

## Budbrooke Parish Council

### The Proposed Gypsy and Traveller sites in Budbrooke Ward

**Budbrooke Parish Council has carefully considered the proposed sites in and around the parish. These are our comments.**

#### **Oaklands Farm, Birmingham Rd, GT19 – 5 pitches proposed**

Site GT19 is in the Green Belt. Of the five preferred option sites currently shortlisted it is the only one in the Green Belt. Our contention is that there are no “very special circumstances” for development, the road is hazardous and similar development sites have been turned down by the Planning Inspector, and therefore GT19 should be removed from the options.

The Government has consistently stated that Green Belt Land should only be used in very exceptional circumstances.

On 1 July 2013, in his written statement to Parliament, Brandon Lewis MP, Local Government Minister stated:

*“Our policy document planning policy for traveller sites was issued in March 2012. It makes clear that both temporary and permanent traveller sites are inappropriate development in the green belt and that planning decisions should protect green belt land from such inappropriate development . . . .*

*... it has become apparent that, in some cases, the green belt is not always being given sufficient protection that was the explicit policy intent of ministers.*

*The Secretary of State wishes to make clear that, in considering planning applications, although each case will depend on the facts, he considers that the single issue of unmet demand, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the green belt and other harm to constitute the “very special circumstances” justifying inappropriate development in the green belt.”*

This was reiterated by Brandon Lewis in his 17 January 2014 statement:

*“The Secretary of State remains concerned about the extent to which planning appeal decisions are meeting the government’s clear policy intentions, particularly as to whether sufficient weight is being given to the importance of green belt protection. Therefore, he intends to continue to consider for recovery appeals involving traveller sites in the green belt.”*

In February this year The Minister responsible for Travellers, Brandon Lewis MP, said:

*“Our policy strengthens protection of the greenbelt and the open countryside by making clear that Traveller sites are inappropriate for greenbelt development and that local authorities should strictly limit the development of new Traveller sites in the open countryside. Unmet demand — whether for traveller sites or for conventional housing — is unlikely to outweigh harm to the greenbelt to constitute the exceptional circumstances that justify inappropriate development in the greenbelt.”*

Indeed, the Planning Policy for Traveller Sites (PPTS) states:

*“Policy E: Traveller Sites in Green Belt*

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

The owner of the land at site GT19, Robert Butler, does not want to sell it for a Traveller and Gypsy site. Therefore a Compulsory Purchase Order (CPO) would be needed and Warwick District Council has said that a CPO could be used. This is in complete contravention of ministerial statements.

## Budbrooke Parish Council

### The Proposed Gypsy and Traveller sites in Budbrooke Ward

Oaklands Farm has been the subject of many planning applications over the years. It is a site within a wider hamlet of dwellings along the Birmingham Road, 4 houses immediately to the east towards Warwick, then beyond Ugly Bridge Lane, there is a Shell petrol station and a further 10 properties. At this point there is a roundabout, an entrance to Hatton Park. All the dwellings on the Birmingham Road are of long standing within the Green Belt. The farm has permission for caravan storage and a kennels business on the site:

A number of acceptable developments have been approved in the recent past, however, a significant number have not.

WDC's Level 1 Strategic Flood Risk Assessment Volume 1 states that each site must have an individual assessment. No such assessment is recorded for this site which has been prone to flooding from the Hatton Park development runoff and balancing pools. Water runs across the A4177 and onto the property where the site would be.

An application for using the site for the importation, storage and cutting of timber was granted by WDC Planning Committee subject to conditions but a previous application for trading on the site was refused on the grounds of it being in the Green Belt and also taking into account that the site is on a busy and fast main road which had had 2 fatal accidents in near proximity within the last 5 years.

The landowner applied to extend the caravan storage business and for change of use from agricultural land use to storage, both applications were rejected by WDC as not being permissible in the Green Belt.

It is our understanding that the same arguments apply equally to Oaklands Farm and to Kites Nest Travellers site, which is less than a mile away from Oaklands Farm, in that as the Planning Inspector used the Green Belt argument in the successful removal of travellers. The same arguments can be used with regard to Oaklands Farm from the list of preferred sites.

The Inspector's report from Kites Nest refusal dated 22<sup>nd</sup> October 2013 stated

*"For development to be allowed in the Green Belt, very special circumstances need to be identified. What constitutes very special circumstances are not identified by local planning authorities. The term is consequently a moving target as appear to be the weights and measures used to arrive at a weighted decision. The appellants (at Kites Nest) provided a list of 15 issues that could be considered as very special circumstances as to why the development should be allowed. These did not include such common issues as health, education or children. The issues are complicated and fraught."*

There are no arguments in the WDC proposals that identify any very special circumstances.

Other issues noted, in respect of Kites Nest site, by the Inspector and the Secretary of State include:

- the development was very prominent through 'gappy hedges' from public footpaths
- the existing caravans were an "extremely jarring element".

The Oaklands Farm site

- is very visible due to the 'gappy hedge' along the road
- and from the canal
- and also the road is higher than the site so occupants would be overlooked
- and the canal is higher than the site
- several entrances on to A4177 at this site
- reduced visibility & pull away
- subject to flooding
- risk to children because of A4177, Ugly Bridge Road with blind bridge & canal

## Budbrooke Parish Council

### The Proposed Gypsy and Traveller sites in Budbrooke Ward

- previously mentioned footpath is on the opposite side of the road with no crossing
- noise from the busy A4177 would be “intolerable for residential use especially for caravans which are less well insulated than conventional housing” which were grounds for rejecting GT17, GT18 & GT20
- the speed limit may be lower but this site is closer to the other roads than the mentioned above
- pollution will be high because at peak periods there is often very slow and even stationery traffic constantly pumping harmful exhaust emissions to wards dwellings that are not well insulated as traditional bricks and mortar

The proposed habitat buffer to the south of the site abutting the canal would be inadequate both for incumbent residents and gypsy or traveller site residents [for privacy on both sides of the site] let alone the jarring element of the site for residents and people passing along the road or canal.

The canal is a significant tourist attraction for barges and walkers alike. Such visual intrusion would be detrimental to the tourist traffic and trade and would be counter to current policy. Also, the removal of a Caravan and Camping Club site is contrary to the policy of supporting local communities, which state that unobtrusive Caravan and Camping sites would be considered – this proposal removes one such site from stock.

In addition, in respect to encouraging tourism NE7, “developments should not

- d) adversely affect the landscape, heritage, ecological quality and character of a waterways
- e) adversely affect the waterways potential for being fully unblocked or discourage the use of the waterway network”

The location of a gypsy and traveller site at GT19 could have a significant impact on walkers and canal boat users and would adversely affect the character and use of the network.

In addition it is suggested that the children could attend Budbrooke School. Budbrooke School is already struggling with numbers due to rising population and children choosing to go to Budbrooke School from Chase Meadow. The additional 100 residential properties that have been allocated to each of Hampton Magna and Hatton Park will make this more challenging. Already SatNav’s direct traffic to Warwick Parkway station via Ugly Bridge road so traffic will increase with the Hatton Park development and become an additional risk to people using this site. When Stank’s Roundabout {A4177/A46} and roads into Warwick are congested Ugly Bridge Road is a rat run to the Warwick Parkway Station as well as to A46/M40 J15, Stratford and beyond!

The school has recently had an Ofsted inspection reporting it to be in Special Measures; it is understood that this status jeopardises the school’s plans for additional classrooms. This would exacerbate the problem of schooling for the site’s children. Ferncombe School in Hatton Green is full. Children would have to see places in Warwick via the A4177 with its traffic problems at school run times, at Newborough School again via Warwick or more likely via Hampton Magna & Hampton on the Hill at school run times with substantial volumes or traffic using narrow and unsuitable roads potentially hazardous to the gypsy and traveller children, local residents and Warwick/Chase Meadow residents travelling to Budbrooke School.

In the summary of preferred sites the statement “Subject to agreement with the landowner, this site could be delivered within 5 years” is misleading suggesting that the owner is willing to sell.

Taking all these arguments into account it would be totally inappropriate to locate a Gypsy and Traveller site at GT19, Oaklands Farm

## Budbrooke Parish Council

### The Proposed Gypsy and Traveller sites in Budbrooke Ward

#### **Hampton on the Hill Site GTAlt03**

The arguments put forward regarding the Oaklands Farm site can equally be used for this site as it is within the green belt, so the Kites Nest arguments are equally very relevant. There is no exceptional circumstance argument for the site to be used, it is very obvious from the main road, Hampton on the Hill being adjacent to the main Henley Road and the lane entering Hampton on the Hill village and it is visible through 'gappy hedges' from the outside looking in but also considering traveller privacy. Site occupants would face being over looked from the road and therefore their privacy would be lost. The road, although subject to a 50mph restriction, is a very fast road and would be unsuitable for turning on and off the site by large vehicles with trailers attached.

In 2009 the following planning application was refused: W/09/0157 for Change of use of land to caravan site for occupation by gypsy family with associated operational development (utility room, septic tank, hard and soft landscaping and widen dropped kerbs) - Land at junction Hampton Road and Henley Road (A4189) Hampton on the Hill, Warwick

The refusal statement is shown below but a key element for the refusal was on site access. The following is an extract from the Highway Control Engineer's correspondence to the Planning Officer:

*I do not feel that a stage 1/2 road safety audit is warranted for an access which in actuality will be used as any other single dwelling access would be used. However, having said that, I would now ask for a further condition to be imposed, in that no caravans/dwellings other than the caravans/dwellings as stated in the application shall be placed within the development.*

The refusal was taken to appeal and the original refusal was upheld.

Since 2009, there has been no improvement to the highway. Traffic has increased due to commuters from Chase Meadow development using the road to reach the A46/M40 Junction 15, rather than navigating through Chase Meadow, and Warwick Parkway station.

In addition:

- The summary of preferred sites also states that the site here is flat; that is demonstrably not the case as it overlooks and slopes down towards the town of Warwick.
- There are no amenities near the site
- There are no services on site
- A suggestion that if the access point was moved towards the brow of the hill is inappropriate, the whole site would become more conspicuous.
- The Warwick Parkway/Budbrooke School rush hour and school run traffic runs alongside the site making it hazardous to children living on site
- The FAQ states that if land is considered suitable for houses it is suitable for gypsies and travellers, however the opposite will also be the case. Where a development has been refused for development is should not be used for a gypsy and traveller site.
- The additional hard standing will increase the risk of flooding in the area.
- To maintain the site access and egress for maintenance/fire service access within 45 metres of a dwelling on the site should be a consideration given the combustibility of the dwellings and LPG storage and usage would be necessary
- The pond on the adjacent site is seasonal and unsuitable for the provision of water for firefighting purposes
- The site is unsuitable for screening

The current status of the Local plan means that policies that applied at the time of the original refusal remain current; hence arguments in the proposal for GTAlt03 in respect to *Very Special Circumstances* cannot be justified as they contradict current policies.

## Budbrooke Parish Council

### The Proposed Gypsy and Traveller sites in Budbrooke Ward

It has not been satisfactorily demonstrated that the proposal for gypsy and traveller sites identified above is appropriate or necessary and safe in their locations so must be deemed unsound in the context of the local plan.

#### **Planning Notice of REFUSAL W/09/0157**

Notice is hereby given that planning permission is hereby refused:

Change of use of land to caravan site for occupation by gypsy family with associated operational development (utility room, septic tank, hard and soft landscaping and widen dropped kerbs)

at Land at junction Hampton Road and Henley Road (A4189) Hampton On The Hill, Warwick

for Mr M Maloney in accordance with the application submitted on 18/03/09.

The reason(s) for the Council's decision for refusal is/are:

- 1 The application site is within the Green Belt, wherein the District Planning Authority is concerned to ensure that the rural character and openness of the area will be retained and protected, and inappropriate development discouraged in accordance with national policy guidance contained in PPG2 "Green Belts" and policy DAP1 of the Warwick District Local Plan 1996-2011. The PPG states that inappropriate development is, by definition, harmful to the Green Belt, and very special circumstances must be demonstrated to justify such development, whilst policy DAP1 states a general presumption against inappropriate development and also requires very special circumstances to be demonstrated. Government Circular 01/2006 sets out the approach that should be taken by Local Planning Authorities to providing gypsy and traveller sites, and reiterates that new sites within the Green Belt are normally inappropriate development, and that alternatives should be explored before such sites are considered. The Circular also sets out considerations which can be taken into account which include the likely impact on the surrounding area, the existing level of provision and need for sites in the area, the availability of alternative sites and other personal circumstances. This proposal constitutes inappropriate development within the Green Belt therefore very special circumstances must be demonstrated.

The application site occupies a visually prominent location near the top of a hill, at a junction and on a busy transport route, where the visual harm arising from the proposed use of the land, the positioning of a large mobile home, vehicles, touring caravans and carts, the erection of a utility block, and the introduction of hard landscaping would have a serious adverse impact on the character, openness and amenity of the surrounding Green Belt. The applicant's personal circumstances

## Budbrooke Parish Council

### The Proposed Gypsy and Traveller sites in Budbrooke Ward

and need for a site are considered to carry substantial weight but are not considered to constitute very special circumstances sufficient to override the harm to the green belt. It is considered that the harm in principle to the Green Belt (by reason of inappropriateness) and the visual harm to the openness and character of the surrounding area would not be outweighed by the circumstances put forward in this case, and on this basis that very special circumstances have not been demonstrated to justify the inappropriate development. In the opinion of the District Planning Authority, the proposal would thereby conflict with the aims of Green Belt, Gypsy and Traveller and Local Plan policy.