‘Moon Acre,’ Mill Lane, Wreningham

Application by Ms Naomi Todd for:

*The change of use of land to a residential Traveller Site for one family, involving the retention of one stable building, and its’ conversion for use as a dayroom; the standing of 2 touring caravans and 1 mobile home on 3 concrete pads; the installation of 2 outdoor security lights, a sewage treatment plant, a childrens’ play house, and post and rail fencing.*

**Supporting Statement, including Design and Access Statement**

**Michael Hargreaves Planning**

**October 2018**

**1.0. Introduction**

**1.1.** This application seeks to meet the accommodation needs of one Traveller family, as defined in Annex 1 of Planning Policy for Traveller Sites. The applicant submitted the proposal herself in July 2018, and has since engaged Michael Hargreaves Planning to provide technical and professional support to the application.

**1.2.** The proposal relates to a quadrilateral piece of land of around 1,600 square metres, at the northern end of a larger meadow belonging to the applicant. The meadow lies at the south-eastern edge of the service village of Wrenningham, where it adjoins the Village Hall. It is accessed by Mill Lane, which runs along its’ north-eastern edge, and meets agricultural fields along the south east and west boundaries. Its’ north-western boundary is shared between a County Wildlife Site and the parish hall. It is just outside of the development boundary for Wreningham. (See Map 054: Local Plan - Site Specific Allocations & Policies DPD). There are a primary school and playing fields within 0.5 miles of the site.

**1.3.** The application is for ‘Moon Acre’; a residential Traveller site for one family, and proposes the retention of a stable building and its conversion for use as a dayroom, standing of 2 touring caravans and 1 mobile home on 3 concrete pads; outdoor security lights, the installation of one WPL Diamond Sewage Treatment Plant; a childrens’ play area and play house, and post and rail fencing.

**1.4.** The site has planning permission for use as a paddock, including one stable block and associated vehicle access, parking and turning space for a horse box.

**2.0 Planning History**

**2.1.** Planning Permission, [Ref: 2017/1979] was granted in October 2017 for the change of use of the land to a paddock and the erection of a stable. The material aspects of the development were carried out largely in accordance with that permission, but although the paddock is now in use for the grazing of the applicants’ pony, the stable has never been brought into its’ permitted use.

**2.2.** Conditions relating to highway safety and traffic movement, including a visibility splay, upgraded vehicular access, and safe parking and turning provision for a vehicle and horse box were applied and complied with, to meet Policy DN 3.11 of the South Norfolk Local Plan Development Management Policies.

**2.3.** The site was brought into use as a Traveller site with the stationing of two touring caravans in July 2018, and the applicant submitted this planning application on the 20th of that month. Work on the concrete pads, the children’s play area, the post and rail fencing and the mobile home has not yet been commenced.

**3.0 Proposals, siting and design**

**3.1.** As shown on the enclosed block plan, the application site is a quadrilateral of approximately 1,600 square metresat the northern end of the land known as ‘Moon Acre.’

**3.2.** The stable building has been constructed and sited in accordance with planning permission granted under ref: 2017/1979. It is situated parallel to the northern boundary, and has a footprint of 10m x 4m. It is of low-level, timber construction, on a 2ft red brick plinth, and a 10m x 5m concrete pad. It is currently being adapted to provide kitchen and dining facilities, a living room space, a bathroom and a washroom for the family in accordance with Gypsy cultural requirements.

**3.3.** The two proposed concrete pads (10m x 5m) for the siting of the touring caravans are situated to the south east of the stable block, and at an approximately 70° angle to it, allowing sunlight to pass between them to the day room, and convenient access at night to the bathroom facilities. A security light, which is activated by motion sensor and works on a timer has been installed on the north western end of the stable.

**3.4**. The third proposed concrete pad, for the siting of the mobile home is positioned towards the north western boundary of the site, where the application site meets the paddock. It measures 30m x 6m.

**3.5**. On the basis of the limited permitted development rights for Traveller sites, the application includes a children’s play area and play house, (measuring 2.5m x 2.5m) near and to the south of the touring caravans, and post and rail fencing and a gate between the application site and the existing paddock.

**3.6.** This application seeks permission for two security lights; one mounted on the north western end of the stable building, and the second towards the centre of the southern boundary between the development site and the paddock, together with three downlighters on the underside of the stable building roof.

**4.0 Access and Services**

**4.1.** The development will make use of the upgraded access onto Mill Lane, approved and implemented as part of the Stable application.

**4.2.** The site has mains water and electricity. Waste water and sewage will be dealt with by a WPL Diamond Package Treatment Plant which discharges into the stream on the eastern side of the site.

**5.0 Traveller Status**

**5.1.** The definition of Gypsies and Travellers for planning purposes is contained in Annex 1 of ‘Planning Policy for Traveller Sites’ (2015).

*‘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.’*

**5.2.** The Applicant seeks planning permission for a site for her family, including herself, her husband and their four children. The applicant was born into a Travelling family, and has lived in a trailer for most of her life, travelling up and down the country with her family for field work and market trading throughout her childhood. Her husband is an Irish Traveller, and travels for landscaping and handyman work, spending between 3 and 4 months of the year away from home. The couple have four children, aged 14, 9, 5 and 2, and the family plan to continue to travel together when education and other commitments allow, for example, through the six week school summer holidays.

**5.3.** The need for Travelling people to have a permanent site to return to when they are not away travelling is at the centre of Gyspy/Traveller planning policy. Travelling people who have nowhere they are entitled to both place and reside in their moveable dwellings are defined as ‘Homeless’ under s175 Housing Act 1996. It is widely recognised that homelessness in Travelling populations directly causes unauthorised encampments, which can lead to tensions between settled and travelling communities. Travellers facing repeated roadside evictions; or overcrowding on existing sites are vulnerable to extreme deprivation and marginalisation. Welfare outcomes and educational opportunities for children are very poor.

**5.4.** Prior to occupying Moon Acre in July 2018, the family has suffered several years of insecure and vulnerable accommodation. Ms Todd has previously tried to solve her accommodation problems by accessing social housing, but found that because of prejudice and discrimination from neighbours, and a radical change from the Travelling lifestyle she is used to, bricks and mortar accommodation is not suitable or appropriate to her needs. The family moved back onto the road, travelling between family pitches, but there is no available permanent pitch to meet their needs, and overcrowding can and does lead to tensions, putting strains on family relationships. Council sites at Brooks Green and Roundwell are both full, and Ms Todd emphasises that she does not feel able to properly meet the social and educational welfare needs of her children either in mainstream housing, or on larger, overcrowded or Council sites. Having grown up on Traveller sites, the applicant seeks to bring her children up on a small, private, family site. She sees and has no realistic prospect of accessing suitable accommodation for herself and her family other than through her own private provision, and this planning application.

**6.0 Policy Context**

**6.1.** Since the applicant and her family meet the definition of ‘Travellers’ in Annex 1 to the Planning Policy for Traveller Sites (2015); this policy is a material consideration in the determination of this application. Planning applications for Gypsies and Travellers sites are also assessed against Policy (DM3.3): ‘Sites for Gypsies and Travellers,’ in the South Norfolk Development Management Policies Document.

**6.2.** Policies A and B of Planning Policy for Traveller Sites requires LPA’s to use a robust evidence base to establish accommodation needs for Gypsies and Travellers, and to set pitch targets for those meeting the definition in Annex 1. LPA’s should identify and update annually, a supply of specific deliverable sites to meet 5 years worth of need, and should set criteria-based policies to provide a basis for decisions on applications outside of those allocations. (Policies A and B; Planning Policy for Traveller Sites (2015)).

**6.3.** The 'Norfolk Caravans and Houseboats Accommodation Needs Assessment (ANA) including for Gypsies, Travellers and Travelling Show People' (2016/2017) was prepared as an evidence base for policy development in housing and planning. The assessment divided Gypsy/Traveller respondents into two groups; Options 1 and 2.

**6.4.** Option 1 was used to assess the need for permanent residential pitches for ‘households who have not ceased to travel permanently’; whilst Option 2 assessed the need for those ‘who only travel for work purposes’. The identified need for Gypsy and Traveller pitches under both Options is set out in the tables in Appendix 1 of the ANA. These show that in Greater Norwich, the five-year need from 2017-2022 under Option 1 is 15 pitches (average 3 per year). Under Option 2 the five-year need 2017-2022 is -2 pitches.

**6.5.** Gypsies and Travellers whose needs were assessed under both Options 1 and 2 may fall within the definition in Annex 1 of Planning Policy for Traveller Sites. Assessment of need for caravan dwellers who do not travel, including Gypsies and Travellers, is made separately and set out in table 11.1.

**6.6.** The JCS Annual Monitoring Report (2016-2017) explains that the Greater Norwich authorities have agreed to use only the “tighter” Option 2 figures to set pitch targets for Gypsies and Travellers. On this basis, the target for 2017-2022 is set at -2 pitches. With provision to 2022 therefore deemed to have been made, the development of the Gypsies and Travellers Local Plan was discontinued, and planning to meet accommodation need for the period between 2022-2027 is being progressed through the forthcoming Greater Norwich Plan. (Paragraphs 3.24 – 3.32; JCS Annual Monitoring Report 2016-2017.)

**6.7.** However, since both Option 1 and Option 2 of the ANA (2016-2017) respondents meet the Planning Policy for Traveller Sites definition, there is no justification for only making provision for Option 2 Gypsies, and the need for 15 residential pitches for Option 1 Gypsies ought also to have been included in the pitch target for 2017-2022. The recent loss of 2 pitches at Great Moulton neutralises the assessed need under Option 2 of -2 to 0. The authority has produced evidence, but has applied it irrationally in setting pitch targets for Gypsies and Travellers. With no current allocations for Gypsy and Traveller sites, there is no 5-year supply of deliverable sites. This is a material consideration to be weighed in favour of this application, including by a flexible approach to criteria (a) to (h) in Policy DM 3.3. (Policy DM 3.3 (2)). We would also make the point that some pitch accommodation will be required to meet the needs of Gypsies and Travellers who no longer meet the relevant definition.

**Policy DM 3.3**

**6.8.** Policy DM 3.3 of the Development Management Polices Document in the South Norfolk Local Plan sets out the criteria against which applications for Traveller sites are to be assessed. This application performs very well against these criteria.

**6.9.** Policy 15 of the Joint Core Strategy (JCS) identifies Wreningham as a Service Village, with sufficient services and facilities to support 10-20 new dwellings between 2008 and 2026. Land has been allocated for the provision of 10 dwellings, with others to come forward through planning applications. (Local Plan para 6.60; Wreningham Settlement Policy). This is one such application, seeking approval for a small scale site, just outside the village development boundary. It is affordable, and designed to meet the needs of one Traveller family. The village is served by 2 regular busses to all local services, including the centre of Norwich. (DM 3.3 (a); DM 3.3 (g); DM 3.3 (f); DM 3.3(l))

**6.10.** The major part of the land will remain in use for grazing, whilst the proposed development is sited on hardstanding laid in accordance with planning ref: 2017/1979, The site is well designed, providing open space and a play area for the children, and appropriate domestic facilities. It is served by existing mains water and electricity supplies. The WPL Diamond Package Treatment plant has been installed and inspected. (DM 3.3 (b); (e))

**6.11.** The site is not in an area of Flood Zone 3 or 2, and although the paddock adjoins a County Wildlife Site along the south eastern edge, the proposed development site itself meets the boundary to the Village Hall. For certainty, a Phase 1 Habitat Survey has been commissioned to confirm that the development will not cause ‘unacceptable harm’. The site is enclosed on all sides and safe for the applicant and her children, and accords with, rather than adversely impacting as against, the Local Plan. (DM 3.3 (i); DM 3.3 (j).

**7.0 Other Material Considerations**

**7.1.** Beyond the criteria set out in Policy DM 3.3, which this application has been shown to meet, and the presumption in favour of sustainable development (NPPF Paragraph 11; PPTS Policy H(23)); the following issues, set out in PPTS Policy H (24); are relevant to the determination of this application:

**7.2.** The existing level of local provision and need for sites: (PPTS; Policy H paragraph 24(a))

Policies 5 and 3 JCS identify that ‘Further sites are required to meet the needs of Gypsies and Travellers’ (Paragraph 3.9). ‘The Gypsy and Traveller population is diverse, and in order to recognise the differing needs and wishes of different groups, it is proposed that the need for pitches should be met in a number of locations. (Paragraph 5.35 JCS) ‘A range of tenure arrangements will be sought, including, for example, private ownership by Gypsies and Travellers’ (paragraph 5.36)

As above, there is an identified need for 15 residential pitches in Greater Norwich between 2017-2022, and no allocations have been made in the local plan to meet this need.

**7.3.**The availability (or lack) of alternative accommodation for the applicants: (PPTS; Policy H paragraph 24(b))

All pitches on the two County Council owned sites in the district are believed to be occupied. The temporary stopping place at Bawburgh is not appropriate to the needs of the applicant and her family. As above, the Applicant has historically proactively engaged with local services to address her accommodation needs, but has been unable to secure an appropriate pitch, or to cope with bricks and mortar accommodation. The alternatives to this proposal, which have been exhaustively explored, have not allowed Ms Todd to provide a secure and safe home from which her children can access their education. The applicant has occupied the site at Moon Acre as it constitutes her last and only available option.

**7.4.** Other personal circumstances of the applicant: (PPTS; Policy H paragraph 24(c))

The applicants’ family circumstances have been explained above, at paragraph 5.

Moon Acre is the only suitable, available home for the applicant, her husband and their 4 children. Should this application fail, the family will face homelessness, potentially involving repeated roadside evictions, and overcrowding on pitches of family members. The three eldest children (aged 14, 9 and 5) are enrolled in full time education, and have settled and are attending well. (See letter from Mrs McGarr). The youngest, aged 2, stays at home with her mother. The family are registered with a local GP, and benefit from the support of family members living nearby.

**7.5.** Since the current application engages the family’s rights under Article 8 of the European Convention of Human Rights as incorporated into UK Law through the Human Rights Act 1998, a primacy of importance must be accorded to the children’s best interests. This is a factor that must rank higher than any other competing factors. Where the best interests of the children clearly favour a certain course, that course should be followed unless countervailing reasons of considerable force displace them.

**7.6.** It is clear that the best interests of these children are in the provision of a safe, secure home, from which to access education, welfare and medical services. In the absence of appropriate alternative Local Authority provision, the applicant has used her own means to ensure that the social, educational and welfare needs of her children can be met, at no cost to the Local Authority.

**7.7.** The LPA must make arrangements for ensuring that their functions are discharged having regard to the need to safeguard and promote the welfare of children. (Section 11(2)(a) Children Act 2004)

**7.8.** Both the Local Planning Authority and the Parish Council are bound by the Public Sector Equality Duty set out in Section 149 Equality Act 2010. This requires having ‘due regard’ to the need to ‘eliminate discrimination, harassment, victimisation’ and any other conduct prohibited under that Act; to advance equality of opportunity between persons who share a protected characteristic and those who do not share it, and to foster good relations between persons who share a protected characteristic and persons who do not share it. In particular, the LPA and the Parish Council should have due regard to the need to remove or minimise disadvantages suffered by persons who share a protected characteristic; take steps to meet the needs of such persons where they are different from persons who do not share that characteristic, and encourage persons who share a protected characteristic to participate in public life.

**7.9.** The applicant and her family share the protected characteristic of ‘race’ under s9 Equality Act 2010. We are very concerned that some of the comments and representations published on the Planning Portal, including from the Parish Council, are not consistent with Equality Act duties. The applicant is under very significant pressure, and is feeling distinctly unwelcome and unsupported in her community. In particular, there are concerns for the welfare of the children in this hostile atmosphere. The applicant has taken necessary steps to protect her children, through her choice not to enrol them in the local school where, based on the tone of local opposition, she fears they may be subjected to bullying and discrimination. We would ask that the Council Monitoring Officer and the Parish Council also take positive steps to ensure that the applicant and her family are protected from discrimination and harassment, in accordance with their Equality Act duties.

**7.10.** The intentional occupation of land without planning permission is no longer a material in the determination of planning applications. (See Appeal Ref: APP/H2265/W/17/3191362; Smith v Tongbridge)

**8.0 Conclusions.**

**8.1.** In the absence of suitable alternative provision, this application meets the accommodation needs of one Traveller family, who would otherwise be homeless, at no cost to the Local Authority.

**8.2.** It performs very well against all relevant Policies, both in the Local Plan and in National Planning Policy.

**8.3.** The presumption in favour of sustainable development (paragraph 11 NPPF (c)) requires that proposals that accord with an up-to-date development plan should be approved without delay.

**8.4.** The best interests of the children clearly favour approval of this application. There are no ‘countervailing reasons of considerable force,’ in planning policy or otherwise, to displace them.