

22.6.2016

16/02140/FUL | Removal of Conditions 2 (temporary use and occupancy) and 3 (restoration of site) of planning permission 12/04857/FUL to allow permanent retention of the site | Land Adjacent Seven Springs Hartley Lane Leckhampton Hill Coberley Gloucestershire.

The Cotswolds Conservation Board raised objections to the original planning application and related appeal and wish to maintain their **objection**.

The Inspector, although granting a temporary consent did accept in relation to harm to the nationally protected AONB that;

“21. I have found the establishment of a residential mobile home and its ancillary structures causes considerable harm to the AONB and this attracts great weight....

22. Consequently, I find the harm to the AONB is of paramount importance and outweighs the other issues in favour of the appellant.....”

The Cotswolds Conservation Board have also submitted comments to the Local Plan Consultation objecting to the inclusion or expansion of this site within the Local Plan (Comment ID 840). The Board noted as part of their submissions *“Hartley Lane forms part of the Cotswold Way National Trail, which attracts in the region of 100,000 walkers per year. Users of the Cotswold Way are very likely to be highly sensitive to landscape change. Thus even if the site is considered not to be ‘a pristine, high quality part of the AONB’ the harm caused by the development will be noticed by a considerable number of people seeking to enjoy a landscape nationally designated for its natural beauty. NPPF Paragraph 75 requires the Council to protect and enhance public rights of way, including National Trails.”*

It is clear from the Inspector’s original grant of temporary permission that it was conditional on it being a temporary period. It is noted that the Council have made progress with the allocations of sites however the Inspector also stated *“In the meantime, it might be possible to find a suitable site closer to Minsterworth”....* In other words a location that would both be more suitable for the applicant and be located outside the nationally protected Cotswolds AONB.

The NPPG 2014 Paragraph 14 confirms where temporary permissions have been granted *“There is no presumption that a temporary grant of planning of planning permission should be granted permanently.”*

The Government has since published Planning Policy for Traveller Sites (August 2015).

Of particular note this states:

“25. Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan.”

And:

“27. 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).”

This guidance also states within the Annex.1. Glossary that:

“2. In determining whether persons are “gypsies and travellers” for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:
a) whether they previously led a nomadic habit of life
b) the reasons for ceasing their nomadic habit of life

c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.”

In conclusion the consideration of the sites status under the Local Plan process is premature. Further to this Government guidance now states that the 5 year supply of deliverable sites is a significant material consideration – but one of the specific exceptions to this are sites within AONBs. The harm to the AONB from this development as stated within the Inspector’s decision was made clear, as too was the suggestion only for a temporary consent. The applicant does not appear to have addressed the reason for the grant of temporary permission in relating to finding a more suitable site closer to Minsterworth (outside the AONB). Accordingly the application does not provide details to allow the consideration of parts a,b, and c of Paragraph 2 of Annex.1. of Planning Policy for Traveller Sites (August 2015).

Accordingly in fulfilling the “great weight” test of Paragraph 115 of the NPPF in light of the 2015 guidance, the recommendation from the Cotswolds Conservation Board is that the planning conditions are not removed and permanent permission is not given.