

## SCHEDULE A: Applications with Recommendation

21/1117

Item No: 09

Date of Committee:

**Appn Ref No:**  
21/1117

**Applicant:**  
Mr David Stewart

**Parish:**  
Multiple Parishes

**Agent:**  
Jock Gordon Architectural  
SVS Ltd

**Ward:**  
Multiple Wards

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

**Proposal:** Change Of Use Of Land To Residential For A Single Family Group  
Comprising Of 4no. Plots Each Containing 1no. Amenity Building; 1no.  
Static Caravan; 1no. Storage Shed & 2no. Touring Caravans Together  
With The Formation Of An Area Of Hard Standing & Installation Of A  
Treatment Plant (Part Retrospective)

**Date of Receipt:**  
08/12/2021

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

**26 Week Determination**

---

### REPORT

**Case Officer:** Christopher Hardman

#### 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 south and east of the bridleway and is bounded to the east by an access road separating it from application 21/0893 and leading south to land the subject of application 21/0878 and countryside beyond. On the opposite side of the bridleway, to the northeast, is a Gypsy/traveller site. Further west lies the M6 motorway.
- 3.3 The overall site area measures 0.48 hectares.
- 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.

## **Background**

- 3.5 Works were undertaken to remove the hedgerow on the northern boundary of this site alongside sites for applications 21/0893 and 21/0878. During these works the bridleway was the subject of considerable damage resulting in its closure by the County Council. Other works also took place including the deposit of road planings and erection of fencing. The City Council sought an injunction to prevent the development continuing and reparation of the bridleway. The bridleway has since re-opened. Two sites became occupied following on from last year's Appleby fair. As part of the injunction was based on a lack of identified need and no planning permission in place, the next stage is to give consideration to all three applications affecting the land.

## **The Proposal**

- 3.6 Planning permission is sought for the change of use of land to residential for a single family group comprising of 4no. plots each containing 1no. amenity building; 1no. static caravan; 1no. storage shed & 2no. touring caravans together with the formation of an area of hard standing & installation of a treatment plant (part retrospective). This larger pitch is an extended family pitch indicated by the number of mobile homes and caravans.

## **4. Summary of Representations**

- 4.1 This application was advertised by the posting of 3 site notices and direct notification to 1 neighbouring property. In response, 72 representations of objection have been received. The responses are summarised as follows:

1) Vehicle access. With the existing properties and the proposed dwellings, there is now significant vehicle access on this public bridleway (Prow 138037). On a recent visit, there were 15 motor vehicles along both the existing properties and the now completed development within this application. Of these 15 vehicles there were 7 commercial vans that appeared to belong to residents there, and in just a 10 minute period, 3 vehicles drove along the bridleway. This is a public bridleway and is

therefore cars, vans and pick-up are prohibited from using it, but it seems that the application must assume regular vehicular use. This is not occasional use for dragging the caravans into place but is becoming a busy thoroughfare and is completely contrary to the statutory restrictions on the use of public bridleways. Furthermore the water treatment plant will require an HGV de-sludger of which the only access is the bridleway

2) Trees and hedges. The answer to Q15 of the planning application is incorrect. There are mature woodland and hedgerow throughout this area, however as the groundwork has been completed, much of this habitat has already been destroyed. E.g., there were wildflower verges bordering this site that have already been removed and replaced with a fence. This is a UK and Cumbria priority habitat but there is no biodiversity report included in the application. In the application, there was no 'trees and development' supplementary documentation submitted as required. With the hedgerows, rough grass and trees nearby, it's very likely to have disturbed a number of priority species including owls, red squirrel, numerous pollinators and other species common to this mixed woodland and pasture habitat. This site has now been covered in hardcore because the right surveys and planning permissions were not sort. The recent practice in this locality of proceeding with works, damaging the environment and then seeking retrospective planning permission will have harmed a number of fragile habitats and made it almost impossible to establish the level of environmental damage being done.

3) Biodiversity. Question 13 does not seem to have considered that the proposed site is within a few meters of two areas of deciduous woodland which are on the Priority Habitat Inventory (Magic map). This requires further assessment of potential impact although on a recent visit it appears a number of these trees have been felled! Another example of damage to UK Priority habitat

4) Section 12 of the application is clearly inconsistent as it states that it is not near a watercourse but that surface water will be discharged into a watercourse! This watercourse is Wash-beck which is very close to the site.

5) Wastewater disposal (Tricel Novo) - the application doesn't state the model of wastewater plant to be installed. The effluent discharge from such plant is safe only if the size of plant is sufficient for the number of users. With 4 static caravans and 8 touring vans this could comfortably reach 20 people which will require one of the large models in the Tricel Novo range which are significantly larger and more expensive than the entry models. It is critical this is established.

6) With the increasing number of properties in this area now all using treatment plants, it is likely that the combined effluent could be impacting Wash Beck where its discharged. Wash Beck also meets the definition of Priority habitat and this combined impact warrants further expert review. Wash Beck is a small shallow stream and will quickly suffer detrimental impact should the impact of effluent from numerous properties not be sufficiently managed. If the community used a single treatment plant it is likely it would require a permit from the environment agency so it is therefore arguable that operating numerous small treatment plants but discharging into the same stretch of land/river should require comparable formal oversight. This is part of a wider development of other Gypsy dwellings so the total number likely meets the requirement to connect to the mains sewage. As there is a new development of homes less than 100m west of the boundary plus the main village settlement just 400m away this would seem to be a far more sustainable and appropriate option.

7) The answer to section 14 is misleading. It was pasture and hedgerow until covered in hardcore and began being used as a caravan site. It does not have permission as a caravan site. This application therefore clearly does not meet the Council planning policy as there are not adequate facilities, it cannot be contained in the local environment and has in fact already destroyed priority habitat. It will also contribute to the change of this bridleway from quiet country lane to busy thoroughfare.

Having walked on the bridleway along the motorway for years with my parents and now my own children. I'm saddened to see what it has become. More caravans and buildings will decrease this once lovely footpath even further. It has already been vastly ruined by the removal of trees and vegetation for other caravans and motor homes I strongly am against more if this happening. The fact that there is already a court injunction in place on this land should be enough alone not to let more planning be approved.

Please know that I object to this application. It would be severely detrimental to the environment of Scotby. It also has a court injunction already on this land.

Strongly object

- Proposed land already has an injunction to restore to agricultural - Increased traffic on footpath/bridleway for access - there is already wagons, cars, caravans and now seeding quad bikes using the bridleway constantly - It is turning into a traveller site. Carlisle already has 3 other sites - Area of land not designated for development I can't see how this area can have application after application when there is an injunction in place? Is the work being carried out daily here monitored, because it looks to go way beyond what's been approved? A review of this development needs to happen asap as it is out of control

Yet again we are having to oppose yet another planning application at the Travellers site in Scotby - when will the council finally put a stop to this site and any further applications being made. It seems no decisions are being made at all and the site continues to grow and expand turning the area into one big travellers site without any planning approvals being given - it seems they are allowed to do as they want and ignore any injunctions with no concern for the surrounding areas. We strongly object yet again to this application.

This site is not designated for development so surely it cannot be approved as it is against council policy. There is already an injunction in place in this area , again how an application be approved when existing conditions have not been met. Is the designated access for vehicles classified as just a bridleway? If so then no vehicles should be allowed unless it is designated as a BOAT.

Because of the injunction on the site there should be no further developments on this area by the planning committee.

I am opposing this planning development for multiple reasons .

- 1- I am aware the proposed development is for land which has a court injunction on it to restore it back to agricultural land .
- 2- I am concerned about the environmental damage to the land of this area of our village , in particular removal of trees vegetation and hedges.
- 3- I often walk with my young children and puppy on the public footpath from Lambley Bank bridleway to Broomfallen Road and I am concerned about the increase in traffic this development would bring.
- 4- I am cautious of a traveller caravan site in the village , which could continue to grow.
- 5- because of the current development down this road it feels unsafe and restricted to pass on the public footpath to Carlton , I would like to use this footpath and haven't for years, due to the current development down there and a feeling of being private rather than public .
- 6- this area of land is not designated for development .

I wish to strongly object to the continuing saga regarding this gypsy site even though

there is a court injunction against this site they are continuing to build whatever they want and it galls me that nothing is done to stop them, as in letters I have sent before the access from Broomfallen road is unsuitable for the now increased traffic many a time I have witnessed cars trucks and wagons having to reverse back out on to the main road because there is no passing places if they meet each other somebody has to reverse out. Also this is a bridle way used by walkers cyclists and horses I have witnessed cars and vans etc driving very fast up and down it is an accident waiting to happen there has been many close calls also there is an element of young kids under 11 driving on quad bikes very fast coming of Broomfallen road and turning down the lane without even stopping to see if anybody is there this cannot be right so I strongly object to all the planning applications regarding this site more traffic on this bridle way will result in an accident.

How does the council continue to accept planning applications while there is still a Court injunction to restore land back to its natural order ? This development is growing at an alarming pace While there are already official traveller sites in Carlisle. Despite this court injunction and planning permission trucks continue to keep going down to the site with building equipment and tarmac regardless of any 'rules'. Last year the trucks went to the site in the middle of the night so they could not be seen. How is this fair on people who adhere and follow these rules? However our council continue to turn a blind eye without any action ...

Other key points:

Environmental damage to the land through the removal of trees, hedges and vegetation and then covering the ground with tarmac. Anyone can see from the motorway that the site is quite frankly a mess.

We have lost a bridle way I no longer feel as if I can use and operate the bridle way. It would be nice to see the council act on this rather than turning a blind eye. As well as this how on earth can planning permission be submitted while under a court injunction ? It's a great shame.

Strongly object, it is not acceptable at all. We need to restore nature with trees and wildflowers. Please keep Scotby as a true village.

I object to this planning application for the following reasons:

In recent years the pace of development in Scotby has been relentless. Any future development should be strictly limited to land set aside in the Council's plan for land designated for development.

The site should remain as agricultural land for environmental reasons.

The plan appears to ignore a Court Injunction.

There is already sufficient space for the traveller community at other sites in in and around Carlisle.

Given what has happened so far, it seems unlikely that the applicants will be mindful of any constraints placed on any planning approval

This site is getting bigger and bigger and never had planning permission in the first place and was supposed to be restored.

But now we've lost hedges, trees and wildlife.

We have too many proposed building sites going on in Scotby, we are a village and don't need any more incomers.

The school cannot cope, the increased traffic is detrimental to the villagers.

This is agricultural land and should remain so, it's also quite intimidating as they don't partake in village life.

I am objecting to this planning application as I believe this is an area of land that is not allocated for development.

I often walk on the lanes around this area and these have already begun to be very busy with increased traffic. I think even more traffic will be dangerous. I don't think the present traveller site shouldn't be increased within the village. The area is already an eyesore when I have driven past it on the M6.

This land already has a court injunction to restore it back to agricultural land - which seems to have been ignored! Environmental damage - loss of tress and natural habitats for animals and wildlife. Already three other traveller sites in Carlisle, do not need a bigger one in Scotby. Safety - increased traffic in an already busy village. School places and other amenities are limited.

This site appears to be developing out of control and in the process destroying a public footpath / bridleway and the natural environment. The bridleway used to form a good circular walk but hardly anyone uses it anymore other than for access to this site. A court injunction and numerous previous planning constraints appear to being ignored by this developer. Parts of the current site are also situated very close to the M6 and directly underneath National Grid power lines, the site doesn't look safe and should be reduced in scope, not expanded.

The access from the Public Footpath/Bridleway 138037 onto Broomfallen Road, Scotby is inadequate for an increase in road traffic. The safety of pedestrians, cyclists and horse riders on Public Footpath/Bridleway 138037 would be put at risk with an increase in road traffic. The area of land is not designated for development.

Object for the following reasons:

Increased traffic on the public footpath/bridal way 138037 Safety concerns for walkers, cyclists and horse riders on the public bridal way because of increased traffic, hostility from the travellers and their dogs to such members of the public and local wildlife i.e.Badger. Area of land not designated for development - a court injunction to restore it back to agricultural land already 3 other official traveller sites in the Carlisle area to try and preserve the character and amenities of Scotby village

From what I understand this land already has a court injunction in place which I believe involved returning it to grassland/ agricultural so unclear how application is a possibility. Destruction of natural foliage to the area where wildlife used to be in abundance is a concern. Find it unsafe to walk across the public footpath having been deterred by intimidating dogs not under control. A friend was bitten walking past current site.

There are already 3 official traveller sites in the area with the potential to develop. These are my objections

I am sending you this email to object strongly to the proposed planning application 21/1117 regards to the addition of 4 plots comprising of static caravans and out buildings.

This proposal is for land that I believe already has a Court Injunction on it to restore back to agricultural land. The village of Scotby is relatively small with very little amenities i.e. One small Post Office/shop, public house and infants school which struggle to serve the community as it is due to every increasing numbers living in the village and traffic moving through it which pose a potential hazard to our children and older people in the village. Not to mention the irreversible environmental damage that will be caused to this green belt land by the proposed site. I have known personally victims of anti-social behaviour by existing travellers living at the site and regular visitors to the site, which will obviously increase exponentially if this planning application goes ahead. Therefore I strongly urge you to consider my concerns and that of other residents within our village when making a decision on this site. The Carlisle area alone has 3 other traveller sites which may or may not be

situated in green belt land.

Having lived in Scotby for many years, it is distressing to see how much building development is taking place within the village and now feel that to permit further development of the Traveller site is a step too far.

Our understanding is that the owners of the building development on this particular Travellers' site, which has already taken place despite the fact that it currently has a Court Injunction upon it, have applied to increase the development to include four further plots, four static caravans, eight touring caravans, four amenity buildings and four storage sheds. We also understand that this is the third application in as many months. Crucially, it is also not a piece of land which is designated for development in the Local Plans. Our many questions include, how has the construction of buildings so far been allowed

and what is being done to prevent further building taking place when permissions have not been granted? Not only is the public bridleway now compromised by the increase of additional vehicle movement but the whole village is affected by the substantial amount of traffic being generated. What is proposed in the application to alleviate this? Carlisle City Council has already provided travellers with other sites within the locality and therefore it has to be questioned why another site is required. This area is substantial in size and looks to at least double or triple in size with this application. As there is currently at least one other large housing development proposed for Scotby, which has also had objections raised, then those same questions apply to the Travellers' site e.g. infrastructure regarding traffic, access and egress and safety issues for pedestrians and cyclists. There are also queries about the local school's ability to support more children, plus the fact that the village is insufficiently resourced with regard to sewage and drainage systems. Although we understand that issues such as preserving the character and integrity of what was once a pretty village into a district estate may not be considered, for the same reasons as people are not permitted an open aspect from their homes, nonetheless, the Council has a responsibility to all residents and needs to consider carefully what the outcome of agreeing to these planning permissions will be. We hope that the above concerns will be registered and considered appropriately.

I wish to register my objection to the above planning application on the following grounds:-

- 1). the propose development is on land which has a Court injunction on it - to restore it back to agricultural land
- 2) It is environmentally damaging to the land - removal of trees, hedges, vegetation and covering the ground with hundreds of tonnes of stone and old tarmac.
- 3) It will increase traffic on the public footpath / bridleway 138037 - from Broomfallen Road to Carton Clinic footbridge - and through Scotby village.
- 4) It will allow the growth of the traveller caravan site in the village to increase and thus of it becoming official
- 5) The area of land is not designated for development.

I hope you will process these objections but if there is anything further you require from me then please do not hesitate to come back to me.

I object strongly to this application for the following reasons:

1. The area of land is not designated for development.
2. Additional traffic pollution through Scotby Village
3. Additional risk to safety with increased vehicles
4. Additional natural rain water drainage being lost to yet more tarmac & hardstanding
5. Additional trees & hedgerows being removed & no equivalent replanting
6. Additional lost habitat for our wildlife
7. Scotby is fast losing its Village status with rapid over development

8. The council do not seem willing/ able to discharge their duties and responsibilities to the existing residents of Scotby

I'm writing in objection to planning application 21/1117 to help protect the character and amenities of Scotby and adjoining area.

I wish to strongly object to the above application on the following grounds.

- This land had not been designated for development and has a court injunction on it to restore it back to agricultural use.
- Trees and hedgerows are being removed without any provision to replace them resulting in a loss of habitat to wildlife. In addition, a vast amount of used stone and tarmac are being spread all over the ground. There already seems to be a complete lack of surveillance or control over this site by our council.
- Our village is already threatened by overdevelopment which will result in a huge increase in traffic and risk of accidents.
- The worry for residents is that such a development, if approved and becomes official, would continue to grow unheeded.
- This development is a huge concern for walkers and cyclists using the public bridle way.
- In my opinion, with regard to this development, together with other development planned, Scotby will soon be in danger of losing its identity as an unspoilt, pleasant place to live. The council continue to disregard the concerns of local residents and do nothing to convince us that they are discharging their responsibility and duties to the village fairly.

The grounds for my objection are as follows:

The proposed development on land which has a Court Injunction on it - to restore it back to agricultural land. Any application should not even have been accepted for consideration. Increased traffic on the public footpath/Bridleway 138037 - from Broomfallen Road to the Garlands footbridge. Motor vehicles are legally banned from Bridleways. Increased traffic Through Scotby Village. A Traveller caravan site in the village, which could continue to grow and / or become official. There are already three official traveller sites in the Carlisle area. Fear of walking or cycling on the Bridleway because of more and more vehicles using it together with intimidation by travellers and the threat of being bitten by uncontrolled dogs. This area of land is not designated for development.

I wish to object to this development.

It is totally outside the area for development in the local plan. Moreover it is on a public bridleway/footpath, not a vehicular road. I assume the applicants have tarmacked the path for their own benefit but it is single carriageway width and has no passing places. I understand that associated land has a court injunction on it but there seems to be no evidence of the applicants complying with this. I would be sympathetic to a single family living here but this development is getting far too big for one family and more like a traveller site. There has been no discussion at Council level about creating a traveller site here.

The Council would not permit a housing estate being built here nor an industrial development so why are they allowing this traveller site to slip through? This application is for 4 plots, static as well as touring caravans, amenity blocks and sheds. So this would suggest that at least 4 extra families are going to be living here. Where is the sewage going, the refuse going, the water mains, electricity etc. This is a rural isolated spot. I am unhappy about walking down this bridle path anymore; I don't feel safe concern over increasing traffic on Broomfallen Road. Increasing pressure on local school and services. Environmental impact damage to surrounding and increasing waste. Inability to use public bridleway safely.



I object strongly to the planning application for a travellers site in the village, this land should be restored to agricultural land; these types of sites tend to grow and become 'official' as has been shown previously and as there are already 3 other official traveller sites in the Carlisle area this one is not needed.

While I have no issue with applying for planning permission to expand the problem is they already built the structures. So they have already gone ahead with it without permission as you can see all the fences, gates and new caravans from the motor way. My issue is with the blocking of the public path, intimidating walkers and releasing dogs when people walk by. It's a public footpath not there's.

Strongly object to this we continue to see a considerable increase of traffic to this site, wagons to and from carrying large loads of hard core as well as new caravans which are already on site - have they planning permission for these and have they ever restored the site from the last event when they were told to restore ? Who is checking that planning rules and decisions are being adhered too? We can no longer walk this route as dogs are aggressive and I was bitten last year.

This is the third application for planning permission in 3 months for this Travelers site. Observation from the M6 to which it is adjacent shows an eyesore on the beautiful Cumbrian landscape and entrance to South Carlisle. The land has already been covered in tonnes of hardcore and road planings and there are numerous caravans, static vans, commercial vehicles and motor vehicles present. Not too dissimilar to a licensed Travelers Site. This holistically has now become a largescale development.

1. Development of this land on this large scale is not identified in the Carlisle Local District Plan.
2. A Biodiversity Report was not submitted with the application. It could not be submitted because the land had already been developed prior to the application. We have lost pasture and hedgerow and we will never know what wildlife habitats etc have been lost.
3. The bridleway used to access the site has become a very busy road. To put this into perspective, 155 vehicle movements in one day observed.
4. The type of vehicles using the bridleway on a daily basis are not just private motor vehicles but are large vans, commercial vehicles, hgv's, large trailers. This is in addition to articulated vehicles transporting static vans and numerous vehicles towing touring caravans. Due to the bridleway being so narrow, there is no room for vehicles to pass each other. This also impacts on pedestrians. It is impossible to walk on the bridleway without encountering several vehicles and having to take refuge on a bank or in a hedgerow.
5. Vehicles are driving at speed down the bridleway since it has been tarmacked in particular on the section providing access/egress to/from Broomfallen Road. I was forced to one side of the bank by a speeding pickup truck and large twin axled flatbed trailer. I was clearly visible to the driver but was given no time to move out of the way and was narrowly missed being hit by the trailer due to it being wider than the truck. This bridleway is no longer safe for pedestrians to freely walk along it and it is only a matter of time before a serious accident occurs.
6. The neighbouring Story Home development have had to segregate the section of managed land on the estate from the bridleway with a fence and gate. This is in order to deter trials bikes coming from the Travellers site. These are joyriding in circuits through the estate with pillion passengers and no safety helmets. In addition, vehicles were reversing onto the footpath on the managed land in order to pass each other on the bridleway. Both aspects were thereby putting pedestrians at risk and spoiling the enjoyment of the land.
7. Section 12 of the application states that it is not near a watercourse. However,

Washbeck watercourse is very close to the site which is a shallow stream and will be used to discharge waste into. It is likely that the methodology to be applied for discharge of effluent could cause detrimental pollution to this watercourse as the numbers of Travelers increase.

8. The development of this land is not in keeping with the rest of the village. It is at odds with it and is actually spoiling it; most likely, given the extent of works done to date, irreparably

Motorists using the M6 are now welcomed to the 'Historic City of Carlisle and Capital of Cumbria' with an unsightly sprawling mass of static vans, touring caravans and a vast array of both private and commercial vehicles and trailers, including HGV's, all of which are clearly visible from the motorway and constitute an eyesore. These vehicles and buildings are sited on a levelled area of agricultural land which is now filled

with hundreds of tons tarmac chippings, concrete and aggregate. Subsequent damage to the eco system and wildlife habitat is most likely irreparable.

1. There are already 3 licensed Travellers' sites in Carlisle: Low Harker Dene, Hadrian's Park and Atchin Tan. In addition, a number of additional pitches are provided through personal consent to cater for the needs of single-family units and a permanent site available to the Showman's Guild at Willowholme. Furthermore, as identified in the Carlisle Local District Plan the transit allocation adjacent to Low Harker Dene provides sufficient land to accommodate up to 15 pitches to offset against the incidences of unauthorised encampment activity in Carlisle. This site in Scotby has NOT been identified in the Carlisle Local District Plan as a site allocated for large scale development to accommodate Travelers. Given the scale and size of this development and legitimate concerns expressed through planning objections by both members of the public and Parish Council, the lack of any decision making or action of any sort to date by Carlisle City Council is bewildering.

2.. The bridleway facilitating access and egress to the site is by its nature narrow and not suitable for the volume of traffic nor indeed the size of vehicles transiting, which includes fully laden large articulated and double axled vehicles.

3. The bridleway is now unsafe for pedestrians, horse riders or cyclists. Ironically proper use of a bridleway calls for cyclists to give way to horse riders and pedestrians, yet we now have the situation where pedestrians have to get out of the way by standing on embankments or in ditches in order to allow vehicles to pass!

I have several reasons to lodge this objection. They are as follows .

How can Carlisle Planning Department consider a planning application ,when an injunction has been served on this site ,from a previous planning breach -and to my knowledge has been ignored by the site owner ?

Other concerns are -in Scotby Village ,if -not just this site can ignore an injunction relating to planning criteria ,this gives a green light for any developer, builder, resident -to build, construct, change. In other words -do what you like, build what you like, change what you like and ignore any legal proceeding issued by Carlisle Planning Department ! Other concerns are -on the planning application it states there is no vehicle parking ,which I would question-also to question the following, No -protected species -how do they know ? No -trade waste ,No hazardous substances ? No-industrial or commercial process?

This objection does not just focus on this planning application. Scotby village is becoming totally swamped by new developments -it is losing its identity as what was once a typical English county village -and I consider that Carlisle City Council have a moral and legal duty to keep Scotby Village as it is now. Other concerns are echoed in the objections to the proposed 112 houses ,development by Story Homes in the site Scotby Road/A69 planning application. Namely -the increased traffic through the village, excessive speed limits witnessed. The local primary school at full compacity . The risk to the local environment. The additional strain on the NHS for new patients .

I'm informed the land is undergoing a court injunction to restore it back to agricultural land. There will be an increase in traffic on the public footpath 138037 from Broomfallen Rd to Carlton clinic footbridge. Through Scotby village and The new Coppice Estate. There's been environmental damage to the land due to the removal of trees, hedges, vegetation and hundreds of tons of stone and tarmac have been laid.

The site is becoming ever more populated by travellers and could become an official traveller site if it grows any more. We have enough traveller sites in the Carlisle area. There is only one entrance and exit road. Safety concerns for walkers and cyclists because of increased traffic. Potential intimidation from traveller community of general public using the right of way. With difficult and time consuming access to respond to any altercation by authorities. The area was never designated for development.

I would like to object this proposed planning application based on the following reasons:

1. Proposed development on land which has Court Injunction on it - to restore back to agricultural land.
2. Environmental damage to land - removal of trees, hedges and vegetation, covering ground with hundreds of tonnes of stone and tarmac.
3. Increased traffic on Public Footpath/Bridleway 138037 - from Broomfallen Road to Carleton Clinic Footbridge - and through Scotby village.
- 3a. Safety concerns for walkers and cyclists on the Public Bridleway because of vastly increased traffic.
4. Area of land not designated for development.
5. A traveller caravan site in the village, which could continue to grow and/or become official.

There are already three other official traveller sites in the Carlisle area.

Safety concerns for walkers and cyclists on the public bridleway because of vastly increased traffic. We have already on a number of times witnessed antisocial behaviour from this site. They stand atop the motorway bridleway and intimidate dog walker while spitting and dropping things on cars. It's an accident waiting to happen. Also our housing estate which is just over the bridge from them has reported to police that people from the site have been coming over and removing wheelie bins which residents have then had to pay for to replace.

A traveller caravan site just near our home which could grow and/or become official. There are already 3 official sites in Carlisle alone. This would be detrimental to the surrounding properties and businesses.

There are already too many new building developments (and more planned) in Scotby, on Scotby Road and Broomfallen Road. The increase in traffic through the small village is already noticeable and approving this application will only worsen the situation and impact on the residents and families with small children. I'm concerned that the character of the village is being damaged with the increasing number of building developments and growth. Every additional building development, however small, increases traffic; damages the environment (removal of hedges, trees etc.); and puts pressure on the local services/amenities (school etc.). I also have concerns over the increasing size of this Traveller site, when there are already other official sites in the Carlisle area.

This will be the third Planning Application within 3 months for this area of land, which is not even designated for development. The land has a Court Injunction on it - to restore it back to Agricultural land. The removal of trees, hedges and vegetation etc.

would cause environmental damage to the land, which would be covered with hundreds of tonnes of stone and old tarmac. There would be increased traffic on the Public Footpath/Bridleway 138037 - from Broomfallen Road to the Carleton Clinic Footbridge - and through Scotby Village. A traveller caravan site in the village could continue to grow and/or become official. There are already three other official traveller sites in the Carlisle area. There will be safety concerns for walkers and cyclists on the Public Bridleway because of the vastly increased traffic.

The said area of land is not designated for development. There would be increased traffic through Scotby Village, it is busy as it is. There would also be increased traffic on the public footpath/bridleway 138037. Safety concerns for all who pass through the village whether it is walkers, cyclists or car users. There are already three official traveller sites in the Carlisle area, we don't need another one. This will start off as a small development but will probably just get larger as that is what usually happens. We have no objection to travellers but we have a lovely village and we want to keep it that way. We moved from the west of the county as Scotby was so appealing. Please do not spoil it by granting this application.

In the application form there are several blatant untruths below are a few of the obvious ones:

Work on this site commenced on or around December 2020 not July 2021 as stated. The existing use of the site was agricultural land not a caravan site as claimed. There were trees and hedges removed, which is the opposite of the answer given. This is clearly a commercial enterprise not a single family need as described in the planning report by PFK. No family would need 4 separate plots with a total of 12 caravans! In addition to the above, our main objections are as follows: The public bridleway is the only means of access to this site and should be preserved for walkers, cyclists, and horses. The site is covered by a legal injunction to restore it back to agricultural land and that directive should be obeyed. The area has been overlaid with old tarmac which is a pollutant. It should be removed as soon as possible to preserve the environment. Trees and hedges as mentioned above have been removed and should be reinstated, to preserve the environment. Wildlife in the area must have suffered. There is no mains water on the site. The nearest fire hydrant is nearly 1,000 metres away and therefore possible fire protection is negligible. This application is for 4 separate plots and therefore not a single need but a commercial enterprise. This area of land is not designated for development in the Local Plan.

I wish to object in the strongest possible terms to the above planning development. The development is clearly visible from the M6 between junctions 42/43 and already appears as a shanty town which must deter tourists to the area and should never have been allowed in the first place. Quite rightly this land has a court injunction on it to restore it back to agricultural use. It beggars belief that local refusals are overturned by central government and highlights the complete lack of respect for traditional values shown by the current Westminster hierarchy.

1. land already has a Court Order on it to return to agricultural land 2. severe environmental damage 3. increased local traffic 4. it is already an unofficial travellers camp 5 safety of local walkers and cyclists 6 this area of land is not designated for any development. The elected members and the local authorities should be bold enough to reject this application and fulfil the wishes of the majority and the legal Court Orders.

I wish to object to this planning application. This is now the third application in a very short time period. How can Carlisle Planning Department consider planning application after planning application, particularly as we understand that this land

has a court order to reinstate back to agricultural land (following legal injunction against the applicant)? We believe that, as any court order, this should be enforced. If the current and previous applications are granted, it will retrospectively approve some of the changes that have already occurred and allow more changes. Does this not strongly indicate that this is an acceptable way to proceed for the future i.e. may encourage even further developments on / around this site? Please restore the land back to agricultural as it is currently requested. The only access to this area is via a Public Bridleway which by definition should be only used by walkers, horses and cyclists. It is already being heavily used by a large number of vehicles. This planning application would imply even more traffic and this will be at the risk of the walkers and other users. Should the Public Bridleway and the public not be protected? Have the implications of this development on the existing hedgerow, trees, vegetation, environment and biodiversity been considered? What will be impact on Wash Beck? There are three official traveller sites in the Carlisle area with the appropriate access. Should this not be taken into consideration in this request? Please protect the identity of the village and refuse further planning applications.

This site is obvious and unattractive from the roadside and lowers the appeal of the area unlike the estate opposite which has been hidden behind a slope and trees. The footpath past the site was unusable for months and anyone passing by in the area was met with hostility and contempt. I'm concerned this will increase should the application go ahead and the route becomes even more of a no go area. It looks unsightly and should be promoted as a thoroughfare, not closed off as part of a private almost gated community.

This land has not been designated for residential development and sits outwith the area designated for the new garden village.

This land is currently subject to a court injunction requiring it be returned to agricultural use. This has so far been ignored and there are clear signs that further development is ongoing. This injunction should be sufficient grounds alone to reject this application. The application is contradictory - as regards water courses and discharge of surface water. Wash Beck is in fact nearby, as can be seen from even a cursory examination of a map. Additionally, the Environment Agency flood risk mapping tool already identifies the Beck as a flood risk. Further discharge from any development will only exacerbate this. Tied to the above factor, the use of large quantities of stone and tarmac to develop this land will significantly impact on the ability of the land to absorb surface water, forcing further discharge in to Wash Beck and posing greater flood risk to property further along the Beck. No mitigation has been proposed by the applicant. The environmental impact is not only limited to the flood risk, already a large amount of habitat has been lost with the removal of hedges, trees and other vegetation. Further development will only be detrimental. It is not clear if the applicant has taken this in to consideration, carried out an impact assessment or planned mitigation. Green space should be protected. There are already 3 official traveller sites within Carlisle that have plenty of capacity for additional occupants and development. This site is neither official or suitable for development. This development is already a large scale site and appears to host many travellers who use it as a transitory facility - in effect, it appears to be being run, at least in part, as a commercial site. Further development will place further pressure on local facilities - the primary school, nearest dentist and doctor are already at or above capacity and this is only going to get worse when the bigger picture is taken in to account with the current application for 112 homes on Scotby Road - no plan has been put forward by any party about how this will be addressed adequately. This site is part way along a public bridleway (138037) that connects Scotby with Carleton Clinic/Garlands and is the only low traffic/low risk route suitable for horses, cyclists and pedestrians to cross the M6 towards Carlisle, the alternatives being: Cumwhinton Road, with limited provision for non-motorised traffic and a

60mph speed limit; the A69, an even higher speed dual carriageway, involving crossing motorway slip roads at a major motorway junction; and Park Road, a narrow road subject to high volumes of motorised traffic. This public right of way has already been blocked at least once by the site occupants and users of the RoW have been subject to threats and intimidation by them for attempting to use the path legitimately. Motorised traffic accessing the site is already placing an unsustainable burden on the RoW, increasing the risk to legal users and is simply illegal - further development will only increase damage to the RoW, which is/should be maintained as useable through the public purse, and increase risk to legitimate users. There has already been an increase in anti-social behaviour in Scotby associated with the current expansion in the site and its occupants and this is likely to only increase further, to the detriment of the settled community.

Having read the planning application I note that on question 13:Answers No to protected and priority species .Only a study of ancient land will suffice . Question 15 : answers No .There are ancient hedgerows that are already affected having been cut back without permission to allow the wide vehicles and mobile homes through what once was and should still be a bridle way . Also covered in tarmac which should not be on a bridle way . This area used to be beautiful; now an ugly sight and dangerous to walk with family as now a busy road . The land near the watercourse Wash Beck is already flooding in places and cannot cope with increased water discharge. I feel this sight is already it's maximum size to tolerate .Anymore increase will have a devastating impact on the countryside and community

I'm informed the land is undergoing a court injunction to restore it back to agricultural land There will be an increase in traffic on the public footpath 138037 from Broomfallen Rd to Carlton clinic footbridge. Through Scotby village and The new Coppice Estate. There's been environmental damage to the land due to the removal of trees, hedges, vegetation and hundreds of tons of stone and tarmac have been laid. The site is becoming ever more populated by travellers and could become an official traveller site if it grows any more. We have enough traveller sites in the Carlisle area. There is only one entrance and exit road.

Objection on the following grounds

This is the third application for planning permission in 3 months for this Travelers site. Observation from the M6 to which it is adjacent shows an eyesore on the beautiful Cumbrian landscape. The land has already been covered in tonnes of hardcore and road planings and there are numerous caravans, static vans, commercial vehicles and motor vehicles present. Not too dissimilar to a licensed Travelers Site. This holistically has now become a large-scale development.

1. Development of this land on this scale is not in the Carlisle Local District Plan.
2. A Biodiversity Report was not submitted with the application. It could not be submitted because the land had already been developed prior to the application. We have lost pasture and hedgerow and we will now never know what wildlife habitats etc have been lost.

3. The bridleway used to access the site has become a very busy road. To put this into perspective, 155 vehicle movements in one day observed.

4. The type of vehicles using the bridleway on a daily basis are not just private motor vehicles but are large vans, commercial vehicles, hgv's, large trailers. This is in addition to articulated vehicles transporting static vans and numerous vehicles towing touring caravans. Due to the bridleway being so narrow, there is no room for vehicles to pass each other. This also impacts on pedestrians. It is impossible to walk on the bridleway without encountering several vehicles and having to take refuge on a bank or in a hedgerow.

5. Vehicles are driving at speed down the bridleway since it has been tarmacked in particular on the section providing access/egress to/from Broomfallen Road. I was

forced to one side of the bank by a speeding pickup truck and large twin axled flatbed trailer. I was clearly visible to the driver but was given no time to move out of the way and was narrowly missed being hit by the trailer due to it being wider than the truck. This bridleway is no longer safe for pedestrians to freely walk along it and it is only a matter of time before a serious accident occurs.

6. The neighbouring Story Home development have had to segregate the section of managed land on the estate from the bridleway with a fence and gate. This is in order to deter trials bikes coming from the Travellers site. These are joyriding in circuits through the estate with pillion passengers and no safety helmets. In addition, vehicles were reversing onto the footpath on the managed land in order to pass each other on the bridleway. Both aspects were thereby putting pedestrians at risk and spoiling the enjoyment of the land.

7. Section 12 of the application states that it is not near a watercourse. However, Washbeck watercourse is very close to the site which is a shallow stream and will be used to discharge waste into. It is likely that the methodology to be applied for discharge of effluent could cause detrimental pollution to this watercourse as the numbers of Travelers increase.

8. The development of this land is not in keeping with the rest of the village. It is at odds with it and is actually spoiling it; most likely, given the extent of works done to date, irreparably

Motorists using the M6 are now welcomed to the 'Historic City of Carlisle and Capital of Cumbria' with an unsightly sprawling mass of static vans, touring caravans and a vast array of both private and commercial vehicles and trailers, including HGV's, all of which are clearly visible from the motorway and constitute an eyesore. These vehicles and buildings are sited on a levelled area of agricultural land which is now filled with hundreds of tons tarmac chippings, concrete and aggregate. Subsequent damage to the eco system and wildlife habitat is most likely irreparable. Given the scale and size of the development and legitimate concerns expressed through planning objections by both members of the public and Parish Council, the lack of any decision making or action of any sort by Carlisle City Council is bewildering.

1. There are already 3 licensed Travelers sites in Carlisle: Low Harker Dean, Hadrian's Park and Atchin Tan. In addition, a number of additional pitches are provided through personal consent to cater for the needs of single-family units with a permanent site available to the Showman's Guild at Willowholme. Furthermore, as identified in the Carlisle Local District Plan the transit allocation adjacent to Low Harker Dean provides sufficient land to accommodate up to 15 pitches to offset against the incidences of unauthorized encampment activity in Carlisle. This site in Scotby has NOT been identified in the Carlisle Local District Plan as a site allocated for large scale development to accommodate Travelers.

2. The bridleway facilitating access and egress to the site is by its nature narrow and not suitable for the volume of traffic nor indeed the size of vehicles transiting, which includes fully laden large articulated and double axled vehicles.

3. The bridleway is now unsafe for pedestrians, horse riders or cyclists. Ironically proper use of a bridleway calls for cyclists to give way to horse riders and pedestrians, yet we now have the situation where pedestrians have to get out of the way by standing on embankments or in ditches in order to allow vehicles to pass!

This area started off as a seemingly small community of travellers which wasn't too much of an issue. with there being more trees and vegetation to enclosed the area well.

The reason for objection is around safety in the community. Both for access to Scotby from coppice area. This past year you can not walk over the bridge to gain access without feeling extremely nervous. It has become very hostile! Secondly this flattening of the fields started as soon as lockdowns came. This seemed convenient I guess if it was in the plan some where but seemingly convenient as no one would

be able to report this happening so easily. The heavy plant vehicles were never ending even during the night, - seemed to be never ending. This planning application seems to be missing the fact that most of these buildings are already there. Since the summer of 2021 the site grew in a matter of nights with so many more caravans. In summary- the issue of bridle way safety including feeling you can use the bridge across. Nature and ecological factors now its all been scraped and felled away. Local appeal to the area for future re-sales especially to us that look across at this. And the fact we worry about this becoming an official traveller site.

It is on land which has a court injunction on it - to restore it back to agricultural land. Massive environmental damage to the land. Increased traffic on the public footpath from Scotby to Carlton Clinic which they have already made impassable and are supposed to have reinstated it - which they have not done! This is the third application in 3 months and there are already three other official sites in the area. This area of land is not designated for development. I strongly object!

I'm against all further development of Scotby in principal. The continuing development of this village is destroying the essential character of what used to be Scotby. There is concern of the extra traffic this will bring and the safety concerns that go with it. The access to the site is via a bridle way and by law is not to be used for motor vehicles. This land has not been designated by the council, for development. It is not clearly stated in the proposal what is to be done with the waste water and sewerage. There has been too much damage done to the environment and local wild life by the removal of ancient hedge row and trees, all without permission. There is an injunction on the land to restore it back to agricultural land which must be enforced. How can the council even consider this application before the injunction is upheld. The council must address all of these points and the others that have been posted before permission can be given.

I strongly object to this application, which, having a live injunction against prior work should not be considered. Rules seem to be optional for certain groups in the country. The injunction should be upheld. The land has never been designated for development. For some years dogs in that area have made the footpath intimidating; now it will be unusable. The character of Scotby village has been destroyed by years of infill housing, and large estates. No additional facilities have been provided. This is another expansion of that theme. Scotby is just a place to make money from building development.

I object to this planning permission due to the impact to the local community

Situated off the right-of-way next to the motorway off Broomfallen Road. My objections are the following.-(1)The proposed development has a court injunction on it to restore back to agricultural land.(2) Environmental damage to the land removable of vegetation, trees ,hedges and covering ground hundreds of tons of stone and rubble.(3)increased traffic on the footpath/bridleway138037 (Safety concerns for cyclists and walkers on public bridleway.

I write to strongly object to the above application. My objections are based on my best understanding of the situation which has been complicated by a considerable amount of unlawful development already carried out and the site's chequered history. My reasons are as follows -

The proposed use of the site is contrary to the Carlisle Local Plan which identifies the land as not being allocated for development.

The site is in open country, its development is out of character with the surrounding fields, resulting in the site being an unwarranted visual intrusion in the landscape. It is a large unsightly development which is also highly visible from the adjacent



motorway to the detriment of the City environs.

The only access appears to be along a public bridleway which appears to be an unacceptable and unlawful use, totally unsuitable for the expected level of traffic to be generated.

The application appears to be incomplete and inaccurate. It refers to there being no new vehicle access, it states there is no vehicle parking, that there are no trees or hedges when there previously were until the unlawful development took place.

I understand there is an injunction on the site to restore it to its previous agricultural use. If this is the case it should be enforced by the City Council immediately to prevent further unacceptable development taking place.

I object to the 3rd planning application for the development of the land at the traveller site in Scotby for the reasons as stated below

- environmental damage

- increased traffic on the bridleway path which is NOT a road. The travellers have put a tarmac surface on the path ( WITHOUT planning permission) - it is not wide enough to withstand the sudden volume of large vehicles going up and down. It is not safe for pedestrians or for the residents . 73 large vehicles went up and down the bridle path in one day to access the site. There was never that volume of traffic on this pathway.

- why do the travellers need another site ? There are 3 other official Traveller sites in the Carlisle area.

- walkers and cyclists are uncomfortable ( feel threatened) using the public bridleway and footpath. There have been several incidents of verbal abuse and dog barking / biting and on occasion, challenging

behaviour from the travellers. The pathway over the bridge can no longer be comfortably accessed - although the authorities are saying it is open to the public. No one supervises the residents. I won't walk that way anymore. It's not fair.

- this area of land was not designated for development . When the residents built or bought houses on the bridleway or in the Storey development , no one ever mentioned the traveller site. This has got to be illegal.

This is misleading. The council planners / builders should be liable for hiding this information.

The council are NOT representing the residents of Scotby . We are not bad people. We are not being unreasonable. We are NOT prejudiced against travellers ( as has been suggested ) .

Any building development there would have been challenged . The access is not suitable for any volume of traffic. It was never designated as a road. People built houses / chose to live there because of its rural

situation. Why is the council allowing this ? And it seems obvious that the development is growing and growing. Why is this being allowed ? I live in Scotby .

We built our own house . We had to go thru difficult

and costly procedures to get planning permission to build . Yet this growing development seems to sail through unchallenged and unsupervised.

Are the planners saying - build what and where you want and apply for retrospective permission ? What example is this ?

Please listen to us and act fairly.

Despite the proximity of the site adjacent to the motorway, this further additional development would represent an unwelcome addition to an already sprawling and unstructured settlement beyond the traditional village setting. It will also increase traffic along the lane onto Broomfallen Road on land which is not zoned for development. There are already a large number of vehicles and caravans and large outbuildings stationed on the existing settlement.

Access to this site is a bridleway which is totally unsuitable for the level of traffic it already receives, let alone the amount of traffic that will occur if this development is allowed to go ahead. The amount of work that has already been done on this site has already destroyed habitat, flora and fauna, which is unforgivable given that planning permission has not been obtained and also given that an injunction is already in place, supposedly to prevent further work taking place and to restore the land back to agricultural use. Why has this injunction not been enforced?

As far as I understand, this area of land has not been designated for development, therefore planning permission should not be given. There are already plenty of official traveller caravan sites in Carlisle. There does not need to be another one in Scotby. Scotby is under attack from all kinds of developers at either end of the village. If all these developments are given the go-ahead then Scotby's character will be changed forever. In order to preserve the character and amenities of the village of Scotby, perhaps it is time to call a moratorium on all up-coming developments within, and around, the village, until such time as a new development plan can be agreed by the city council in line, and with the agreement of, the desires of the existing residents of the village.

I wish to object to yet another application for this site. I can't improve on the comments by Wetheral Parish Council, so I will merely repeat them. 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 development. 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. Section 12 of the application states that the development is not near a water course, yet it is very close to Wash Beck. The application then contradicts the earlier statement, by saying that surface water will be discharged into a water course. Wash Beck is a small, shallow stream which is not suitable for this level of water discharge. The work already done without permission has destroyed valuable habitat such as hedgerows and meadow. Further work should be prevented.

Right of way for locals is being compromised, with many residents feeling intimidated to use the bridleway.

The committee believes that this land was required to be restored to agricultural use. This condition should be met.

The development now resembles a commercial caravan site and is totally out of keeping with the area and with what has been granted planning permission.

There are already injunctions against this site. No further planning applications should be entertained while this is the case.

I object due to the fact that the land already has a court injunction on it - to restore it back to agricultural land.

Environmental damage to the land due to removal of trees, hedges, plants and covering the ground with hundreds of tonnes of stone & old tarmac. Increased traffic on the public footpath/bridleway 138037 Broomfallen Road to Carleton clinic footbridge, and through Scotby village. There are already 3 official traveller sites in the Carlisle area, this is unofficial, unlawful and should be removed. This area of land is not designated for development. Law abiding, tax paying residents of Carlisle have to abide by planning laws and decisions, why are there exceptions for the travelling community,? We need to protect the character and amenities of our villages and expect planning officials and governmental departments to uphold the wishes of the Counties residents that they serve.

My objections include the behaviour which poses a threat to our local community.

Safety concerns of walkers on the public bridle way because of increased traffic.

A growing number of travelling community that don't obey laws/ rules and decency.

The growing number will soon become an official travels site of which there are already 3 or 4 in the Carlisle area.

The land is not registered for development. Increased traffic through Scotby. Environmental damage to the land- the removal of trees, hedges, wildlife, and replaced by tarmac/stones.

Increased pressure on services- doctors, dental. And also the demand on Scotby primary school on the intake of more children.

As far as I am aware the proposed land has a court injunction already to restore back to agricultural land . Which I support.

I invite you to walk on the public bridle way to Carleton on a evening if you wish to experience the feeling of intimidation.

This proposal is for land that I believe already has a Court Injunction on it to restore back to agricultural land. The village of Scotby is relatively small with very little amenities i.e. One small Post Office/shop, public house and infants school which struggle to serve the community as it is due to every increasing numbers living in the village and traffic moving through it which pose a potential hazard to our children and older people in the village. Not to mention the irreversible environmental damage that will be caused to this green belt land by the proposed site. I have known personally victims of anti-social behaviour by existing travellers living at the site and regular visitors to the site, which will obviously increase exponentially if this planning application goes ahead. Therefore I strongly urge you to consider my concerns and that of other residents within our village when making a decision on this site. The Carlisle area alone has 3 other traveller sites which may or may not be situated in green belt land.

I wish to object to the planning application for the area of land at the traveller site in Scotby adjacent to the M6 motorway. Substantial development of this site has already taken place against planning advice and permissions and further development will cause damage to the environment including removal of vegetation and trees. I understand the land already has a court injunction on it to restore it back to agricultural land but tonnes and tonnes of stone and tarmac have covered the ground. It appears that the travellers continue to ignore the planning regulations and operate outside any law. The development of the site has continued to increase traffic in the village including vans, pick up trucks and trailers and is in danger of changing the rural environment and character of a Scotby village. One of the main objectives is that the travellers access the site from the footpath and bridleway 138037, previously to their presence on the site this footpath was used extensively for villagers for walking, cycling but there have been many reports of intimidation by the travellers and their dogs. In conclusion I wish to strongly object to this planning application which is a change from agricultural land to a traveller site on an area of land not designated for development.

I email you today to inform you of my objection to the latest planning application to the site in Scotby adjacent to the motorway. There are several reasons to why I object, however I will list a few; The proposed site, I believe has a court injunction to restore back to agricultural land. Damage to the Public Footpath/ Bridleway 138037, and at times making it un passable. Removal of trees, hedges etc as well as rubbish been dumped. Large fires causing extensive smoke. Possibility of road accidents as many residents coming from the lane onto Broomfallen Road pulling out at speed without stopping to look! There has been an excessive number of "Amenity Buildings" etc been erected next to the proposed site and I am gravely concerned that this will grow rapidly, ultimately destroying more of the agricultural land. I hope my concerns will be raised and wait to hear the outcome.

1. There are already three legal, well established sites in the area. To approve the

application would legitimise the current illegal development and no doubt lead to further expansion in the future. This would spoil the nature of the village which at present is mainly surrounded by agricultural land. At present there is a Court Injunction on the land to restore it back to agricultural land. If the plans are approved this would ride roughshod over the Court's order and actually encourage further illegal unplanned camps.

2. The current Green agenda is to protect the countryside and avoid destroying the habitats of wild animals, insects, birds etc. The application would result in the removal of trees, hedges and vegetation, causing totally unnecessary environmental damage.

3. There will be an increase in the traffic in and around the village. This will be an additional danger to the children and aged population of the village, and add to the pollution already caused by the village's proximity to the M6

4. The area of land is not designated for development.

I urge you not to agree to this application which would affect the whole feel of this pleasant, mainly rural village.

I object to the above planning proposal on the following grounds: A. Environmental damage to the land, removal of trees vegetation, and hedges. B. This is a public right of way and Bridleway 138037 and will become unsafe for walkers if 2 way traffic is allowed. C. an increase in volume of traffic to Scotby in general.

This site has grown massively in the past couple of years with trees and vegetation removed. There are a number of flood/security lights that are in use through the night which cause a disturbance. Why has this site already been developed if they have not received planning permission yet? This does not bode well for the future if they are continuing to expand without approval.

I object to this on the following grounds.

A. There will be an increase in traffic on the public footpath 138037 from Broomfallen Rd to Carlton clinic footbridge. Through Scotby village and The new Coppice Estate.

B. There's been environmental damage to the land due to the removal of trees, hedges and vegetation.

C. Safety concerns for walkers and cyclists because of increased traffic.

I'm informed the land is undergoing a court injunction to restore it back to agricultural land. I object to this on the following grounds.

There will be an increase in traffic on the public footpath 138037 from Broomfallen Rd to Carlton clinic footbridge. Through Scotby village and The new Coppice Estate.

There's been environmental damage to the land due to the removal of trees, hedges, vegetation and hundreds of tons of stone and tarmac have been laid.

The site is becoming ever more populated by travellers and could become an official traveller site if it grows any more. We have enough traveller sites in the Carlisle area.

There is only one entrance and exit road. Safety concerns for walkers and cyclists because of increased traffic. The area was never designated for development

I object to this planning application because the land concerned is not land designated for development. The land has a court injunction on it requiring the land to be returned to agricultural land. Previous building work on the site was undertaken without permission and the land must be returned to agricultural land by the terms of the injunction. I fail to see why Carlisle council is discussing any other applications for this site until the injunction has been complied with. Who is accountable to ensure the injunction is complied with and has the relevant body been informed? Residents call upon this authority to enforce the injunction. Environmental damage has already been done to the land by the previous work which was undertaken

without permission. This application would increase that damage with further removal of trees, hedges and vegetation and by covering the area in hundreds of tonnes of stone and tarmac. Access to the site is via a bridleway. This should not be used by heavy lorries as it has been. The increase in traffic along the bridleway is astounding. Numerous vans and cars are using this route continuously. Scotby residents need the council to enforce the law and not turn a blind eye to what has been occurring on this site over the last 24 months or more, and what is continuing to occur.

I object to this planing application due to the following grounds:-

- Increased traffic on the Public footpath/bridleway 138037 - from Broomfallen Road to the Carleton clinic footbridge - and through Scotby Village.
- The work already done without permission has destroyed valuable habitat such as hedgerows and meadow. Further work should be prevented.
- Right of way for locals is being compromised, with many residents feeling intimidated to use the bridleway.
- area of land not designated for development.

I cannot believe this is another Planning Application for the area of land down at the Traveller Site in Scotby adjacent to the M6 Motorway.(previous being 21/0878 and 21/0893)

I often walk with a dog from Broomfallen Road along the Public Bridleway towards the Carleton Clinic Footbridge but I do not go as far as the build up of dwellings as I do not feel particularly comfortable or safe. As well as the fact that the traffic which comes up and down this bridleway seem to have no consideration that there might be pedestrians on the path particularly where the three sharp bends are.

How can this proposal even be considered when the land has a Court Injunction on it to restore it back to agricultural land?

I trust the Planning office will take serious notice of Scotby residents as we have to live in this lovely village.

## **5. Summary of Consultation Responses**

### **Cumbria County Council - (Highways & Lead Local Flood Authority): - Local Highway Authority response:**

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 wild life 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 (\*see note below) and that the potential safety impact will be unacceptable.

\*note - 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.

### **Local Environment - Environmental Protection: -**

If planning consent was granted to the owner of the above site would be required to make an application to this Council under the Mobile Homes Act 2013 for the residential pitches, an initial application would attract a fee. The site would be considered a protected family site if it was owned and resided in by the same family. If the land was let out commercially or tenanted the owner would be required to comply with the updates to the Mobile Homes Act and apply to be on the Fit and Proper person register. The site would also attract an annual fee in relation to the Authority responsibility to inspect any licensed caravan site.

The site owner would be required to comply with any site conditions placed on them under the legislation under the Mobile Homes Act 2013 and the Control of Development Act 1960. The owner is required to produce 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.

The proposed site, is located next to other smaller residential family sites, with a total of 20 plus caravans with protected status. The location of the site and the continued development is now akin to a larger development and a commercial caravan site. The access to the site which is public bridle way has been raised as a concern for other applications and still remains a concern. Caravan site owners are required to comply with the mandatory condition placed on them by the licence, the current access to the site would not allow this and puts others at risk as well should emergency services be required. Due to this constraint Environmental Health would object on safety grounds of the site access.

It is not stated if the water supply is from mains or a Private Water Supply? Prior to the development commencing the applicant shall complete and agree in writing with the Local Planning Authority a suitable and sufficient risk assessment of the private water supply having regard to the requirements and guidance associated with The Private Water Supplies (England) Regulations 2016 and The Private Water Supplies (England) (Amendment) Regulations 2018. Any works identified in the risk assessment necessary to ensure a sufficient and wholesome supply shall be completed to the satisfaction of the Local Planning Authority prior to the occupation of the

dwelling (s).

To further highlight the reasoning the following should be achieved for a licence caravan site under the model standards.

### 3. Roads, Gateways and Overhead Cables

- (i) Roads shall be designed to provide adequate access for emergency vehicles and routes within the site for such vehicles must be kept clear of obstruction at all times.
- (ii) New roads shall be constructed and laid of suitable bitumen macadem or concrete with a suitable compacted base.
- (iii) All roads shall have adequate surface water/storm drainage.
- (iv) New two way roads shall not be less than 3.7 metres wide, or if they are designed for and used by one way traffic, not less than 3 metres wide.
- (v) One-way systems shall be clearly signposted.
- (vi) Where existing two way roads are not 3.7 metres wide, passing places shall be provided where practical.
- (vii) Vehicular access and all gateways to the site must be a minimum of 3.1 metres wide and have a minimum height clearance of 3.7 metres.
- (viii) Roads shall be maintained in a good condition.
- (ix) Cable overhangs must meet the statutory requirements.

Concerns have been raised through the multi-agency HUB about the public bridle way that runs through the sites and the number of community complaints about the perceived lack of control of any dogs from the site owners. The model standard includes a condition on cooperating with the Local Authority and Police on any matters concerning anti-social behaviour. An additional condition will be applied as part of the caravan site licence to include a condition that requires any animals to be kept in such a manner as to not disturb any occupiers of any adjoining property. This will also include persons using the public bridle way which passes through the site, to enable the use and enjoyment of the land and to prevent a public nuisance.

**National Grid UK Transmission - Plant Protection:** - No response received  
**St Cuthberts Without Parish Council:** - The parish council strongly object to the development and believe that this is uncontrolled development and must be prevented from continuing.

**Wetheral Parish Council:** -

Objection

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 development. 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. Section 12 of the application states that the development is not near a water course, yet it is very close to Wash Beck. The application then contradicts the earlier statement, by saying that surface water will be discharged into a water course. Wash Beck is a small, shallow stream which is not suitable for this level of water discharge.

The work already done without permission has destroyed valuable habitat such as hedgerows and meadow. Further work should be prevented.

Right of way for locals is being compromised, with many residents feeling

intimidated to use the bridleway.

The committee believes that this land was required to be restored to agricultural use. This condition should be met.

The development now resembles a commercial caravan site and is totally out of keeping with the area and with what has been granted planning permission.

There are already injunctions against this site. No further planning applications should be entertained while this is the case. The Parish Council urges the City Council to follow up its legal proceedings and ensure the injunctions are enforced.

## **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 The Cumbria wide GTAA considers the overall need throughout Cumbria and has looked at the situation in each of the districts. For the Carlisle City Council area it identifies that there is a need for additional pitches and this is explored later in this report. It does not however comment on the sustainability of any of the existing sites which is a judgement for the Local Plan and associated planning policies.
- 6.9 Beyond the requirements of the GTAA and Policy HO11, regard has also been had to the following detailed matters.

## **2. Detailed Matters**

- 6.10 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.

6.11 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

6.12 The site is approximately 475 metres south-west from the fringe of the village of Scotby and 500 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

6.13 The site is over 1 kilometre (about  $\frac{3}{4}$  mile) 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

6.14 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.

6.15 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

6.16 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

6.17 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 would be taken into account. This application is retrospective and hedgerows which contained the site were removed several months ago which prompted action by the Council. These hedgerows have not been reinstated and were a feature of the landscape along the bridleway. The larger site area subject of three applications was contained by natural hedging which had surrounded the agricultural field. This provided a natural sense of enclosure which has now been replaced by wooden fencing. Although from the Broomfallen Road direction the trees at the rear of the site have been retained which obscure views from that direction, the removal of the hedging results in the site giving a stark contrast to natural landscape features when viewed from its adjacent bridleway, the Carleton/Garlands area or the M6. The height of the mobile homes and ancillary units are not fully screened by the 1.8 metre fencing and would have clearly appeared above the height of the hedging if it had been retained. Given the tight boundaries of the site it would require tree planting to screen the development developing a further tree line in the landscape which could be accommodated however there is insufficient space to provide a screen of sufficient scale to adequately screen the development. In relation to the overhead lines, guidance from National Grid recommends only low hedge planting in locations where cables cross limiting the ability to act as a visual screen although the removed hedge could be replaced. The definable landscape feature of the former existing hedgerow has been removed and therefore the proposed development is unable to comply with this criterion.

6.18 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.”*

6.19 Given the above consideration in the PPTS and the location of this site in a former agricultural field which extends the existing traveller pitches further into the open countryside the siting has significant impact on the landscape character. 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 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

6.20 There are other Gypsy and Traveller pitches in the locality, most notably to the east which is also the subject of a planning application for an additional Gypsy and Traveller pitch. Environmental Health have commented on the application regarding the combined applications as equivalent to a larger site. The distance between pitches would satisfy a site licence however individually they may need adjustment within the site. The site is adequately

sized with appropriate amenity and parking facilities. The site is however crossed by an electricity line between pylons. Due to health and safety concerns and the need for maintenance relating to overhead electricity supplies no residential development should be sited directly underneath the line of the cables taking into consideration their potential to be grounded. In addition no metal structures should be placed below overhead lines. At least three of the proposed plots show structures directly underneath the overhead lines and as such the proposal is unacceptable 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

6.21 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.

6.22 There is the potential that the level of use and the activities from the site could be detrimental to the occupiers of local properties and objectors have raised a number of concerns about the volume of use in the area. The use of the land would be occupied as a traveller site and any business use could be limited by condition to prevent nuisance from noise of over-intensification of use. The planning statement states that the current owner has no intention to operate a business from the site. Whilst not adjacent land users in the context of the policy, objectors consider that the number of pitches in the area has increased to such an extent that it now impacting on the village and the wider community. The traffic issues related to the use are considered separately in this report.

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

6.23 Cumbria County Council as the local highway authority has objected with regard to this application. Their reason for doing so is related to the longer term situation and the previous permissions which have been granted along the bridleway. A number of objectors have raised concerns about the impact that extra vehicular users of the bridleway will bring preventing those on foot/horse from using it more widely.

6.24 The highway authority response states:  
*"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 (\*see note below) and that the potential safety impact will be unacceptable."*

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 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 has grown significantly in recent months taking account of the unauthorised activity subject of current planning applications. In relation to other applications for similar usage on this agenda, the highway authority states 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.
- 6.31 The history above indicates that differing planning inspectors have differing degrees of interpretation as to when the usage is likely to cause an issue. Given the level of objections based on the level of use it is clear that safe passage along the bridleway is being significantly impacted and this proposal will just compound that problem. In addition, Environmental Health who licence caravan sites have also commented that the access route to this site along the bridleway is unsatisfactory as it is a two-way route with limited passing bays or road width especially if emergency vehicles require access.
- 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. It is noted that works on this site did cause damage to the bridleway resulting in its closure for several weeks. Restoration of the bridleway has now taken place at the expense of those causing the damage.

### **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. No details of surface water drainage have been provided and the site has been covered with road planings as well as the positioning of several units. Surface water drainage should not cause

increased flows to the beck. In addition, concerns about contamination from the planings has been raised and some form of filtered attenuation may be required. In the absence of details, these matters could be dealt with through the imposition of planning conditions. Foul water disposal is being dealt with by the installation of a package treatment plant which is acceptable.

#### **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 involved what was a small piece of agricultural land, it is unlikely that the proposal would affect any species identified. However to ensure that there are no longer term impacts on species using the beck a planning condition would be appropriate to ensure surface water is not contaminated. In addition, external lights are proposed and it can be seen that there are bright lights across the site, this can have an impact on nocturnal species in the area and the timing/brightness and operation of external lighting should be controlled in the interests of local wildlife.

#### **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 In summary, page 64 of the report concludes the need for 33 pitches in Carlisle up to 2040 (with a possible further 6 depending on whether they satisfy the planning definition). The report sets out a number of approaches, bearing in mind that the total need is up to 2040 but that there is also some immediate need within the next 5 years. The approaches suggested in the report include additional touring caravans on existing sites; sites occupied by larger extended family groups; or, vacant pitches on larger commercial sites. Paragraph 9.48 recommends that need is met through new pitch allocations and intensification or expansion of existing sites. It also recommends that consideration could also be given to granting planning permission for unauthorised sites.

6.41 In order to deal with the identified need, the report recommends a Pitch Delivery Assessment is undertaken to determine what proportion of the identified need can be met through intensification, reconfiguration of changes to planning conditions on existing sites. This work is currently underway.

6.42 This application is supported by a planning statement which confirms that the existing owners have moved from other pitches in the Carlisle area and are trying to locate as a large family unit on a self contained site. It is therefore likely that the applicants comply with the planning definition in the PPTS. They are therefore likely to meet the need requirements identified in the GTAA.

## **6. Other Matters**

6.43 Reference is made in some of representations that the land is subject to a court injunction. An injunction was put in place on this site as works had



commenced without permission being in place. Work halted for some time and damage to the adjacent bridleway was repaired however the applicant moved onto the site despite the injunction. Having taken further advice, the injunction remains in place and it is necessary to determine the planning application before any further action is considered.

- 6.44 A number of objectors to this application have referred to matters of anti-social behaviour. To a great extent this is outside the remit of planning and through the hub other agencies including the police have been involved in incidents in the area. Whilst the fear of crime can be a planning consideration it is difficult to determine that the use of this site would specifically worsen the current situation and people's enjoyment of the bridleway although the cumulative impact of more people using the bridleway appears to be having a negative effect on long term users of the path.

## **Conclusion**

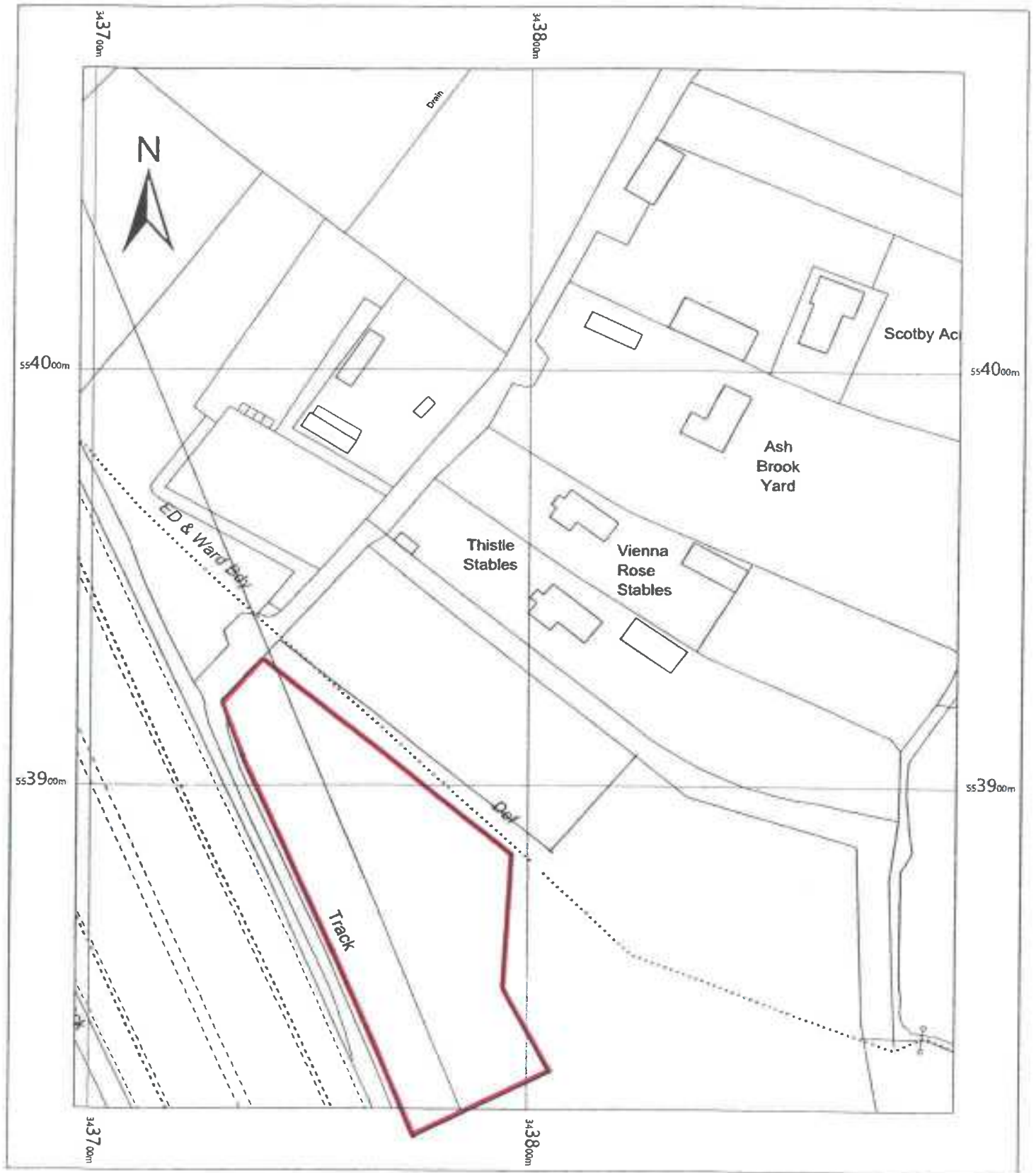
- 6.45 In overall terms, whilst it is noted that the adjacent site and land within the locality have been developed to provide pitches for accommodation by Gypsies and Travellers, there is still a further need identified in the most recent and up-date GTAA for more pitches up until 2040. As such, the principle of development would be acceptable subject to compliance with the relevant policy criteria.
- 6.46 In the case that the principle is 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 significantly altered sufficiently to warrant refusal of the application on this matter. In addition, the siting of caravans and mobile homes is contrary to Health and Safety considerations.
- 6.47 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 these 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.
- 6.48 As such, the proposal fails to accord with the objectives of the NPPF, PPG and relevant local plan policies.

## **7. Planning History**

- 7.1 There are no relevant previous planning applications on this land
- 7.2 Enforcement proceedings commenced against the change of use of the land and an injunction remains in place preventing occupation of the land without the correct planning permissions in place.

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

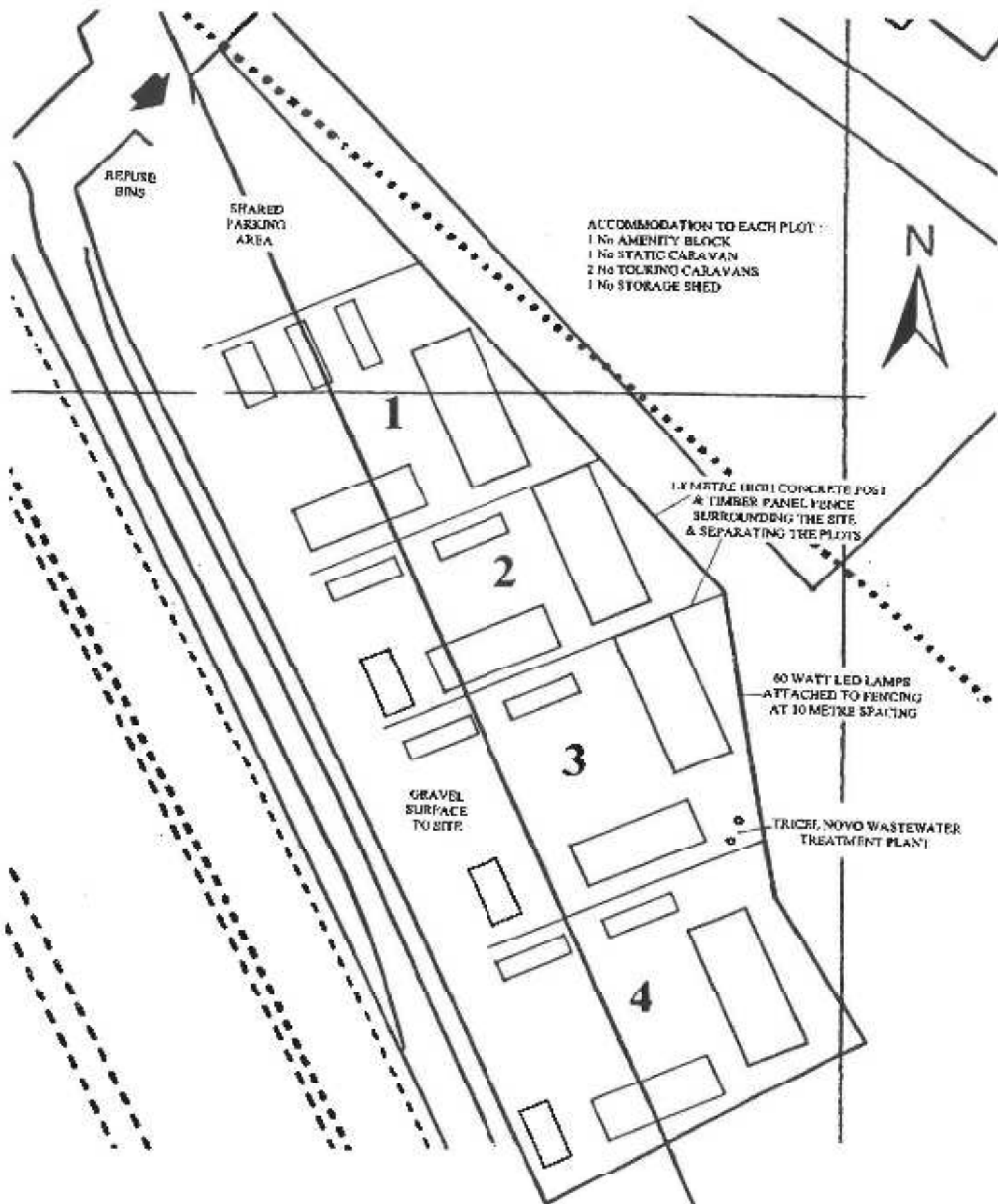
- 1. Reason:** The development increases the number of vehicles and the frequency upon which they use the public right of way to the detriment of other users. Sustained use would be likely to increase the conflict of traffic movements on the public right of way which has restricted width, resulting in 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.
  - 2. Reason:** Planning policies require good design in any development proposals particularly ensuring that development integrates well into the surroundings. The development has removed elements of local landscape character without adequate mitigation or integration of existing features which is contrary to criteria 2, 8 and 9 of Policy SP6 (Securing Good Design) and Policy G16 (Trees and Hedgerows).
  - 3. Reason:** The siting of mobile homes and caravans and other structures below an overhead transmission line will provide unsatisfactory living arrangements for future occupiers due to the risk to health and safety contrary to Policy SP6 and CM5 of the Carlisle District Local Plan 2015-2030 and National Grid guidelines for development near HVO power lines.
-



**PROPOSED RESIDENTIAL CARAVAN SITE COMPRISING 4 PLOTS**  
**SCOTBY OAKS - BROOMFALLEN ROAD - SCOTBY - CARLISLE**  
**LOCATION PLAN**

**DRG. NO. 3301/1**

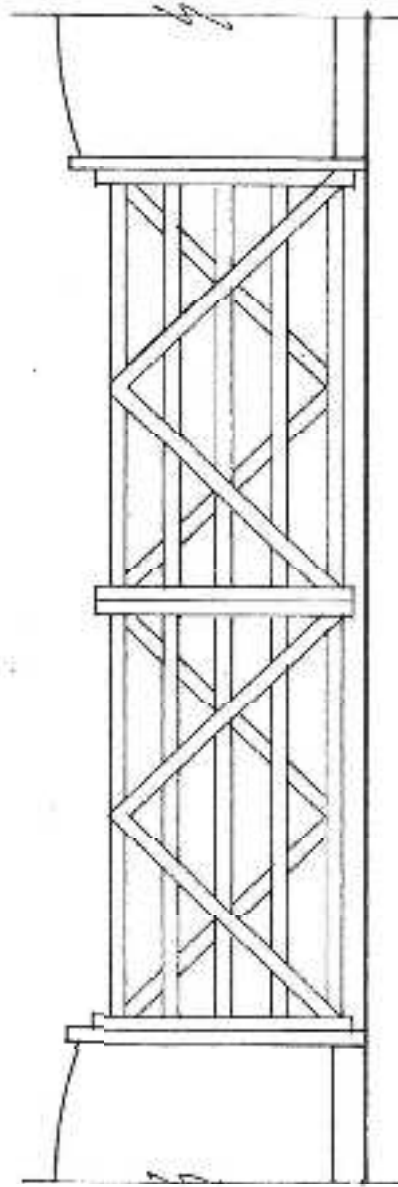
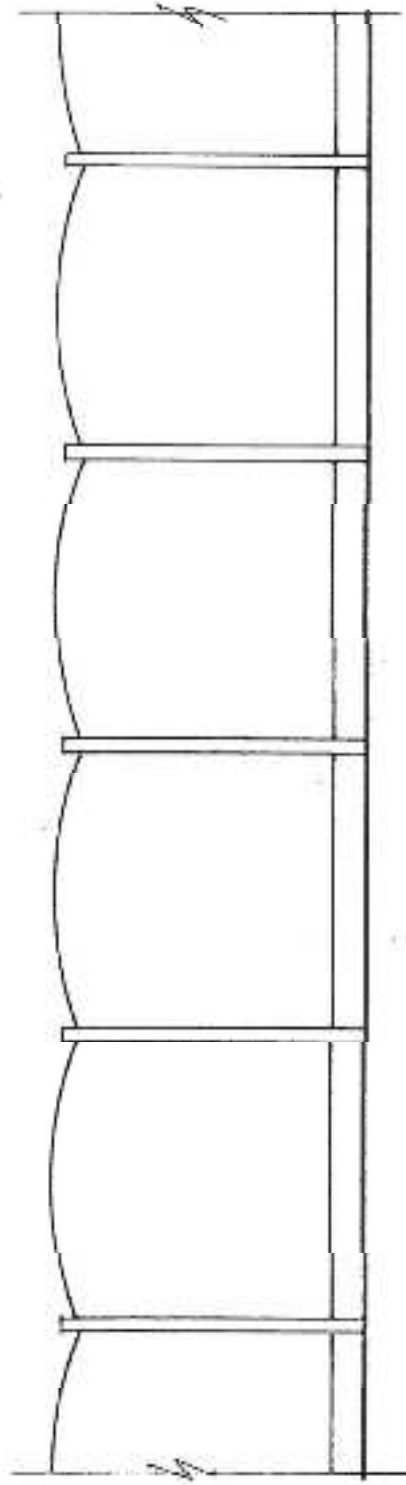
**SCALE : 1-1250**



**PROPOSED RESIDENTIAL CARAVAN SITE COMPRISING 4 PLOTS**  
**SCOTBY OAKS - BROOMFALLEN ROAD - SCOTBY - CARLISLE**  
**BLOCK PLAN**

**DRG. NO. 3301/2**

**SCALE : 1-500**



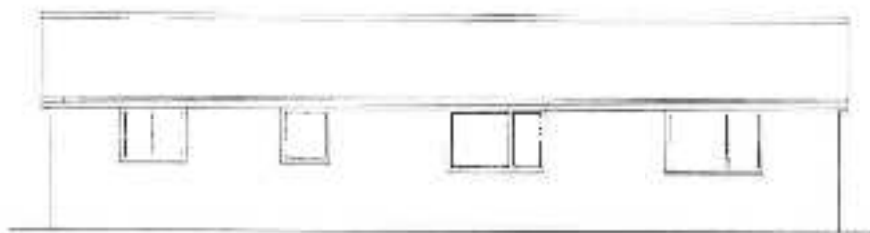
PROPOSED RESIDENTIAL CARAVAN SITE

SCOTBY OAKS - BROOMFALLEN ROAD - SCOTBY - CARLISLE

FENCING & ENTRANCE GATES DETAILS

DRG. NO. 3301/5

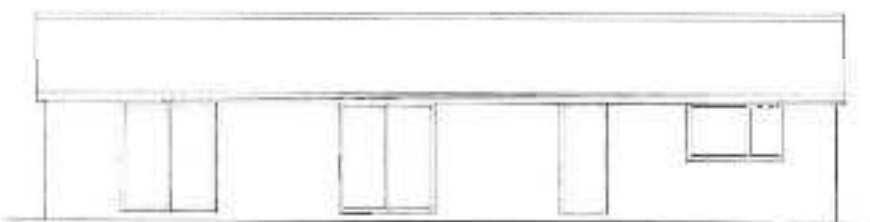
SCALE : 1-50



**REAR ELEVATION**



**SIDE ELEVATION**



**FRONT ELEVATION**



**SIDE ELEVATION**

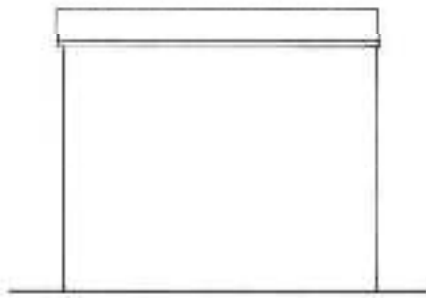


**FLOOR PLAN**

**PROPOSED RESIDENTIAL CARAVAN SITE COMPRISING 4 PLOTS  
SCOTBY OAKS - BROOMFALLEN ROAD - SCOTBY - CARLISLE  
AMENITY BUILDING**

**DRG. NO. 3301/3**

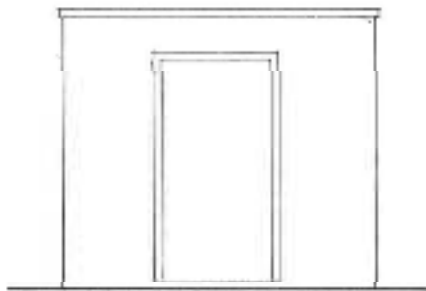
**SCALE : 1-100**



**REAR ELEVATION**



**SIDE ELEVATION**



**FRONT ELEVATION**



**SIDE ELEVATION**



**FLOOR PLAN**

**PROPOSED RESIDENTIAL CARAVAN SITE - SCOTBY OAKS - SCOTBY - CARLISLE**  
**STORAGE SHED**

**DRG. NO. 3301/4**

**SCALE : 1-50**