

SCHEDULE A: Applications with Recommendation

16/0890

Item No: 06

Date of Committee: 25/11/2016

Appn Ref No:
16/0890

Applicant:
Mr & Mrs W Swailes

Parish:
Westlinton

Agent:
Heine Planning
Consultancy

Ward:
Longtown & Rockcliffe

Location: Green Acres, Newtown, Blackford, Carlisle, CA6 4ET

Proposal: Change Of Use Of Land For Stationing Of 1No. Mobile Home And 1No. Touring Caravan For 1No. Gypsy Family; Associated Landscaping (Part Retrospective/Revised Application)

Date of Receipt:
10/10/2016 08:02:54

Statutory Expiry Date
05/12/2016 08:02:54

26 Week Determination

REPORT

Case Officer: Paul Fenton

1. Recommendation

- 1.1 It is recommended that this application is approved with conditions.

2. Main Issues

- 2.1 Whether the principle of development is acceptable
- 2.2 The impact on the character of the local area
- 2.3 Whether appropriate access and parking can be achieved
- 2.4 Accessibility to community services from the site
- 2.5 Whether there is sufficient gypsy provision within the District
- 2.6 Gypsy status / personal circumstances
- 2.7 Foul drainage

3. Application Details

The Site

- 3.1 This application seeks Full Planning Permission for the change of use of land for stationing of 1no. mobile home and 1no. touring caravan for 1no. gypsy

family; associated landscaping (part retrospective / revised application) at Green Acres, Newtown, Blackford.

- 3.2 The application site, which measures approximately 38 metres in width and 50 metres in depth is a small complex of stables and agricultural type buildings in the open countryside outside the settlements of Newtown and Blackford. The site is located approximately 450 metres to the north west of the cluster of houses known as Newtown and approximately 1km north west of Blackford Primary School and Saint John the Baptist Church.
- 3.3 The site would be accessed via the U1075 adopted highway which is described by the Highway Authority as substandard road, with poor pedestrian/cyclist facilities and inadequate public transport provisions.
- 3.4 The local countryside is characterised by level fields surrounded by mature hedgerows. Stables and agricultural buildings are relatively common in the landscape. Immediately to the north and east of the site is an agricultural field which has previously been used in association with the site. To the south of the site is a mature hedgerow beyond which there is an agricultural field then gypsy pitches and associated utility/dayroom and barns/stables. The cluster of houses known as Newtown lay immediately to the south of the gypsy pitches. The adopted highway (U1075) and a mature hedgerow border the west. The land is designated as open countryside.

Background

- 3.5 The site has evolved on a piecemeal basis since planning approval was first granted under application ref. 01/0202 for the erection of stables/loose boxes. The stables were built by Mr W Swailes. Since then, the site has developed to include hay shed (ref. 01/0009/AGD), farm implement shed (ref. 02/0002/AGD) and general purpose agricultural shed (ref. 03/1267). Permission was also granted in November 2015, under application ref. 15/0817, for a replacement barn on the west of the site which is still to be built.
- 3.6 In August 2016, under reference number 16/0430, an application was refused for change of use of land to provide 2no. residential family gypsy pitches, together with formation of hard standing and utility/dayrooms. The application was refused on the grounds that the proposal would tantamount to the creation of isolated new homes in the open countryside in absence of a reason to be in the location specified; would exert an adverse impact on the character and appearance of the local landscape, and; there is no proven general need for additional Gypsy sites in the area and the applicant's circumstances appear to be such that it cannot be concluded that occupation of the current site outweighs the potential to occupy alternative sites.
- 3.7 Since the Council's decision in August 2016, the applicant has subsequently changed their Agent and have submitted a revised scheme with additional detail in support of the Applicants personal circumstances to support their need for residential accommodation at this location.

- 3.8 The site has remained agricultural in nature throughout the evolution of the site.

The Proposal

- 3.9 The current application seeks consent for change of use of land for stationing of 1no. mobile home and 1no. touring caravan for 1no. Gypsy family; associated landscaping (part retrospective / revised application).
- 3.10 The application is part retrospective in so far as the land has been used by the Applicant for the stationing of 1no. touring caravan throughout winter over recent years.

4. Summary of Representations

4. This application has been advertised by means of a site notice and direct notification to the occupiers of 7no. neighbouring properties. In response, 4no. letters of objection and 1no. comment have been received. The main issues raised are summarised as follows:
1. Applicants status as a gypsy;
 2. Gypsy and traveller provision within the District; established sites at Low Harker Dean & Ghyll Bank House, and Hadrian's Camp;
 3. Whether the proposal is tantamount to development in the open countryside;
 4. Impact on highway safety in terms of access, on-site parking and turning provision;
 5. Whether there is reasonable access to services such as education, doctors, shops etc;
 6. Impact on the character of the local area; and,
 7. Whether there is sufficient foul drainage infrastructure and capacity.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): -
Originally requested further detail relating to off-street parking and on-site turning facilities. Agent subsequently provided additional detail.

Highway Authority then made a recommendation for refusal on the grounds that inadequate information had been submitted in terms of access, on-site turning facilities and its effect on local traffic conditions and public safety, particularly the delivery of the static/mobile home.

Subsequent to a site visit, the Applicant demonstrated a full turn with touring caravan in tow within the yard, entered and exited the site in a forward facing manner and outlined options available in terms of delivery of the static/mobile home. The Highway Authority has confirmed no objection on this basis.

Lead Local Flood Authority (LLFA) do not have any records of flooding on this site and the Environment Agency surface water maps do not indicate that the

site is in an area of risk.

Cumbria Constabulary - Community Safety Unit Liaison, North Cumbria BCU

Headquarters: -

No observations or comments.

Westlinton Parish Council: -

1. There is more than adequate provision in the area for gypsies both permanent and transit sites;
2. This is a green field site outside the parameters of the village with poor road access and an almost blind junction at the village end of the road;
3. The person applying for change of use is living in a house and running a local business, so we feel that this application should not be permitted.

Private Sector Housing Technical Team Manager: -

Suggest that an informative is used to advise the Applicant of the following:

If planning consent was granted to the owner of the above site they would be required to make an application to this Council for an amendment to the license under the Mobile Homes Act 2013 for the residential pitches. A licence under this legislation attracts an amendment fee and an annual fee for the licence. Charges are reviewed annually.

The site owner would be required to comply with any site conditions placed on them under the legislation under the Mobile Homes Act 2013.

The owner is required to produce a copy of the site rules to the Council and documentation relating to the electrical safety and maintenance of fire safety on the site. The site owner must produce a Fire Safety Risk assessment for audit by the Local Authority, under the Regulatory Reform Fire Safety Order, as part of the site conditions.

6. Officer's Report

Assessment

- 6.1 Section 54a 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 (including Government Policy as expressed through Planning Policy Guidance Notes or Planning Policy Statements) 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) and Policies SP2 and HO11 of the recently adopted Carlisle District Local Plan (CDLP) 2015-2030. Consideration also needs to be made with regard to Circular 11/95 "The use of planning conditions" and to the Human Rights Act 1998 and the Race Relations (Amendment) Act 2000.
- 6.3 The proposal raises the following planning issues:

1. Whether The Principle Of Development Is Acceptable

- 6.4 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 Carlisle District Local Plan 2015-2030 which draws upon the most up to date evidence on need in the form of the Cumbria Gypsy and Traveller Accommodation Assessment (CGTAA) (November 2013).
- 6.5 Policy HO11 of the Local Plan states that proposals which contribute to achieving additional provision of transit or permanent residential pitches, and sites for Travelling Showpeople, in addition to the sites allocated will be considered favourably where they meet a number of detailed criteria. This reflects that even if plans are in place to meet identified needs, further Traveller sites can and should be approved providing they can be regarded to comprise sustainable development.
- 6.6 Importantly Policy HO11 must be read in conjunction with Policy SP1 and SP2 which sets out a settlement hierarchy as a means of securing sustainable development. This approach accords entirely with the NPPF and should therefore be afforded full weight in the decision making process. Criterion 8 of Policy SP2 identifies that within the Open Countryside development will be assessed against the need to be in the location specified.
- 6.7 Policy HO11 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"*.
- 6.8 The application site is beyond what can be regarded as the nearest settlement of Blackford and is not physically connected to it, nor does it integrate with the cluster of houses known as Newtown. By default the application site is therefore within the open countryside. It is therefore considered that the proposal would by default be tantamount to new isolated homes within the countryside, which paragraph 55 of the NPPF makes clear should be resisted *"unless there are special circumstances"*.

2. Whether The Proposal Complies With Gypsy and Traveller Policy

- 6.9 Policy HO11 of the Local Plan states that proposals for Gypsy and Traveller sites will be acceptable providing that they meet 8 criteria. These are:
1. The location, scale and design would allow for the 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;

2. The site has reasonable access to key services and facilities including schools, shops, doctors' surgeries and health care and other community facilities;
3. There are opportunities to access these facilities by public transport, walking or cycling;
4. Adequate utilities can be provided or are already available;
5. 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. 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;
7. 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
8. The site should have, or be able to provide, adequate access and turning space for large vehicles and caravans.

6.10 Each of these is considered in turn:

1. The location, scale and design would allow for the 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;

6.11 Whilst it is recognised that the location of the site is within open countryside and detached from the nearest settlement, the scale and design of the proposal would allow for the integration with the closest settled community to enable the prospect of a peaceful co-existence between the site and the local community.

6.12 The scale and form of the proposed development is such that it would not dominate the nearest settlement, particularly in the context of the existing built form on the site. The proposed stationing of 1no. mobile home and 1no. touring caravan is not considered to have a materially detrimental impact on the local community.

2. The site has reasonable access to key services and facilities including schools, shops, doctors' surgeries and health care and other community facilities;

6.13 The site is located outside the cluster of houses known as Newtown and the settlement of Blackford which has limited facilities including Blackford Primary School and Saint John the Baptist Church which are approximately 1km to the north east.

6.14 The closest service centre is the Urban Area of the City of Carlisle to the south which is approximately 4.25km away via the A7. Westlinton is approximately 2.3km to the north however there are limited services there.

- 6.15 There are a number of bus services from Saint John the Baptist Church connecting Blackford to Carlisle, including the 127(A), (X)95, (5)79 and 95. Access to services from the site is therefore considered to be reasonable and acceptable.
3. There are opportunities to access these facilities by public transport, walking or cycling;
- 6.16 The application site is considered to be 'away from' existing settlements as required by paragraph 25 of national policy (in the form of Planning Policy for Traveller Sites) which states that:
- 6.17 *“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.”*
- 6.18 However, the Planning Policy for Traveller Sites (PPTS) points to wider considerations such as providing a settled base to reduce the need for long-distance travelling and facilitating traditional lifestyles. It also sees the provision of travellers' sites as enabling travellers to access education, health, welfare and employment infrastructure. While strictly controlling new traveller site development in the open countryside away from existing settlements or outside areas allocated in the development plan, it does not entirely rule out locations in rural area.
- 6.19 The distance from the site to services exceeds 1km which exceeds the distance which residents may access comfortably on foot, according to the *Manual for Streets*. Further, the nature of the road and its lack of footways and lighting do not make it particularly conducive to walking or cycling. The majority of journeys to/from the site would be likely to be by car. However, the harm in this respect would be limited by the small size of the development and the modest distances to services and facilities. Furthermore, the number of vehicular trips would be mitigated by the loss of any trips the Applicant would have made to visit the site from previous residence.
4. Adequate utilities can be provided or are already available;
- 6.20 Further to a site visit with the Applicant on the afternoon of 10th November it was confirmed the site is well served with utilities including water, electricity and a foul water septic tank.
5. 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;
- 6.21 The local countryside is characterised by level fields and surrounded by mature hedgerows which provides some screening. However, they are mostly deciduous and the site would be visible for parts of the year. The applicant

proposes to utilise the existing structures on the site as day rooms with existing services including electricity, water and a toilet connected to a septic tank. The existing stables and barns are also to be retained. The extent of development would therefore equate to the static/mobile home and touring caravan and associated landscaping.

6.22 Para 26 of the PPTS states that *“Local Planning Authorities should attach weight to the following matters:*

- a) Effective use of previously developed (brownfield), untidy or derelict land*
- b) Sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness*

Promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children

- c) Not enclosing a site with so much hard landscaping, high walls or fencing, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community”*

6.23 The applicant proposes to retain the existing built form to minimise the impact on the character and landscape of the local area. The visual impact of the site is established, with the exception of the static/mobile home, and the touring caravan has been on and off the site periodically. In addition, the site can be seen within the context of the site on the opposite side of the highway and the gypsy pitch to the north east of the site.

6.24 The existing hedgerow along the southern and western boundaries will be retained and enhanced while the northern boundary will be subject to additional planting to screen the static/mobile home. The existing workshop/barn on the eastern boundary will screen the majority of the development from view from the A7. The existing gate further helps screen the site while ensuring the site is not enclosed by hard landscaping only.

6.25 The development would therefore be well screened by the existing buildings, established mature hedgerow and associated new landscaping. However, it is considered reasonable to secure a landscaping scheme as part of any planning approval to ensure a satisfactory level of landscape screening to integrate the character of the local area.

6.26 It is therefore the Officers opinion that, subject to a condition securing further landscaping detail, the level of development proposed would not have a significant adverse impact on the character of the local area.

6. 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;

6.27 It is understood the family has links to the gypsy community within the District and intend to reside at Green Acres to undertake their horse breeding and training business. It is also understood the family seek permission to live on the land to provide better facilities for their young family and because they will

need a settled base in order to send their two children twin boys aged 3 to school. The site is served by existing utilities and services.

6.28 As the site is detached from the nearest settlement there are not considered to be any sensitive adjacent neighbouring uses.

7. 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;

6.29 Aside from the Applicants horse breeding and training business, The Applicant also does roofing work and deals in cars. The Applicant does not propose to use the land in association with any other business other than to tend to his horses. Nevertheless, it is considered appropriate to secure a condition to ensure the land is not used in connection with any business use other than horse breeding and training.

6.30 The land has been used to keep the Applicants horses for a number of years and the land has always been agricultural in nature. It is therefore considered the nature of the land will not change materially and there will be no unacceptable impact on the residential use of the site, any adjacent land uses or the visual amenity of the area.

8. The site should have, or be able to provide, adequate access and turning space for large vehicles and caravans.

6.31 The site lies adjacent to the adopted highway U1075 and the Highway Authority have been consulted on the application. The Highway Authority originally advised insufficient information was submitted in support of the application relating to off-street parking and on site turning facilities.

6.32 The Agent subsequently amended the Site Layout Plan to include parking provision for 3no. vehicles and area for storage of the touring caravan to the south west of the site.

6.33 The Highway Authority consequently accepted the parking provision and storage area for the touring caravan. However, the Highway Authority recommended refusal of the application relating to the delivery of the static/mobile home on grounds of insufficient information relating to the access, on-site turning facilities and its effect on local traffic conditions and public safety.

6.34 Subsequently, the Case Officer met with the applicant on-site to review the access and turning provision. The Applicant demonstrated access to the site via the existing access with a caravan in tow. The Applicant made a full turn within the yard excluding the area designated for the static/mobile home, location of touring caravan and parking provision. The Applicant has also advised that a 16 tonne wagon has previously been taken on to the site with no issue. Further, as the land is in the control of the Applicant, it would be possible to widen the access if necessary.

- 6.35 This addressed the Highway Authorities recommendation for refusal and have since confirmed there is no objection on highway grounds. It is the Case Officer's view that as this will be a one-off occurrence, and as there are a variety of options available in terms of the delivery of the static/mobile home, the harm would not be severe.

3. Availability of Gypsy Sites

- 6.36 The Cumbria Gypsy Traveller Accommodation Assessment (CGTAA) was produced by consultants with a track record of robustly assessing Traveller needs, followed established guidance and best practice and involved significant consultation with Travelling communities and its outputs are considered to be robust.

- 6.37 Paragraph 9 of the PPTS 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."*

- 6.38 Table 6.3 of the Cumbria GTAA indicates a total requirement of 15 permanent pitches which comprises of 5 pitches equally between 2013/14 and 2017/18, 2018/19 and 2022/23, and 2023/24 and 2027/28. Of this identified need, 6 pitches have already been delivered at Hadrian's Park (application reference 13/0886) and a preferred allocation for the residual nine is being progressed through the provisions of Policy HO11. More recently, a further 5 pitches over 4 sites have been granted planning permission following appeals to the Planning Inspectorate in Scotby.

- 6.39 Carlisle is considered to have a five year land supply and plans in place to meet identified needs moving forward. In this regard it is considered that the relevant policies must be regarded as up-to-date.

4. Personal Circumstances

- 6.40 Planning Policy for Travellers Sites (PPTS) Annex 1: Glossary defines gypsies and travellers as:

“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependents’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.”

- 6.41 PPTS goes on to state that 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.”
- 6.42 Mr Swailes was born in the County to Gypsy parents and has lived in caravans for most of his life. Mr Swailes' father has now settled in housing in Carlisle due to poor health. Mr Swailes' sister and cousin live on private gypsy sites. Mr Swailes is a horse dealer and travels with his family to many of the traditional horse fairs. He also does roofing work and deals in cars.
- 6.43 It is understood the family has links to the gypsy community within the District and intend to reside at Green Acres to undertake their horse breeding and training business. It is also understood the family seek permission to live on the land to provide better facilities for their young family and because they will need a settled base in order to send their two children to Blackford Primary School. The school has confirmed there is capacity for the children.
- 6.44 Given the detail submitted in support of the application, it is accepted that the applicant, and his family, lead a nomadic lifestyle and can therefore be defined as Gypsies as outlined in Annex 1: Glossary of the Planning policy for traveller sites.
- 6.45 Policy HO11 of the adopted Carlisle District Local Plan 2015-2030 identifies a need for a minimum of seventeen pitches between 2013 and 2030. This level of need was informed by the 2013 Cumbria Gypsy and Traveller Accommodation Assessment. The Local Plan can be seen to address this need (in quantitative terms at least).
- 6.46 Since the publication of the CGTAA 6 pitches were granted consent at Hadrian's Camp and implemented, a further 2 at Parkfield Stables, Newtown, and a further 5 pitches (4 of which were retrospective) off Broomfallen Road in Scotby (Appeal Refs: APP/E0915/W/15/3127903; APP/E0915/W/15/3130384; APP/E0915/W/15/3127905; and APP/E0915/W/15/3127907). Residual need can therefore be seen to be 4.
- 6.47 Policy HO11 allocates land at Low Harker Dene to extend the existing site for an additional 9 pitches, alongside the development of a separate transit site.
- 6.48 The deliverability of this approach was deemed sound through the Local Plan examination process as too was the evidence upon which the need levels

within the Plan were founded. From a quantitative perspective there can therefore be seen to be no unmet need. Furthermore it is contended, based on the aforementioned approvals, that the District can easily demonstrate a 5 year land supply.

- 6.49 From a qualitative perspective it is acknowledged that there is a degree of need for smaller owner occupied pitches to better serve the Traveller community and to ensure diversity across the District's Traveller site provision. This was highlighted through the recent Broomfallen Road (Scotby) appeals and was also a matter explored during the Examination of the Local Plan. Whilst this is the case, both Inspectors agreed that it would not be practical to seek to allocate sites of the likely size required and acknowledged that no such sites had been put forward through the Local Plan process despite repeated calls. In light of this both Inspectors therefore concurred that the criteria set out in Policy HO11 (as recommended to be modified by the examining Inspector) provide an appropriate means to assess applications for such provision with there now being a clear track record of the effectiveness of the policy in enabling windfall small privately owned Traveller sites to come forward. This importantly establishes that whilst there is a need for additional small-scale provision, that this need alone does not override the need for proposals to comply with Policy HO11, in addition to the Government's Planning Policy for Traveller Sites (PPTS).

- 6.50 Policy 25 of the PPTS states that:

"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"

- 6.51 Criterion One of the Local Plan states that:

"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;"

- 6.52 The site is considered to be away from the nearest settlement and as such that it remains contrary to the PPTS and Policy HO11 of the Local Plan. As such the application site is not in a location where consent for permanent residential pitches for Travellers would ordinarily be permitted.

- 6.53 It is acknowledged that personal circumstances weighed heavily in favour as material considerations in the determination of appeals relating to the sites off Broomfallen Road, Scotby.

- 6.54 Based on the evidence submitted in support of this proposal it is considered that the personal circumstances of the Applicant attract significant weight. The Applicant has demonstrated a need to reside at the specific location by virtue of the horse breeding and training business, as well as the intention to send their children to Blackford Primary School. In such circumstances, and based on the above departure from the Development Plan, any forthcoming

permission should evidently be tied to named individuals. This reflects, as stated previously, that this is not a site where consent for the present form of development would otherwise be allowed. This approach would provide assurances that in the event the site no longer met the needs of the individuals in question that its use would cease and that it should be reinstated to its pre-development condition.

5. Drainage

- 6.55 Policy IP6 of the Local Plan states where there are concerns that inadequate foul water treatment and drainage infrastructure exists to serve a proposed development, or where such provision cannot be made within the time constraints of planning permission, it is the responsibility of the developer to demonstrate how foul drainage from the site will be managed.
- 6.56 Further to comments received through the consultation period alleging that no foul water septic tank exists on site, the Case Officer made a site visit with the Applicant to confirm a septic tank is present on site with capacity to serve the development.
- 6.57 The Lead Local Flood Authority (LLFA) does not have any records of flooding on the site and the Environment Agency surface water maps do not indicate that the site is in an area of risk.

6. Biodiversity

- 6.58 The Council's GIS Layer has identified that the site has the potential for protected species to be present. As the proposed development is part retrospective involving developed land, it is not considered that the development would harm a protected species or their habitat.

7. Conclusions

- 6.59 The proposal would be physically detached from the nearest settlement of Blackford and would by default be tantamount to the creation of an isolated new home in the countryside. However, the personal circumstances indicate that the application should be approved. In the context of the Cumbria Gypsy and Traveller Accommodation Assessment it is considered that this need outweighs the any harm. The proposal is therefore recommended for approval.

7. Planning History

- 7.1 In September 2000, under reference number 00/0715, an application was refused for the erection of general purpose agricultural livestock building.
- 7.2 In June 2001, under reference number 01/0202, an application was approved for the erection of stables/loose boxes.

- 7.3 In July 2001, under reference number 01/0009/AGD, an application was approved for the erection of hay shed.
- 7.4 In February 2002, under reference number 02/0002/AGD, an application was approved for the erection of a farm implement shed.
- 7.5 In January 2004, under reference number 03/1267, an application was approved for the erection of general purpose agricultural shed.
- 7.6 In May 2007, under reference number 07/0011/AGD, an application was approved for the erection of general purpose store.
- 7.7 In May 2007, under reference number 07/0012/AGD, an application was approved for the erection of general purpose store.
- 7.8 In November 2010, under reference number 10/0791, an application was refused for positioning of chalet for temporary residential use for care of mares and foals.
- 7.9 In November 2015, under reference number 15/0817, an application was approved for erection of replacement barn.
- 7.10 In August 2016, under reference number 16/0430, an application was refused for change of use of land to provide 2no. residential family gypsy pitches, together with formation of hardstanding and utility/dayrooms.

8. Recommendation: Grant Permission

1. The approved documents for this Planning Permission comprise:
1. the Planning Application Form received 10th October 2016;
 2. the Location Plan received 10th October 2016;
 3. the Proposed Site Layout Plan received 10th October 2016;
 4. the Supporting Statement received 10th October 2016;
 5. the Notice of Decision;
 6. any such variation as may subsequently be approved in writing by the Local Planning Authority.

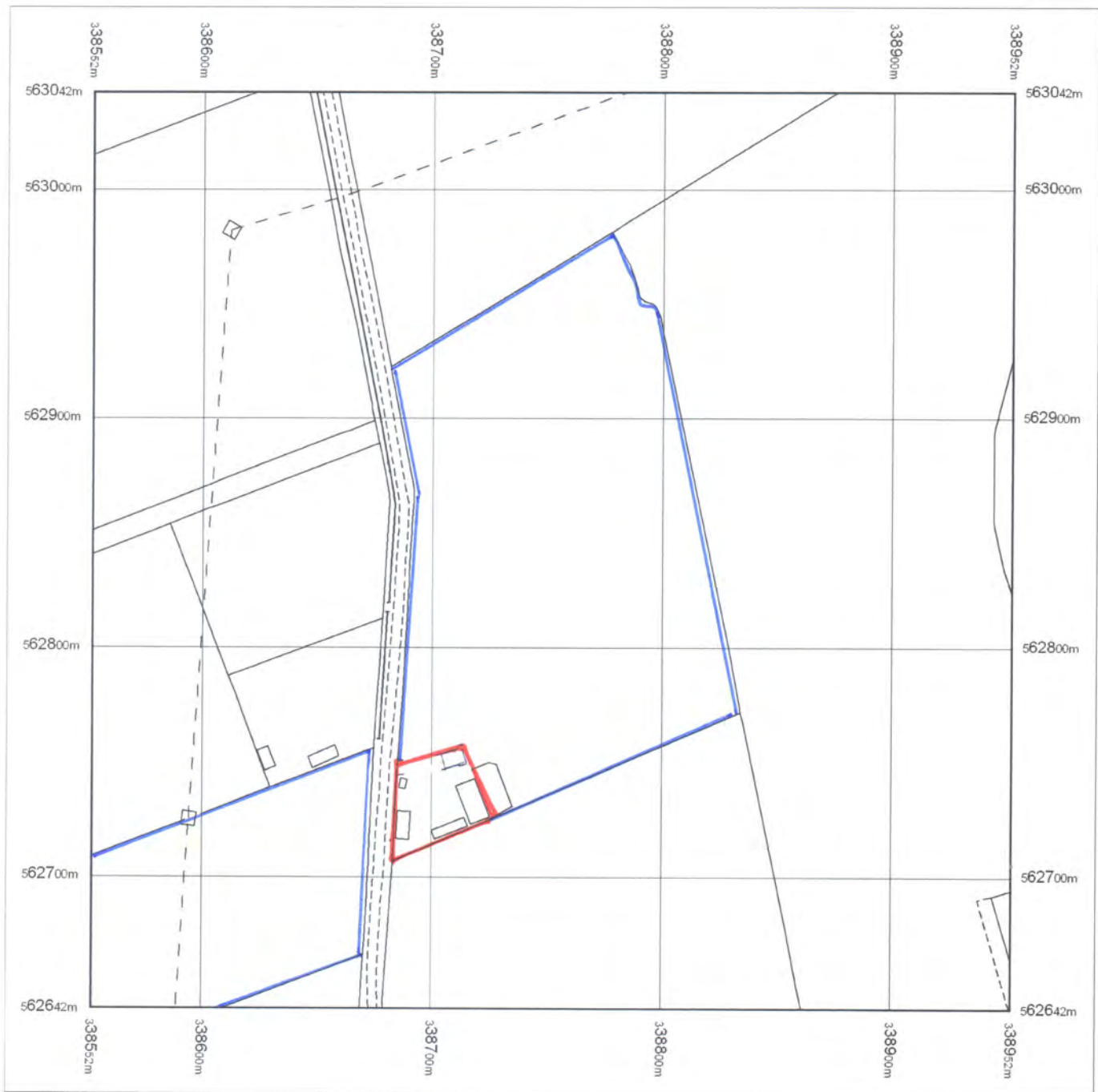
Reason: To define the permission.

2. The use hereby permitted shall be carried on only by Mr Billie Swailes and their resident dependants.

Reason: But for the special circumstances of the applicants permission would not be forthcoming in accordance with Policy HO11 of the Carlisle District Local Plan 2015-2030.

3. No development shall take place until details of a landscaping scheme have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory landscaping scheme in accord with Policies SP6, G11 and HO11 of the Carlisle District Local Plan 2015-2030.



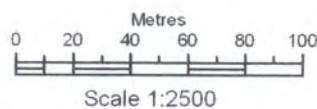
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The representation of a road, track or path is no evidence of a right of way.

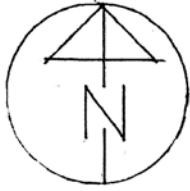
The representation of features as lines is no evidence of a property boundary.



Supplied by: **The Glasgow Map Centre**
Serial number: 01805300
Centre coordinates: 338752 562842.5

Further information can be found on the OS Sitemap Information leaflet or the Ordnance Survey web site:
www.ordnancesurvey.co.uk

Green Acres, Newton, Blackford,
Carlisle CA6 4ET
Change of use to station two
caravans for residential occupation
as Gypsy site with landscaping
Mr W Swailes
Plan 1 Location Plan
Scale 1:2500 A4



existing septic tank



supplementary landscaping
new native hedgerow

Hay barn

mobile home

Workshop Barn

Barn/store

Stable block

Yard area with
hardstanding for parking
and storing touring caravan

road to Newton

Green Acres, Newton, Blackford, Carlisle CA6 4ET

Change of use to station two caravans for residential occupation as Gypsy site with landscaping

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Plan 2 Proposed site layout

Scale 1:500 A4