CLAYGATE PARISH COUNCIL: CONSULTATION RESPONSE TO PLANNING APPLICATION

2016/1567

CLAYGATE PARISH COUNCIL OBJECTS TO THE ABOVE APPLICATION

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OVERVIEW

APPLICATION LOCATION: The application is described as The Paddock, Common Lane, Claygate, KT10 0HY. Local residents are likely to recognise it as a plot of land on what is known as the 40 acre field.

APPLICATION DESCRIPTION: Change of use of land to Gypsy site incorporating two pitches for siting of 2 mobile homes, a stable/utility room and hard standing together with provision of cesspit.

ASSESSMENT CONSIDERATIONS:

Claygate Parish Council has considered this application in relation to:

* Planning Policy for Traveller Sites (PPTS) (Department of Communities and Local Government (DCLG), August 2015) to be read in conjunction with the NPPF.
* The Local Planning Framework namely
  - Elmbridge Borough Council (EBC) Core Strategy (CS), July 2011 (specifically: CS1 Spatial Strategy, CS2 Housing provision, location and distribution, CS11 Claygate, CS15 Biodiversity, CS17 Local character, density and design, CS22 Gypsies, Travellers and Travelling Show People and CS26 Flooding.

OVERALL CONCLUSION

The application is either contrary to and/or fails to meet or address both National and Local Planning policy. Claygate Parish Council does not believe this application provides any very special circumstances necessary to justify such a development in the Green Belt. This site was bought on the open market with known limitations regarding planning, as it is Green Belt. The amount paid according to the Land Registry was £125,000 - other housing alternatives could have been purchased elsewhere that could have provided for family stability. Moreover, if the PPTS, August, 2015 does apply, Policy E17 states that ‘If a local planning authority wishes to make an exceptional, limited alteration to the defined Green Belt boundary…… it should do so only through the plan-making process and not in response to a planning application’.

REASONS FOR OBJECTION

The Parish Council objections are made regardless of whether either 1 or 2 below is the planning policy to be used in assessing this application.

1. DCLG Planning Policy for Traveller Sites (PPTS), August 2015, Annex 1

Claygate Parish Council requests that Elmbridge Borough Council (EBC), the Local Planning Authority, ascertain whether Annex 1 of the above policy applies to this application.

We understand that the Government redefined in this policy, who Gypsies and Travellers are, for the purposes of planning policy only. The Government indicated that if someone has given up travelling permanently then applications for planning permission should be considered as they are for the settled community within the national planning policy rather than the Planning Policy for Travellers Sites (PPTS). We believe this might be the case.

2. DCLG Planning Policy for Traveller Sites (PPTS), August 2015, Policy E Traveller Sites in the Green Belt

Policy E16. ‘Inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Traveller Sites (temporary or permanent) in the Green Belt are inappropriate. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances’.
Policy E17. ‘Green Belt boundaries should be altered only in exceptional circumstances. If a local planning authority wishes to make an exceptional, limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) to meet a specific-identified need for a traveller site, it should do so only through the plan-making process and not in response to a planning application’.

Policy H Determining planning applications for Traveller Sites

Policy H27. ‘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…….’

(We would also point out that EBC responded to the Government consultation that led to the DCLG Planning Policy for Travellers Sites, PPTS, DCLG August 2015 in an Individual Cabinet Member Decision Making of 19th November 2014 confirming a letter of reply to the consultation by EBC, dated 10th November 2014.

In that consultation response by EBC, under questions relating to:

Protecting sensitive areas and the Green Belt

Q4. Do you agree that Planning Policy for Traveller Sites be amended to reflect the provisions in the NPPF that provide protection to these sensitive areas? If not, why not?

Yes. The Council supports the appropriate and adequate protection to these sensitive areas, particularly Green Belt and agree that Planning Policy for Traveller Sites should be amended to reflect the provisions on the National Planning Policy Framework that provides protection to these sensitive areas.

Q6. Do you agree that the absence of an up-to-date five year supply of deliverable sites should be removed from Planning Policy for Traveller Sites as a significant material consideration in the grant of temporary permission for Traveller Sites in the areas mentioned above? If not, why not?

Yes, removing this paragraph would allow local authorities to make informed and balanced decisions on the suitability of any specific development.

Q7. Do you agree with the policy proposal that, subject to the best interests of the child, unmet need and personal circumstances are unlikely to outweigh harm to the Green Belt and any other harm so as to establish very special circumstances? If not, why not?

Yes, as outlined above such a change would allow local authorities to make informed and balanced decisions, taking into account social, environmental and economic impacts of any proposed development.)

3.Unauthorised occupation of land

The Government also announced at the same time, a change to national planning policy to make intentional, unauthorised occupation of land, whether by members of the travelling or settled community, a material consideration that would normally be weighed against the grant of permission in the determination of planning applications and appeals. This may apply in this application.


We do not believe that this provides any precedent relevant to this application, firstly due to the new DCLG PPTS, August 2015 and secondly the apparently different circumstances of the applicant in this instance versus those in the Pleasant Place, Hersham applications.

5.DM1 Presumption in Favour of Sustainable Development.

The NPPF seeks a presumption in favour of sustainable development but provides specific policy advice with respect to developments in the Green Belt, inappropriate development by definition is harmful to the Green Belt and should not be approved except in very special circumstances.

6.CS1 Spatial Strategy, CS2 Housing provision, location and distribution, CS 11 Claygate, CS17 Local character, density and design, DM2 Design and Amenity, DM17 Green Belt (development of new buildings) and the NPPF

We believe that this application is contrary to the above polices and in particular that no very special circumstances have been outlined to outweigh the significant harm to the openness and permanence of the Green Belt contrary specifically to policies CS17, DM2, DM17 and the NPPF.

- Claygate functions as a large village rather than a suburban area. Given the nature of the area, it offers very limited development opportunities (CS1).

-In conjunction with CS1, CS2 directs housing development to previously developed land within the urban area.
- CS11, Claygate states that ‘Development opportunities within this suburban village are very limited and that residential development will generally be supported within the built up area, through redevelopment of previously developed land and appropriate infill development, provided that it is acceptable in environmental and planning terms ...and that ... ‘The surrounding Green Belt land will continue to be protected for a variety of uses including woodland, commons and farms’. -CS17 seeks to protect and enhance the appearance of the areas and local amenity and requires good design in line with the guidance in the NPPF.

7. DM5 Pollution
Water Quality: The application does not adequately address prevention or limitation of the input of pollutants into groundwater. No details are provided of the type of cesspit or soakaway. Waste foul sewage is to be disposed of via a cesspit with no connection to the existing drainage system. No details are provided of the type of cesspit or soakaway. Liquid waste could likely seep from the site into the surrounding area.

8. DM6e Landscape and Trees
The protection of surrounding mature trees and tree roots is not addressed in question 15 of the planning application form.

9. CS25 Travel and Accessibility/DM7 Access and Parking:
- The application does not address issues of Access, Roads, Rights of Way (Bridleway 34) or Vehicle Parking in questions 6 and 10 of the planning application form.
- There would be unacceptable nuisance to residents of Common Lane, which is a track for access to properties and Claygate Common. Elmbridge Borough Council (EBC) owns freehold interest in Common Lane and therefore formal access rights would need to be sought from the Council due to intensification of use.
- No Vehicle parking details were submitted in the application.
- There is insufficient information provided to show how the applicant will access their land across the Public Bridleway.

10. DM8 Refuse, recycling and external plant
These are not properly addressed in question 7 of the planning application form under Waste Storage and Collection. The application does not incorporate areas to store and aid the collection of waste and no arrangements have been made for the separate storage and collection of recyclable waste.

11. CS15 Biodiversity/DM21 Nature Conservation and biodiversity
- The application does not address in question 13 of the applicants planning application form, Biodiversity and Geological Conservation. There is the reasonable likelihood of adverse impact on land adjacent to the application site, especially Claygate Common, a Local Nature Reserve (LNR) and the acceleration of the degradation in habitat within and adjacent to the site and contrary to aims for Biodiversity Opportunity Areas (BOA’S).
- No ecological details have been submitted to assess the impact of the proposed development upon the area and legally protected species. The application proposes the planting of invasive non-native species such as laurel.

12. DM19 Horse related uses and development
This policy supports horse related uses and field shelters but in combination the proposed permanent buildings and hard standing area would give rise to a significant expanse of permanent built form on what is currently open land.

13. CS26 Flooding
The site suffers from surface water issues due to blockages within the existing drainage areas. The application in question 12 of the planning application form, Assessment of Flood Risk, does not provide enough information. Flood risk is high on this site historically and drainage is essential to reduce impact. No details of the surface water drainage for the development have been submitted to deal with the proposed increase in impermeable area and no mitigation actions are suggested to deal with the known surface water flooding at the site.

14. CS22 Gypsies, Travellers and Travelling Show People
We believe that this is addressed in 1-4 above