses a serious safety risk to users of the A5</p>
Stowe IX Churches PC	Object	<p>1.Contravenes policy RA6</p> <p>2.Provision exceeds the identified need set in the Local Plan Policy HO9</p> <p>3.Highway safety concerns</p> <p>4.Inaccuracies and lack of clarity in the document</p> <p>5 Site has consistently been used for business purposes for which permission is not given nor sought by the application.</p> <p>6. Site does not satisfy the criteria set by Policy HO9 for traveller sites.</p>
National Highways	Recommend that planning permission should not be given for period specified	Permission should not be granted until suitable access arrangements to serve the proposed development are submitted to and agreed by National Highways

Police	No objection	Offer following observations: 1. Not aware of any concerns with the existing site or permission 2. note that application is part retrospective 3. any approval must restrict number of units on site 4. An highway improvements sought must be carried out 5 land must not be used as a transient traveller/gypsy site. 6. The total of 6 pitches must be used solely for small family groups with local connections to the area. seek condition to that effect 7. No business shall operate from the site and no metal containers allowed on the site.
WNC EHO	No objection	Subject to securing relevant licences under Caravan Sites and Control of Development Act 1960
WNC Planning Policy	No objection	Having regard to Policy HO9 criteria: (i) Site has existing access on to A5 but consideration needed to ensure any improvements required are undertaken (ii) Site is considered to be in reasonable proximity to Weedon which is a primary service village offering a range of services and facilities (iii) Consideration should be given to flood risk issues (iv) On site amenities can be secured by condition (v) Consideration of impact on local landscape should be assessed (vi) Regards will need to be given to Planning Policy for Travellers para 24
Canals and Rivers Trust	No objection	Seek detailed information in respect of flood risk specifically with respect to the canal embankment in the event of possible breach of the embankment to demonstrate that the site would not be at risk in the event of a breach of the canal embankment.

Below is a summary of the third party and neighbour responses received at the time of writing this report.

6.1 There have been 5 objections raising the following comments:

- Existing permission has not been complied with
- Site is not residential as is evidenced by presence of storage containers and commercial vehicles parked on site and frequently changed
- Concerns about existing drainage arrangements
- Highway Safety
- Facilities for provision of waste/rubbish removal
- The site should revert back to its original approval under DA/2015/0195
- Excessive lighting on site
- A walkway should be provided within the site to provided pedestrian in the event of flood risk
- Proposed native tree planting has not taken place as was shown on the original planning approval
- The increased use of the day room will overload sewerage system on site

7 APPRAISAL

7.1 The principle of residential occupancy on the site for a traveller family has already been established by the grant of permission under DA/2015/0195. As such this application falls to be determined on the individual merits of proposal having regard to the provisions of Policy HO9 of the Part 2 Local Plan that makes provision for the accommodation of Gypsies, Travellers and Travelling Show people and other considerations that may be material to the determination of the application.

7.2 Specifically HO9 requires the following criteria to be met :

- i: the site has safe convenient access from the public highway and provides adequate space for parking turning and servicing of the site;
- ii: site is reasonably accessible to a range of services set out in national policy e.g. shops, schools, public transport;
- iii the site has an acceptable standard of amenity space avoiding high risk to noise, flood risk and air pollution
- iv; site can provide adequate on site services including water supply, power, drainage sewage disposal waste disposal composting and recycling facilities
- v; it will not have an unacceptable impact on landscape, local infrastructure and existing communities
- vi; specifically relates to sites for travelling show people and need to provide sufficient space for storage and maintenance of equipment .

Each of these is considered in turn below;

i. **Safe convenient access from public highway with adequate space for parking turning and servicing within the site.**

7.3 The application site offers sufficient space to provide for the parking and turning and servicing of vehicles. The access to and from the A5 is presently from an access point that has been widened in response to a breach of condition notice to serve the development as approved under DA/2019/0195.

- 7.4 In conducting consultations on the current application the National Highways (NH) have asked for the application not to be determined until such time as the applicants agree a form of access that is acceptable to NH.
- 7.5 Although discussions have taken place between the NH and the applicants in respect of the existing permission these were not completed. NH are of the view that given the scale and nature of the development that a priority junction would be required in accordance with DMRB standard CD123 Geometric design of at grade priority and signal controlled junctions.
- 7.6 In response the applicant's agents have sought to engage with the NH to secure an acceptable form of access but consider the standard sought by NH to be disproportionate to the proposed development.
- 7.7 The agents summarise their case with respect to access requirements as follows.
- "The site is occupied by one gypsy family whose personal needs have grown as a result of some of the children reaching the age of maturity and others requiring additional space for severe mental and physical health issues. Some of these issues are currently critical, exacerbated by the stress of the threat of homelessness.
- The existing site access was regularised by the local authority after threat of enforcement action for breach of condition 3 on the approval for one pitch. The number of people on the site has increased by just one child since that permission.
- Our case is for exceptional personal circumstances and the rights of the children. We are asking that, in these exceptional circumstances, rigorous adherence to the standards for access to the A5 are moderated to recognise that the client cannot afford to pay for a compliant scheme and the existing access is adequate as it is serving the same family as the original approval. The alternative for the family is to be homeless."
- 7.8 Officers consider that some weight should be given to the particular circumstances of the applicants but to date the NH have continued to issue a holding response in effect for the LPA not to determine the application. It is considered that there needs to be meaningful engagement from the NH to progress matters. In their latest holding response NH has stated. "The applicant's agent has also approached us seeking to discuss the issues we have raised. While we would be happy to do so, we will still require any works to the access, whether for the existing or proposed use, to be designed and constructed in accordance with the DMRB"
- 7.9 Given the current impasse on progressing discussion on the access arrangements it is considered that a formal resolution from the LPA that it is minded to approve the application could assist and perhaps give both the NH and applicants a degree of certainty in securing necessary improvements to the access to satisfy the requirements of Policy HO9 (i).

- 7.10 In light of the above officers consider that criteria HO9 is capable of being complied with but this is very much a matter between the applicants and NH to progress. Clearly a time frame for agreement on the access arrangements needs to be in place and it is recommended that a condition to the effect that the permission is for a temporary period of 3 years would provide sufficient time for both the applicants and NH to reach agreement on a suitable access and for that access to be constructed. It would also allow the LPA some control in the future should progress not be made to revisit the proposal.

ii; site is reasonably accessible to a range of services set out in national policy e.g. shops , schools, public transport;

- 7.11 Weedon Bec village is a designated Primary Service village in the part 2 Local Plan which by definition means it offers the highest level of services and facilities within the settlement hierarchy in rural areas to meet the day to day needs of the resident of the village. This includes health care, primary school, and village shops as well as employment opportunities.
- 7.12 Although the site lies outside the settlement confines of the village it is within one mile of the centre which is considered to be within a reasonable distance to access these services and facilities. Accordingly, it is considered that criteria ii of the policy is satisfied.

iii the site has an acceptable standard of amenity space avoiding high risk to noise, flood risk and air pollution

- 7.13 The site and adjoining plot offers ample space for amenity of the occupiers of the existing and proposed units without adversely impacting on the surrounding area. A flood risk assessment was submitted with the application which demonstrates that there is no high risk to the site as a result of flooding.
- 7.14 Although the site is in close proximity to the A5 no evidence has been submitted to raise concerns that noise impacts from the road would adversely impact on the amenity of existing occupants of the site.

iv; site can provide adequate on-site services including water supply, power, drainage sewage disposal waste disposal composting and recycling facilities

- 7.15 The site has adequate provision of services to serve the occupants and sufficient space within to deliver these with a relatively modern-day room already on site. Adequate space exists of waste disposal composting and recycling as well as sewage disposal.

v; it will not have an unacceptable impact on landscape, local infrastructure and existing communities

- 7.16 The site is very well screened from the A5 sitting below the level of this road and separated from it by a screen fence and existing trees and hedges and wide grass verge.

- 7.17 From the north along Church Street the site is also screened by a combination of vegetation and screen fencing such that the units on the site currently are not readily visible. Additional planting can be secured by condition to reinforce these boundaries which further mitigate the limited visual impact of the proposal on the surrounding landscape. In officers opinion the site and the proposal would not have a harmful impact on the surrounding landscape.
- 7.18 From the nearby canal network which is a designated conservation area views of the site are highly filtered by intervening trees and vegetation such that officers do not consider that the development would adversely impact on the setting or appearance of the conservation area.
- 7.19 In terms of impact on the local communities the nearest residential property to the south fronts the canal and is more elevated relative to the application site. At some 60-70m separation from the site boundary this would lead to any adverse impact on the amenities of Canal Cottage by reason of overlooking or loss of privacy. Furthermore, conditions could be imposed to secure details of lighting and boundary treatment to the site.
- 7.20 Opposite the site there is a commercial garage which comprises a range of buildings and structures and parked vehicles on the east side of the A5. To the south is the Narrow Boat Inn which is not readily visible from within the application site and similar the site is not readily visible from this part of the A5. Officers do not consider that the proposal would result in any adverse impact on these sites as a direct result of additional units being introduced.

vi; specifically relates to sites for travelling show people and need to provide sufficient space for storage and maintenance of equipment

- 7.21 As the site does not relate to the needs of travelling show people this criteria is not relevant to the consideration of this application
- 7.22 Having regard to the criteria set out in Policy H09 of the part 2 Local Plan and that on balance the proposal should be supported subject to securing an acceptable resolution of the access arrangements to serve the site as highlighted by National Highways.

Other matters;

- 7.23 Officers are aware of ongoing concerns about commercial activities operating from the site. These do not form part of the current application but are subject to ongoing investigations by officers which has resulted in reduction in the number of vehicles parked on site. Officers will continue to monitor this but do not consider this should prevent determination of the application as submitted.
- 7.24 A Regulation 18 version of a local plan for the whole of West Northamptonshire was published for consultation between 8th April and 2nd June 2024. Paragraph 48 of the NPPF states that weight may be given to relevant policies in emerging plans subject to the following three considerations:

Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

As the local plan is still in the early stages of preparation, policies in it can be a material consideration, but its policies can only be afforded limited weight at this stage. The relevant policy in the Emerging Local Plan is Policy HO11 "Gypsies, Travellers and Travelling Showpeople."

- 7.25 Although the Emerging Local Plan is at an early stage and the weight to be afforded policies therein is limited the policy does indicate a direction of travel for this type of development. The Policy is very similar to the criteria set out under Policy H09 of the Part 2 Local Plan considered above. It also seeks to protect existing sites and allows for extensions to existing sites to be accompanied by an proportionate site management plan.
- 7.26 The National Planning Policy for travellers sites updated in December 2023 sets out the government policy for Traveller sites and is to be read in conjunction with the NPPF which establishes the principle of identifying and meeting the housing need for travellers (Paragraph 63). The Planning Policy for traveller sites sets out the overarching aim of ensuring fair and equal treatment for travellers including the promotion of more private traveller site provision and increase the number traveller sites in appropriate locations with planning permission.
- 7.27 It is considered that subject to resolving the access the proposal would make a positive contribution to the provision of a suitable site for the applicants given that it meets all other criteria in the relevant planning Policy HO9 of the part 2 local Plan.

The personal needs, circumstances and accommodation options of the appellant and his family

- 7.28 As noted at paragraph 7.7 of this report in the 2017 appeal decision, there is reference to the appellant's health and of her children. Officers have had due regard to the aims of the Public Sector Equality Duty (PSED) and to the European Convention on Human Rights as incorporated into UK law through the Human Rights Act 1998 which seek to protect the right to respect for their private and family life. Given that broad compliance with policy has been demonstrated with the exception of access arrangements to serve the site limited weight has been attached to this consideration. That said the appellants have requested that weight be given to this issue in the consideration of the access arrangements for the site and standards sought by National Highways. To that end this is very much of a matter between National Highways and the appellants to reach

agreement within the time frame set by the temporary permission whilst giving the LPA the opportunity to review at the end of that time frame.

8 FINANCIAL CONSIDERATIONS

8.1 CIL is not applicable to the proposal

9 PLANNING BALANCE AND CONCLUSION

9.1 It is clear from the representations received from the local community that there are concerns about the existing ongoing breach of planning control but on balance officers are satisfied that the proposal represents an acceptable form of development which will regularise existing residential breaches and satisfy the provision of Policy HO9 of the part 2 local plan. This must however be subject to securing a satisfactory solution to the concerns raised by National Highways and to that end a condition is proposed which would seek to limit the life of the permission to three years in order to secure the construction of an improved access to serve the site to mitigate concerns about highway safety and address the requirements of HO9(i).

10 Recommendation

As required by Town and Country Planning (Development Affecting Trunk Roads) Direction 2018 it is recommended that the application be referred to the Secretary of State for Transport Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order on the grounds that that the LPA is minded to approve the application subject to the conditions set out below.

Subject to a favourable response from the Department of Transport the Assistant Director be given delegated powers to approve the application subject to the conditions set out below.

1. This permission shall be limited to a period of time expiring on or before 15th May 2027 , upon the expiry of which the mobile units on site shall be removed with the exception of those approved under approval DA/2015/0195 and the site restored to its former condition.

Reason: It is considered that permission should be limited to a temporary period in order to allow the applicant to secure agreement with National Highways on the construction of a safe access on to the A5 to serve the development. The continued operation of the site after this time in the absence of an improved access arrangement would be considered to be unsafe for users of the A5 trunk Road.

2. No more than 7 static units and shall be allowed to be occupied on site for residential purposes for the duration of this permission

Reason: This condition is imposed to afford the LPA the opportunity to assess the impact of additional units on the amenities of the local area and upon highway safety in the absence of an improved access as sought by the National Highways .

3. Full details of foul drainage arrangements on site shall be provided in writing to the Local Planning Authority within 3 months of the date of this permission. Foul water

arrangements shall be implemented in accordance with details to be agreed in writing by the Local Planning Authority.

Reason: In the interest of public health and in order to reduce the risk of pollution of nearby watercourses.

4. Full details of surface drainage arrangements on site shall be provided in writing to the Local Planning Authority within 3 months of the date of this permission. Foul water arrangements shall be implemented in accordance with details to be agreed in writing by the Local Planning Authority

Reason: In the interest of public health and in order to reduce the risk of flooding to occupants of the site and pollution of nearby watercourses
