



EAST NORTHAMPTONSHIRE DISTRICT COUNCIL

Town and Country Planning Act 1990

REFUSAL OF PLANNING PERMISSION

13/00438/FUL

Location

OP4023 SP9968..Caldecott..Chelveston..Northamptonshire.....

Proposal

Change of use of land to use as transit traveller caravan site for three families together with one residential pitch for the site warden and erection of two amenity buildings, laying of hardstanding and improvement of site access

Applicant

Mr M Allen

The Caravan Site Station Road Irthlingborough Wellingborough

Agent

Philip Brown Associates

74 Park Road Rugby Warwickshire CV21 2QX

Date received

18 March 2013

Date valid

24 April 2013

Under the provisions of the Town and Country Planning Act 1990 the Local Planning Authority hereby **REFUSE PLANNING PERMISSION** for the above development in accordance with the application and plans submitted, for the following reasons:

1. The proposal would result in inappropriate development in the open countryside on land which is not previously developed. The proposal would not be within a suitable distance of an adequate range of services. Therefore the proposal would be contrary to policies 9 and 17 of the north Northamptonshire Core Spatial Strategy which give priority to the re-use of previously developed land; and require that the site be closely linked to an existing settlement with an adequate range of services and facilities. The proposal would also be contrary to policy H23 of the National Planning Policy for Traveller Sites which strictly limits new traveller sites in the open countryside.
2. The applicant, by failing to submit sufficient biodiversity information, in particular a Phase 1 Ecological Assessment, has failed to demonstrate that the proposal would not result in a detrimental impact on protected species. The proposal would therefore be contrary to Policy 13 (o) of the North Northamptonshire Core Spatial Strategy and the National Planning Policy Framework.
3. The applicant, by failing to submit sufficient highway information, in particular a speed survey to demonstrate that the correct visibility splays have been provided, has failed to demonstrate that the proposal would not result in a detrimental impact on highway safety. The proposal would therefore be contrary to policy 13(n) of the North Northamptonshire Core Spatial Strategy.

4. The transit pitches are designed to be used as accommodation, used by individual households, all year around. The applicant has failed to demonstrate that the transit pitches will be openly available for all members of the gypsy and travelling community and operate as transit/temporary pitches. Because of the close relationship between the pitches within the site, the Council considers that the transit pitches will only be used by and available to family and other visitors of existing residents on the site.

Because the application site is not a "Relevant Caravan Site" to be managed by a "Relevant Site Manager" i.e. managed by either the Local Authority or a Registered Social Landlord within the definitions set out in the Criminal Justice and Public Order Act 1994 (as amended), the Council considers that the transit pitches are not transit in nature and would not be openly available for all members of the gypsy and travelling community.

The site would therefore not meet any identified need for transit or temporary accommodation for all gypsies and travellers and consequently cannot be justified in this countryside location.

Your attention is drawn to the following notes:

1. The NPPF requires the delivery of sustainable development in a proactive and positive way in accordance with paragraphs 186 and 187.

The applicant's agent has been advised of all the changes which have needed to be submitted in order to overcome two of the reasons for refusal. The applicant and his agent have also been advised of the recommendation to refuse permission regarding the principle of development. However, unfortunately, there is no way of resolving this issue and therefore a recommendation to refuse planning permission has been made. Had the applicant's agent provided the details regarding road safety and biodiversity, which were requested on 1 July, then these two issues would not have formed recommended refusal reasons.

In addition one meeting has been held with the applicant and his agent to go through all of the consultee responses and how these could be addressed. An email was sent to all involved on 1 July 2013 summarising the discussions which took place. Another meeting was then arranged for Thursday 17th October 2013 at 3pm - the applicant and his agent did not attend but advised the case officer before the meeting was due to start that they were unable to attend. Other meetings were then arranged for Wednesday 23rd October 2013 at 10 am and Wednesday 23rd October 2013 3pm. A call was received on the morning of this day to advise that the first time could not be attended. The case officer then advised that she would be available at 3pm and would alter the time of the meeting. No one showed up at the meeting on behalf of the applicant. It is clear from this that the local planning authority has made every effort to keep the applicant and agent up to date with progress and advise of any issues that would need to be addressed.

A full report is available at www.east-northamptonshire.gov.uk

D. A. Reed

Decision Date
10 January 2014

Signed:
David Reed, Head of Planning Services

RIGHT OF APPEAL:

Your attention is drawn to the following notes which explain how to submit an appeal should you be aggrieved by the above decision.

1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or the grant of permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment, in accordance with Sections 78 and 79 of the Town and

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Country Planning Act 1990 or Sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990, within 6 months of the date of this notice. However, where an enforcement notice has been served on the same, or substantially the same, development as in the application within 2 years of the date the application was made, the period for receiving an appeal is within **28 days** of the date of the decision notice or of the date by which the Local Planning Authority should have decided the application. Where an enforcement notice was served after the decision notice was issued or after the end of the period the Local Planning Authority had to determine the application, the period for receiving the appeal is within **28 days** of the date the enforcement notice was served (unless this extends the normal 6 months or 12 week deadline) (Appeals must be made on a form which is obtainable from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them having regard to the statutory requirements, to the provisions of the development order, and to any direction given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.

2. If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of responsibly beneficial use by carrying out of any development which has been or would be permitted he may serve on the Council of the district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 or Chapter III of the Planning (Listed Buildings and Conservation Areas) Act
3. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990 or Section 27 of the Planning (Listed Buildings and Conservation Areas) Act

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