

# SCHEDULE A: Applications with Recommendation

21/1161

Item No: 07

Date of Committee:

**Appn Ref No:**  
21/1161

**Applicant:**  
Mr C Broughton

**Parish:**  
Wetheral

**Agent:**  
Jock Gordon Architectural  
SVS Ltd

**Ward:**  
Wetheral & Corby

**Location:** Scotby Acres, Broomfallen Road, Scotby, Carlisle, CA4 8DE

**Proposal:** Variation Of Condition 5 Of Previously Approved Appeal Decision APP/E0915/W/15/3127903 (Siting Of 2No. Residential Gypsy/Travellers Pitches With Utility/Day Room; 2No. Static Caravans And 2No. Further Toilet/Shower Rooms (Part Retrospective) To Allow An Additional 8no. Touring Caravans & Storage Shed

**Date of Receipt:**  
20/12/2021

**Statutory Expiry Date**  
21/02/2022

**26 Week Determination**

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## REPORT

**Case Officer:** Richard Maunsell

### 1. Recommendation

1.1 It is recommended that this application is refused.

### 2. Main Issues

- 2.1 Whether The Principle Of Development Is Acceptable
- 2.2 Detailed Matters
- 2.3 Drainage
- 2.4 Biodiversity
- 2.5 Accommodation Needs
- 2.6 Other Matters

### 3. Application Details

#### The Site

3.1 Broomfallen Road is the main road leading north into the village of Scotby.

At the southern margins of the linear housing form along Broomfallen Road, a bridleway (number 138037) leads west and then south-west towards the M6 motorway and to The Garlands beyond.

- 3.2 This site is located to the west of the bridleway and is bounded to the south-west by a copse of trees with countryside to the west and north. On the opposite side of the bridleway, to the east, is a Gypsy site with a further four Gypsy pitches providing accommodation for five Gypsy pitches further to the south-east.
- 3.3 The overall site area measures 0.49 hectares and is located approximately site itself measures approximately 0.88 kilometres (0.55 miles) in a direct linear distance from the centre of the village.
- 3.4 The site is not within any landscape designations and the site is also located wholly within Flood Zone 1, the area with the lowest flood risk probability.

### **The Proposal**

- 3.5 Planning permission is sought for the change of use of the land to provide a transit site for Gypsies and Travellers incorporating eight pitches and a storage shed.

## **4. Summary of Representations**

- 4.1 This application has been advertised by means of a site notice and direct notification to the occupiers of 15 properties, In response, 46 representations have been received objecting to the application. The representations have been reproduced in full separately for Members, however, the main issues raised are summarised as follows::
1. the proposal will led to an increased and unacceptable level of traffic along the bridleway which leads to speed and noise;
  2. the bridlway has been surfaced and has speed bumps, this isn't a rural lane anymore;
  3. there are many caravans there which don't have planning so this would be giving permission to carry on;
  4. the site are connected to the old style septic tanks which overflow into the adjacent beck causing pollution;
  5. road planings are used as hardcore which are contaminated with tar;
  6. the applicant already has approval for 6 caravans which should be more than enough for personal use. There are already way more than 6 caravans on the site;
  7. 14 caravans on this site is an overdevelopment;
  8. the public bridleway is now intimidating and residents no longer feel as if they can use it;
  9. there are too many caravans which devalues neighbouring properties;
  10. dogs are loud on an evening barking, no more development there should be authorised as will only ruin the village more;
  11. this site is adjacent to mature mixed deciduous woodland and is likely to

- constitute a UK Priority Habitat - therefore there should be an Ecology report to assess the likelihood of disturbance to valuable wildlife. It is also adjacent to Washbeck which is vulnerable to damage during and after these works such as contaminated run off;
12. there is no indication of how foul water or chemical waste will be disposed. Many chemicals used in caravan toilets are toxic to waterways and as Washbeck is a low flow stream, this could have a devastating impact;
  13. the council's policy on gypsy and traveller sites has a number of criteria that applications should comply with. This application doesn't meet 3 of them namely integration with the community; inadequate utilities; adverse impact on the area;
  14. this is a commercial enterprise not a private one;
  15. the local school is at full capacity;
  16. there is an outstanding court injunction on this land which neither the Planning Authority nor the occupants appear to uphold. Consequently no more development should be allowed.

## 5. Summary of Consultation Responses

**Wetheral Parish Council:** - the parish council objects to the application which represents a substantial overdevelopment of the site.

The only access to the site is a bridleway, which is effectively being used as a busy highway due to the number of vehicles and journeys to and from this and adjoining developments. The bridleway is totally unsuitable for this level of traffic, which is not legal.

Provisions for refuse collection and recycling from the site are not made clear.

Wash Beck is a small, shallow stream which is not suitable for this level of water discharge;

**Cumbria County Council - (Highways & Lead Local Flood Authority):** - Cumbria County Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and our findings are detailed below.

We are aware of the extensive planning history along this bridleway.

During a previous appeal in 2016 (APP/E0915/W/18/3202754) for a similar yet smaller application the Inspector stated -

*“Of greater concern is the potential conflict between traffic and walkers/horse riders on the bridleway, a matter raised by residents and Wetheral Parish Council. There are two aspects to this: the physical risk of an accident; and the quality of the recreational experience. Both these aspects may then discourage people from using the right of way. The most dangerous part of the track is the S-bend where forward visibility is limited and there are no verges to allow vehicles and horses/pedestrians to pass comfortably. Children and horse riders would be particularly at risk.”*

*“There is no doubt that the proposal would see the use of the track increase significantly and would result in an increase in highway dangers to users of the bridleway. Walking, horse riding and cycling would be a less pleasant experience.”*

*“In this instance, although at the very upper limit of what would be acceptable, I conclude that the level of use proposed would not cause significant harm to the safety and the recreational experience of bridleway users.”*

It was the independent highway consultants’ (and the Local highway Authorities) view that *the residual cumulative impact for all and in particular bridleway users and the wildlife is severe and the local highway authority will no longer be able to exercise its duties hence, must be objected to on highway grounds.”*

This application therefore is yet another application taking access off this bridleway and increasing the vehicular usage of it. This will exacerbate the issue raised during the previous appeals to such an extent that the impact will be severe on this part of the network and that the potential safety impact will be unacceptable.

Of real concern is the potential of the vehicles associated with this application to deter potential and current users of this PROW (pedestrians and horse riders) from making use of it;

**Cumbria Constabulary - North Area Community Safety Unit:** - no response received;

**Cumbria County Council - (Highway Authority - Footpaths):** - Public Bridleway 138037 and 129016 follow an alignment to the north and west of the proposed development area and must not be altered or obstructed before or after the development has been completed;

**The Ramblers:** - no response received.

## **6. Officer's Report**

### **Assessment**

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/ Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF), Planning Policy for Traveller Sites (PPTS) (which must be read in conjunction with the NPPF), National Planning Practice Guidance and the Cumbria Gypsy and Traveller Needs Assessment (GTAA) Final Report January 2022 together with Policies SP2, SP6, HO11, IP3, IP6, CC5, CM5, GI1, GI3, GI5 of the Carlisle District

Local Plan 2015-2030. The proposal raises the following planning issues.

## 1. Whether The Principle Of Development Is Acceptable

- 6.3 Specific advice on Traveller sites is contained in PPTS which seeks, amongst other things, to create sustainable communities where Gypsies have fair access to suitable accommodation from which Travellers can access education, health, welfare and employment infrastructure. It advises that local plans must identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against locally set targets. Locally set targets are contained within Policy HO11 of the local plan which draws upon the most up to date evidence on need in the form of the GTAA.
- 6.4 Policy HO11 of the local plan requires that where there is an identified need the city council will consider the provision of Gypsy and Traveller sites and that they will be acceptable providing that they meet a number of detailed criteria.
- 6.5 Importantly Policy HO11 must be read in conjunction with Policy SP2 which sets out a settlement hierarchy as a means of securing sustainable development. This approach accords entirely with the NPPF and should therefore continue to be afforded full weight in the decision making process. Policy SP2 identifies that *"outside of the locations specified (i.e. in open countryside) development will be assessed against the need to be in the location specified"*.
- 6.6 Policy HO11 of the local plan amplifies this stance with specific regards to proposals for Traveller pitches, identifying that such proposals will be considered favourably providing they comply with a number of criteria including, at criterion 1, that *"The site is physically connected, and integrates with, an existing settlement, and does not lead to an unacceptable intrusion into open countryside"*.
- 6.7 A further 5 pitches were allowed on appeal on land to the east of the bridleway under appeal references 3127905, 3127903, 3130384 and 3127907. In addressing the principle of development in this location, in paragraph 32 the Inspector confirms that *"this is a sustainable location for a gypsy site."* As such, the location is not considered to be unsustainable and the council has not raised this as an issue in the defence of recent planning appeals. Policy HO11 adopts, alongside making a specific allocation, a criteria based approach to assessing proposals for the provision of sites for Travellers.
- 6.8 Paragraph 3.50 of the GTAA highlights the issue of transit provision and states:

*"GTAA studies require the identification of demand for transit provision. While the majority of Gypsies and Travellers have permanent bases either on Gypsy and Traveller sites or in bricks and mortar and no longer travel, other members of the community either travel permanently or for part of the year. Due to the mobile nature of the population a range of sites can be developed*

*to accommodate Gypsies and Travellers as they move through different areas.”*

- 6.9 The GTAA provides an assessment and conclusion of Gypsy and Traveller accommodation needs across each of the local authority areas that currently exist with Cumbria. Specific to Carlisle, the GTAA concludes on the issue of transit provision in paragraph 9.11 that:

*“It was not felt that any formal transit provision is required in the area given the volume of encampments that are experienced. There are private sites with permission for transit but they are either closed or have not built to accommodate the agreed permission. It was felt that this demonstrates that transit availability is not commercially viable, further evidencing the lack of need for Council run transit provision.”*

- 6.10 Beyond the requirements of the GTAA and Policy HO11, regard has also been had to the following detailed matters.

## **2. Detailed Matters**

- 6.11 Policy HO11 of the local plan states that proposals for Gypsy and Traveller sites will be acceptable providing that they meet eight criteria. These are:
- i) the location, scale and design would allow for integration with, whilst not dominating or unacceptably harming, the closest settled community to enable the prospect of a peaceful co-existence between the site and the local community;
  - ii) the site has reasonable access to key services and facilities including schools, shops, doctors' surgeries and health care and other community facilities;
  - iii) there are opportunities to access these facilities by public transport, walking or cycling;
  - iv) adequate utilities can be provided or are already available;
  - v) the site is well planned to be contained within existing landscape features, or can be appropriately landscaped to minimise any impact on the surrounding area;
  - vi) satisfactory living conditions can be achieved on the site and there would be no unacceptable impact on the amenity of adjacent land uses including residential uses;
  - vii) any ancillary business uses that are intended to be carried out on the site will not have an unacceptable impact on the residential use of the site, any adjacent land uses or the visual amenity of the area; and
  - viii) the site should have, or be able to provide, adequate access and turning space for large vehicles and caravans.
- 6.12 Each of these is considered in turn.
- i) The Location, Scale And Design Would Allow For Integration With, Whilst Not Dominating Or Unacceptably Harming, The Closest Settled Community To Enable The Prospect Of A Peaceful Co-Existence Between The Site And The Local Community

6.13 The site is approximately 425 metres south-west from the fringe of the village of Scotby and 550 metres north-east of the Garlands estate. As such, the physical relationship of the site to the settled community is acceptable in this instance.

ii) The Site Has Reasonable Access To Key Services And Facilities Including Schools, Shops, Doctors' Surgeries And Health Care And Other Community Facilities

6.14 The site is approximately 1 kilometre south-west of the centre of the village which has local facilities in the form of a shop, public house, school and church. Carlisle is only a short distance further to the east and in this instance, the accessibility of the site to local services and infrastructure is deemed acceptable.

iii) There Are Opportunities To Access These Facilities By Public Transport, Walking Or Cycling

6.15 Access to the facilities outlined in ii) can be achieved by means of walking or cycling. Once over, there was a bus service with a bus stop on Broomfallen Road but this service has been withdrawn and there is currently no replacement.

6.16 There is pedestrian access via the bridge over the M6 motorway leading to the Garlands estate from through which a bus service continues to operate. As such, the proposal is acceptable in this regard.

iv) Adequate Utilities Can Be Provided Or Are Already Available

6.17 There is no information in the application details regarding the provision of services; however, as the site has already been developed, it is assumed that adequate provision has been made on site. In any event, the site is adjacent to other developed pitches where adequate services have been provided and as such, there would be no conflict with this criterion of the policy.

v) The Site Is Well Planned To Be Contained Within Existing Landscape Features, Or Can Be Appropriately Landscaped To Minimise Any Impact On The Surrounding Area

6.18 When considering the impact of the proposal on the character and appearance of the area, the topography of the surrounding land and the existing landscaping provides some degree of screening to the site which obscures the view from Broomfallen Road. In this context, the scale and siting of the existing work and proposed structures are well related within the landscape and are not visually intrusive from a distance.

6.19 The guidance in the PPTS states that:

*“Local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas*

*allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure."*

6.20 When viewed from the bridleway, the hedgerow along the northern boundary would provide some degree of screening when approaching from the north. The land slopes down from west to east away from the bridleway and there are trees which flank the boundary with Wash Beck. Coupled with the fact that the site is set back from the bridleway with intervening buildings and Gypsy and Traveller pitches that are enclosed within a site bounded by walls and timber gates adjacent to the bridleway, the development wouldn't affect the character and appearance of the landscape. In conclusion it is considered that the impacts of the proposal on landscape character and on the views of users of the public bridleway would not be of such magnitude as to be considered unacceptable.

vi) Satisfactory Living Conditions Can Be Achieved On The Site And There Would Be No Unacceptable Impact On The Amenity Of Adjacent Land Uses Including Residential Uses

6.21 The land to the west is owned by the applicant. There are other Gypsy and Traveller pitches in the locality, most notably to adjacent to the north and south. A planning application for an additional Gypsy and Traveller pitch immediately adjacent to the north of the site currently remains undetermined. are on the opposite of the bridleway but there is sufficient intervening distance. The site is adequately sized with appropriate amenity and parking facilities for a transit site. As such the proposal is acceptable in this regard.

vii) Any Ancillary Business Uses That Are Intended To Be Carried Out On The Site Will Not Have An Unacceptable Impact On The Residential Use Of The Site, Any Adjacent Land Uses Or The Visual Amenity Of The Area

6.22 Broomfallen Road lies to the south of the centre of the village of Scotby and is characterised by linear development along the road frontage. Further south, beyond the settlement, the properties remain linear but are more sporadic in their location. There is also a farm close to the site. Whilst there are no properties immediately adjacent to the site, the living conditions of the occupiers of these properties has to be taken into account.

6.23 There is the potential that the level of use and the activities from the site could be detrimental to the occupiers of local properties. The use of the land would be occupied as a transit site with limited scope for any business use; however, a condition could be imposed prohibiting any business activities taking place on the site should planning permission be forthcoming.

viii) The Site Should Have, Or Be Able To Provide, Adequate Access And Turning Space For Large Vehicles And Caravans

6.24 Cumbria County Council as the local highway authority has raised objections with regard to the cumulative impact of the current proposal together with the

total number of pitches that have been granted planning permission with access from the bridleway. They state that the bridleway whilst permitting a degree of motorised use is mainly meant for other usage, with their enjoyment being greatly affected by further motorised usage and any further development would have a detrimental impact on the safety of the users of the public right of way.

6.25 The local highway authority make reference to the cumulative impact which, in their opinion, has occurred on the bridleway. In 2012, an application was submitted for planning permission for a single Gypsy and Traveller pitch. The application was refused and one of the reasons being that of the impact on the public right of way. As a single Gypsy pitch, the Inspector saw no conflict.

6.26 In 2014, four planning applications were submitted to the council for the formation of five pitches for Gypsies and Travellers. These applications were refused on the lack of need and the impact on highway issues, including the use of the bridleway. The appeal was allowed and in his paragraph 23 of his decision letter, the Inspector states:

*“Perhaps more importantly the number of dwellings, or in this case gypsy pitches, served by the track and which would involve negotiating the section around the S-bend would be six. The appellants argue that gypsy sites are often on unmade tracks but it is the interests of bridleway users not those of the appellants that are the concern here. However, this number does not greatly exceed the highway authority rule of thumb and once beyond the S-bend there would in practice be little pedestrian/vehicle conflict. In this instance, although at the very upper limit of what would be acceptable, I conclude that the level of use proposed would not cause significant harm to the safety and the recreational experience of bridleway users. There would therefore be no conflict with the relevant criteria in LP Policy H14 and in emerging Policy HO11 or with the provisions of NPPF paragraph 32.”*

6.27 Following on from this decision, a further application for planning permission for a single Gypsy and Traveller pitch was submitted on land known as Oak Meadows. A similar objection was submitted by the local highway authority and to assist in the consideration of the application, the council employed an independent highway consultant. The application was ultimately refused for the following reason:

*“The development increases the size of vehicles and the frequency upon which they use the public right of way to the detriment of other users. Sustained use would be likely to increase the conflict of traffic movements on the public right of way which has restricted width, resulting in additional danger and inconvenience to all users. In this context, the proposal is unacceptable and contrary to paragraph 32 of the National Planning Policy Framework, to criterion 8 of Policy HO11 (Gypsy, Traveller and Travelling Showpeople Provision) and criterion 5 of Policy SP6 (Securing Good Design) of the Carlisle District Local Plan 2015-2030.”*

6.28 In relation to the appeal decision at Oak Meadows, the Inspector concludes in paragraph 24 that:

*“Overall, the merits of the appeal scheme are finely balanced. Based on the evidence presented, the width, surface, topography, alignment and use of the bridleway, leads me to consider that the modest increase in its use would mean that the proposal is just about acceptable. As a result, the proposal would not lead to an unacceptable impact on highway safety, or severe residual cumulative impacts. Also, the recreational experience of bridleway users does not appear to have been harmed by the proposal. Nor would a small uplift in vehicular movements of the scale set out cause harm.”*

- 6.29 Each application has considered the highway issues with different Inspectors noting that the various proposals are “*at the very upper limit of what would be acceptable*” and that “*the proposal is just about acceptable*” implying that each permission seemingly being closer to the point of unacceptability.
- 6.30 Planning permission has been granted for Gypsy and Traveller sites adjacent to Washbeck Paddock, which was the first site granted planning permission. In this instance, the planning permissions are to be occupied by the sons of the occupier and the argument submitted was that they already lived and travelled along the bridleway, therefore there would be no increase in vehicle movements.
- 6.31 In the case of this application however, the proposal is for a transit site with eight pitches. Each pitch is likely to have multiple vehicles including those used for commercial/ work purposes and those used for domestic journeys which would be a significant increase in vehicle movements that would be further detrimental to users of the bridleway.
- 6.32 As the development is adjacent to a bridleway, the county council has advised that the bridleway must not be altered or obstructed before or after the development has been completed and that the developer of the site must ensure they have a private vehicular right of access to use the bridleway with vehicles. An advisory note would be included within the decision notice.

### **3. Drainage**

- 6.33 In accordance with the NPPF and the NPPG, the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy which should be considered in the following order of priority:
1. into the ground (infiltration);
  2. to a surface water body;
  3. to a surface water sewer, highway drain, or another drainage system;
  4. to a combined sewer.
- 6.34 In order to protect against pollution, Policies IP6 and CC5 of the local plan seek to ensure that development proposals have adequate provision for the disposal of foul and surface water. Whilst it is unlikely that there would be dedicated drainage for each transit pitch, no details of either foul or surface

water have been provided. In the absence of such, these matters could be dealt with through the imposition of planning conditions..

#### **4. Biodiversity**

- 6.35 The authority should consider securing measures to enhance the biodiversity of a site from the applicant, if it is minded to grant permission for an application in accordance with paragraph 180 of the NPPF. This is reflected in Section 40 of the Natural Environment and Rural Communities Act (2006) which states that every public authority must have regard to the purpose of conserving biodiversity. Local planning authorities must also have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), and Article 16 of the Habitats Directive before planning permission is granted.
- 6.36 Planning Authorities in exercising their planning and other functions must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, cc.) Regulations 1994 (as amended). Such due regard means that Planning Authorities must determine whether the proposed development meets the requirements of Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat.
- 6.37 The council's GIS layer did identify the potential for protected species to be present on the site or within the immediate vicinity. Given that the proposal involves a small piece of land that is largely covered with hard core, it is unlikely that the proposal would affect any species identified; however, an informative has been included within the decision notice ensuring that if a protected species is found all work must cease immediately and the local planning authority informed.

#### **5. Accommodation Needs**

- 6.38 Paragraph 9 of the PPTS also requires that when planning for Traveller sites:

*“Local planning authorities should, in producing their Local Plan:*

- *identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets*
- *identify a supply of specific, developable sites or broad locations for growth, for years six to ten and, where possible, for years 11-15*
- *consider production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites, particularly if a local planning authority has special or strict planning constraints across its area (local planning authorities have a duty to*

- *cooperate on planning issues that cross administrative boundaries)*
- *relate the number of pitches or plots to the circumstances of the specific size and location of the site and the surrounding population's size and density*
- *protect local amenity and environment.”*

6.39 The recently published GTAA covers all authorities in Cumbria and provides and in paragraph 1.2 describes its purpose:

*“The GTAA provides a credible evidence base which can be used toward the preparation and implementation of Local Plan policies and provision of new Gypsy and Traveller pitches and Travelling Showpeople plots for the 15 year period up to 2035, as required by the PPTS, and 2040 to meet Local Plan Periods. The outcomes of this study supersede the need figures of any previous Gypsy, Traveller and Travelling Showpeople accommodation needs assessment completed in the study area.”*

6.40 With regard to transit sites, the GTAA provides a useful definition in paragraph 3.50 which reads:

*“GTAA Studies require the identification off demand for transit provision. Whilst the majority of Gypsies and Travellers a permanent bases either on Gypsy and Traveller sites or in bricks and mortar and no longer travel, other members of the community either travel permanently or for part of the year. Due to the mobile nature of the population a range of sites can be developed to accommodate Gypsies and Travellers as they move through different areas.”*

6.41 Providing an individual assessment and appraisal for each local authority area, the GTAA provides evidence of need for both permanent pitches and transit sites within Carlisle district for the relevant forthcoming period. This was published in January 2022 and provides the most up-to-date information that is available. In respect of the latter, paragraph 9.11 states:

*“It was not felt that any formal transit provision is required in the area given the volume of encampments that are experienced. There are private sites with permission for transit but they are either closed or have not been built to accommodate the agreed permission. It was felt this demonstrates the transit availability is not commercially viable further evidencing the lack of need for Council run transit provision.*

6.42 On this basis, no evidence of need has been submitted with the application contrary to the conclusion of the GTAA. Whilst it is recognised that the GTAA references ‘Council run transit provision’, this would be the first solution to addressing a need rather than private sites being provided on a piecemeal basis. Members will also be aware that a transit site exists at Hadrian’s Camp which has been closed for several years. Were a need to exist that would be viable, it is likely that this site would have been made available again but this isn’t the case. As such, in light of the forgoing assessment and the GTAA assessment, it isn’t considered that any need exists for a transit site within the district.

## **6. Other Matters**

- 6.43 Reference is made in some of representations that the land is subject to a court injunction. This is not the case and the injunction refers to a separate parcel of land in different ownership at the southern end of the bridleway, adjacent to the bridleway.

### **Conclusion**

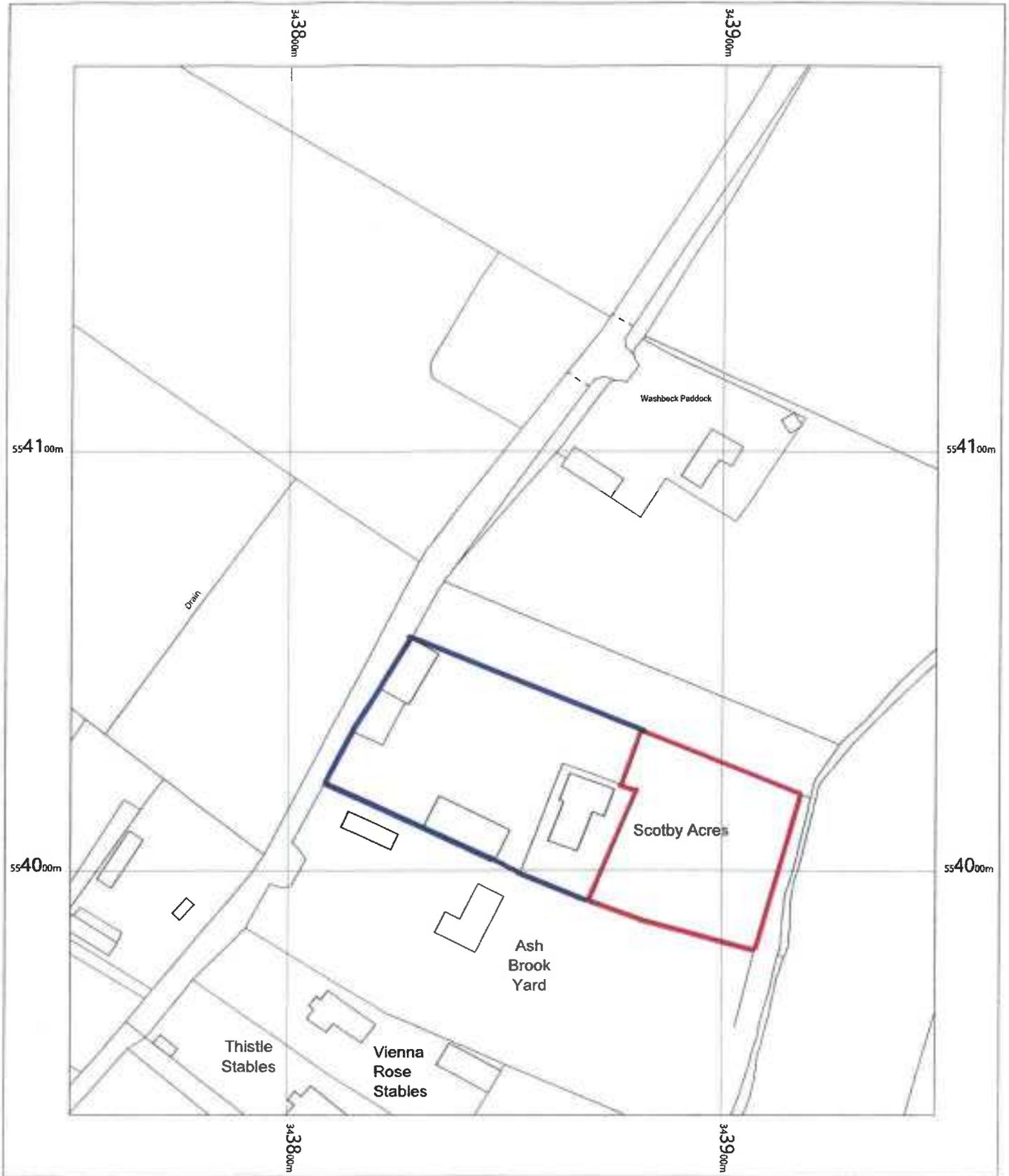
- 6.41 In overall terms, whilst it is noted that the adjacent site and land within the locality have been developed to provide pitches for accommodation by Gypsies and Travellers, no need has been identified in the most recent and up-date GTAA for a transit site. As such, the principle of development is not considered to be acceptable or comply with the relevant policy criteria.
- 6.42 In the case that the principle were considered to be acceptable, development both individually and in concert with development and proposals on the adjacent land, the character and appearance of the area particularly when viewed from the public right of way is unaltered to be significantly altered and whilst there may be glimpsed views, the overall impact of the development is not sufficiently significant to warrant refusal of the application on this matter.
- 6.43 The number and size of vehicles has increased along the public right of way over the last seven years. The issue of the continued use of the bridleway has been considered by Planning Inspectors in recent planning appeal decisions, and has been found to be acceptable, albeit with caveats about the 'upper limit' of the capacity of the bridleway being reached. Additional vehicles from the eight transit pitches is likely to be significant and therefore given the frequency or size of vehicles driving along the bridleway, the development would be detrimental and potentially affect the safety of other users.
- 6.44 As such, the proposal fails to accord with the objectives of the NPPF, PPG and relevant local plan policies.

## **7. Planning History**

- 7.1 An application for part retrospective planning permission was refused in 2015 for the siting of 2no. residential Gypsy/ Travellers pitches with utility/ day room; 2no. static caravans and 2no. further toilet/ shower rooms. The application was subject of an appeal to the Planning Inspectorate where it was subsequently allowed.
- 7.2 A further application was submitted in 2016 to discharge of conditions 3 (external materials) & condition 8 (site development scheme) of the previously approved application 14/0744 which was granted.

## **8. Recommendation: Refuse Permission**

1. **Reason:** Planning policies support the principle development that would contribute to achieving additional provision of transit pitches for Gypsies, Travellers and Travelling Showpeople. The Cumbria Gypsy and Traveller Needs Assessment (GTAA) Final Report January 2022 states that there is no need for transit facilities. No identified need or evidence has been submitted as part of this application to the contrary and as such, the proposed is contrary to criterion 8 of Policy SP2 (Strategic Growth and Distribution); Policy HO11 (Gypsies and Travellers) of the Carlisle and District Local Plan 2015-2030.
  
  2. **Reason:** The development increases the size of vehicles and the frequency upon which they use the public right of way to the detriment of other users. Sustained use would be likely to increase the conflict of traffic movements on the public right of way which has restricted width, resulting in additional danger and inconvenience to all users. In this context, the proposal is unacceptable and contrary to criterion 8 of Policy HO11 (Gypsy, Traveller and Travelling Showpeople Provision) and criterion 5 of Policy SP6 (Securing Good Design) of the Carlisle District Local Plan 2015-2030.
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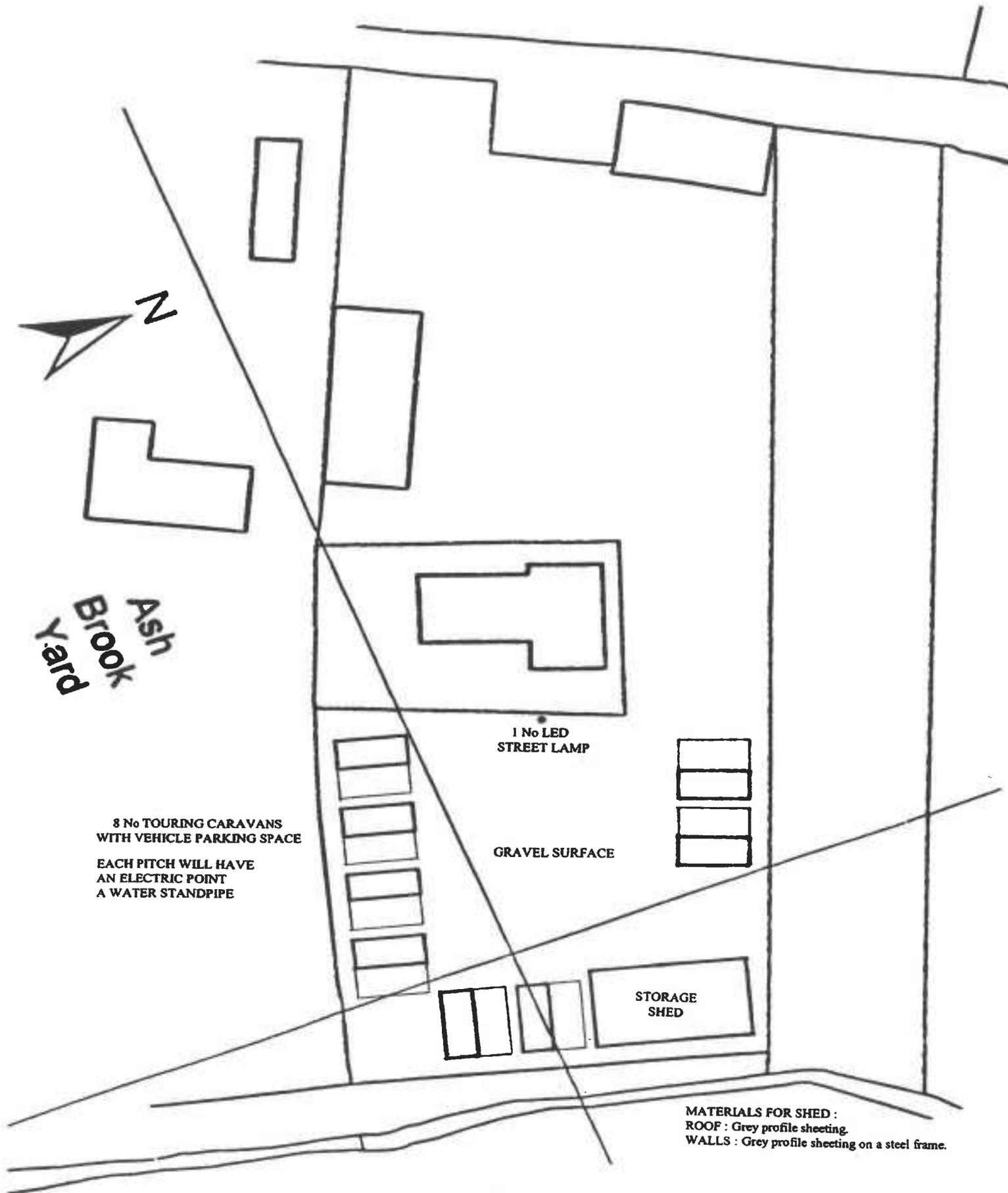
**PROPOSED CARAVAN PITCHES & STORAGE SHED**

**SCOTBY ACRES - SCOTBY - CARLISLE**

**LOCATION PLAN**

**DRG. NO. 3304/1**

**SCALE : 1-1250**



8 No TOURING CARAVANS  
WITH VEHICLE PARKING SPACE  
EACH PITCH WILL HAVE  
AN ELECTRIC POINT  
A WATER STANDPIPE

1 No LED  
STREET LAMP

GRAVEL SURFACE

STORAGE  
SHED

MATERIALS FOR SHED :  
ROOF : Grey profile sheeting.  
WALLS : Grey profile sheeting on a steel frame.

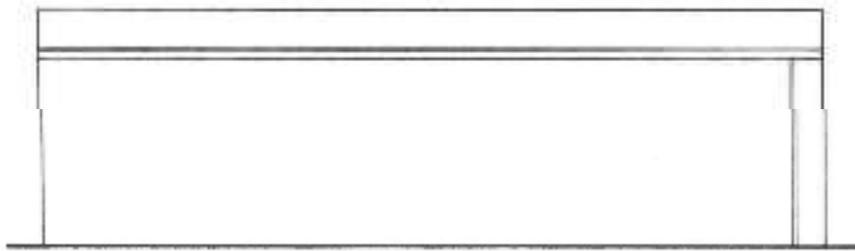
**PROPOSED CARAVAN PITCHES & STORAGE SHED**

**SCOTBY ACRES - SCOTBY - CARLISLE**

**BLOCK PLAN**

**DRG. NO. 3304/2**

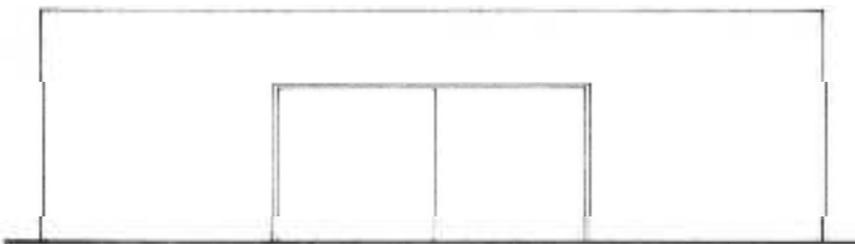
**SCALE : 1-500**



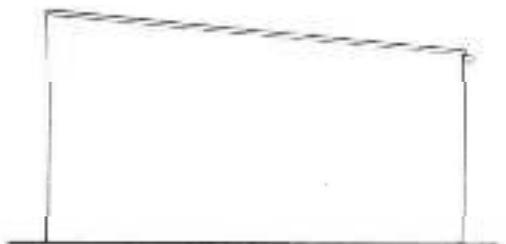
**REAR ELEVATION**



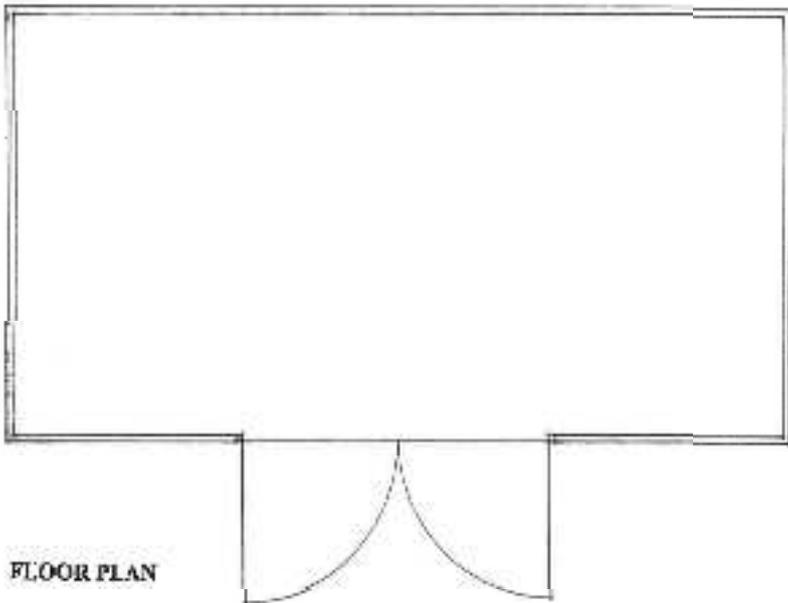
**SIDE ELEVATION**



**FRONT ELEVATION**



**SIDE ELEVATION**



**FLOOR PLAN**

**PROPOSED CARAVAN PITCHES & STORAGE SHED**

**SCOTBY ACRES - SCOTBY - CARLISLE**

**STORAGE SHED**

**DRG. NO. 3304/3**

**SCALE : 1-100**