

HARROGATE BOROUGH COUNCIL

PLANNING AREA2 DC COMMITTEE – AGENDA ITEM 6: LIST OF PLANS.

DATE: 19 July 2005

PLAN: 09	CASE NUMBER: 04/06363/FUL
APPLICATION NO. 6.100.2211.A.FUL	GRID REF: EAST 434582 NORTH 456054
	DATE MADE VALID: 23.05.2005
	TARGET DATE: 18.07.2005
	WARD: Knaresborough King

James

APPLICANT: Mr & Mrs Hooton

AGENT: David Stovell & Millwater

PROPOSAL: Retention of siting of static caravan used as dwelling for one gypsy family and associated hardstanding (site area 0.09ha).

LOCATION: Land Comprising Part Of OS Field No. 5710 Cass Lane Knaresborough North Yorkshire

REPORT

SITE AND PROPOSAL

The application relates to the retention of a mobile home on a hardstanding area in the corner of a paddock. A stable exists to the east. The field is situated to the north of Cass Lane, a narrow unmade track which runs east-west, parallel to Forest Moor Road, and accessed from it.

A public right of way passes to the south of the site along the lane.

The mobile home is occupied by a single gypsy family (Mr and Mrs Hooton and their 2 sons) and the agent has made a case for the granting of permission. This is attached as Appendix 1.

The application is accompanied by 2 letters, one from the Headteacher at Castle School, the other from the Travellers Education Service. Both are attached to Appendix 1.

MAIN ISSUES

1. Green Belt/Appearance
2. Countryside Policy
3. Other Policies

RELEVANT SITE HISTORY

Certificate of Lawful Development for stables: Approved 21.10.2003.

CONSULTATIONS/NOTIFICATIONS

Parish Council

Knaresborough

The British Horse Society

No reply

English Nature

No reply

Ramblers Association

No reply

Chief Engineer (H and T)

Awaited

DLAS - Open Space

Need to know numbers of bedrooms for open space commuted sum calculation.

APPLICATION PUBLICITY

SITE NOTICE EXPIRY: 08.07.2005

PRESS NOTICE EXPIRY: 08.07.2005

REPRESENTATIONS

KNARESBOROUGH TOWN COUNCIL - Object on the following grounds:-

Proposed development would be in Green Belt and contrary to policy and set an unwelcomed precedent for further development.

OTHER REPRESENTATIONS - 4 letters of objection made the following points:-

1. Caravan is already on the site.
2. Several requests by local residents for dwellings on Forest Moor Road were refused. If this application is allowed it will be assumed that rigid planning regulations have been relaxed and other dwellings will be approved.
3. Planning regulations should be seen to be fairly and consistently applied to all.
4. Conflicts with the North Yorkshire County Structure Plan and Harrogate District Local Plan being development in the Green Belt.
5. Vehicular access difficulties on to and off Forest Moor Road, a busy commuter route heavily congested at certain times of the day.
6. Latest attempt to promote development in a sensitive green belt location resisted by PPG2. Green wedge between Harrogate and Knaresborough should be protected.
7. It is unfair to law abiding people that travellers can buy agricultural land and put a caravan and business vehicles on without planning permission.

8. Exceptions should not be made in Green Belt.
9. Hardstanding has been extended, walled and gated considerably enlarging the site - with added value as a future housing estate.

VOLUNTARY NEIGHBOUR NOTIFICATION - None.

RELEVANT PLANNING POLICY

- PPS1 Planning Policy Statement 1: Delivering Sustainable Communities
- PPG2 Planning Policy Guidance 2: Green Belts
- PPS7 Planning Policy Statement 7: Sustainable Development in Rural Areas
- LPH07 Harrogate District Local Plan (2001, as altered 2004) Policy H7: Housing development in the countryside
- LPHX Harrogate District Local Plan (2001, as altered 2004) Policy HX: Managed Housing Site Release
- LPGB02 Harrogate District Local Plan (2001, as altered 2004) Policy GB2: The control of development in Green Belt
- LPGB03 Harrogate District Local Plan (2001, as altered 2004) Policy GB3: Engineering, other operations and change in use of land in the Green Belt
- LPH11 Harrogate District Local Plan (2001, as altered 2004) Policy H11: Gypsy Sites
- LPC09 Harrogate District Local Plan (2001, as altered 2004) Policy C9: Special Landscape Areas
- LPR04 Harrogate District Local Plan (2001, as altered 2004) Policy R4: Open Space Requirements for New Residential Development

ASSESSMENT OF MAIN ISSUES

1. GREEN BELT - A mobile home and associated operations and activities are normally considered to be dwellings in policy terms and as such would constitute "inappropriate" development in the Green Belt contrary to the aims of PPG2 - Green Belt and Policies GB2/3 of the Harrogate District Local Plan.

PPG2 indicates that "very special circumstances" need to be demonstrated to warrant the granting of planning permission for inappropriate development in Green Belt.

The applicant refers to an appeal decision in which an Inspector considered that the medical circumstances of the appellant amounted to special circumstances, and he indicates that the educational needs of the applicant's children amounts to "very special circumstances".

In a recently reported enforcement appeal case, the Deputy Prime Minister did not accept that the shortage of alternative gypsy sites and the medical/educational needs of a gypsy family amounted to exceptional circumstances. The educational needs of the family's children are not therefore considered to amount to very special circumstances and the inappropriate development proposed would be harmful to the open character of the Green Belt.

Whilst the applicant's claims that there is a shortage of available sites for gypsy caravans this has yet to be verified. It is normal practice, before granting permission for inappropriate development in the green belt, that other non-green belt sites be considered first.

The educational needs of the applicants children will clearly change in the short term and the headmasters letter - which is unsigned - indicates that James will soon leave primary school for secondary school. It would perhaps be more logical to seek a site closer to the intended secondary school or within easy travelling distance.

The proposed site is not a logical location for a site based on a need to access education.

PPS7 indicates that the countryside should be protected for the sake of its beauty and clearly, the appearance of a mobile home and associated equipment is harmful to the character of the countryside and the open nature of the Green Belt.

2. COUNTRYSIDE POLICY - The site lies within the countryside beyond the development limits and is an Area of Special Landscape Value.

Policy C9 seeks to protect such areas from new development that would affect its character.

Policy H7 resists new dwellings in open countryside and Policy HX seeks to resist the release of greenfield sites. The Local Plan has a specific policy for the location of gypsy caravan sites - Policy H11. This policy does not allow for sites within the Green Belt or Special Landscape Areas or where the character of the countryside would be spoilt. On site businesses are not permitted.

The proposal conflicts with such policies.

3. OTHER POLICIES - Policy R4 seeks commutes sum contributions via a Section 106 obligation based on the number of bedrooms. This information is awaited.

CONCLUSION - The proposal constitutes inappropriate development in the Green Belt and the educational needs of the applicant's children does not amount to very special circumstances. The proposal conflicts with the Development Plan.

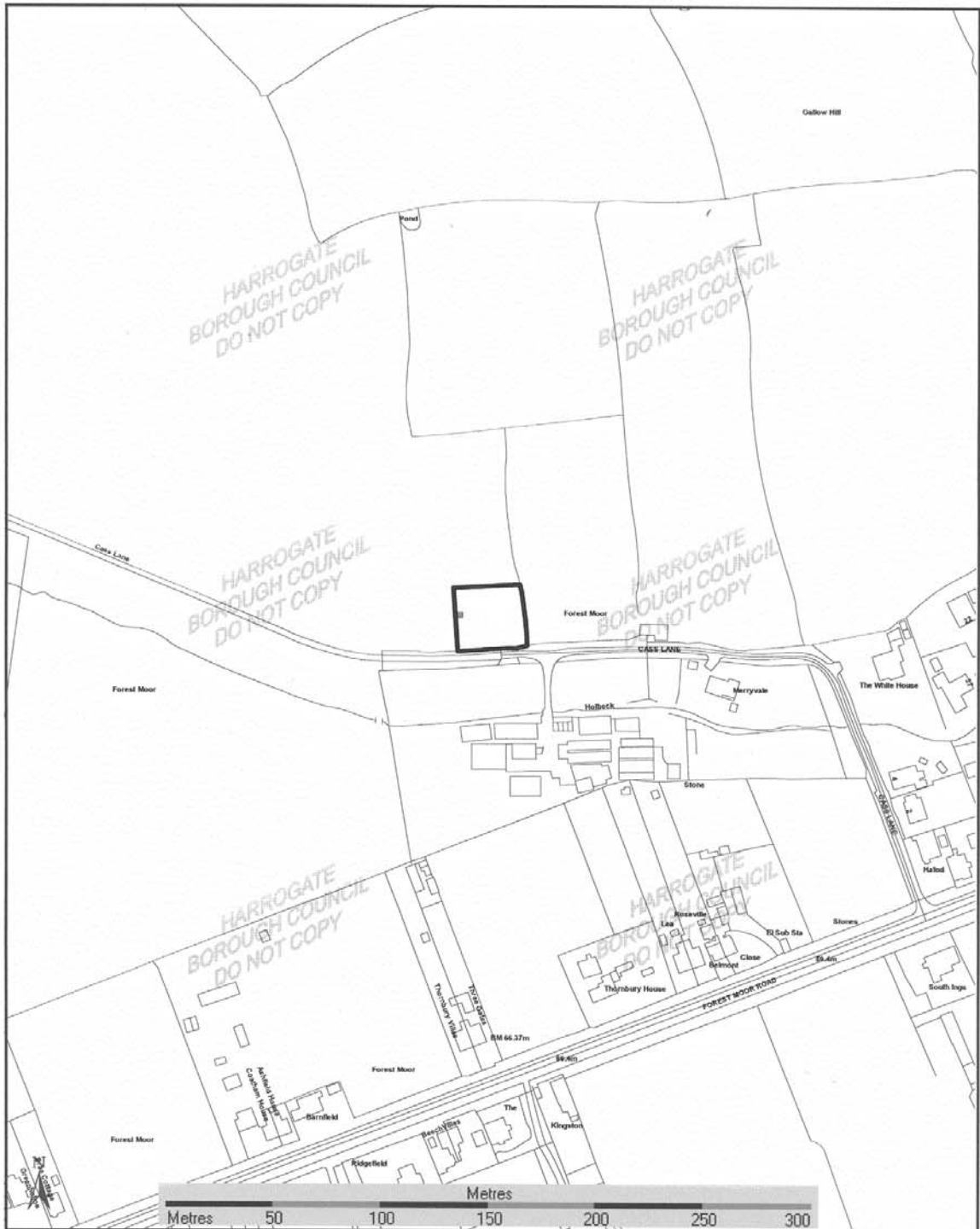
CASE OFFICER: Mr R Forrester


RECOMMENDATION

That the application be REFUSED. Reason(s) for refusal:-

- 1 The proposal constitutes 'inappropriate development' in the green belt and 'very special circumstances' have not been demonstrated to warrant the granting of permission. The proposal conflicts with the advice contained in PPG2 - Green Belts, and the provisions of Policies GB2 and GB3 of the adopted Harrogate District Local Plan.
- 2 The proposal would introduce an alien and intrusive feature in an area of open countryside and Area of Special Landscape Value harmful to its character contrary to Policy C9 of the adopted Harrogate District Local Plan.

- 3 The proposal introduces new residential development on a Greenfield site in the countryside contrary to Policies HX and H7 of the adopted Harrogate District Local Plan and the site of a gypsy camp is contrary to Policy H11 of the adopted Harrogate District Local Plan.



 Harrogate BOROUGH COUNCIL Department of Development Services		AREA 2 DC COMMITTEE	
		Item No. 9	
App No./Case No.		6.100.2211.A.FUL	04/06363/FUL
Scale (at A4 size)		1:2500	Site area 0.095 ha Site boundary <input type="checkbox"/>
Drawn	MDTT	Date	19/07/2005

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