

## 26 FEBRUARY 2019 PLANNING COMMITTEE

6c 18/1072 Reg'd: 15.10.18 Expires: 10.12.18 Ward: BWB  
Nei. 08.11.18 BVPI 17 Number >8 wks On No  
Con. Target (Minor gypsy of Weeks On No  
Exp: and traveller) on Cttee' Target?  
Day:

**LOCATION:** Land South of Murrays Lane, Murrays Lane, Byfleet, KT14 7NE

**PROPOSAL:** Section 73 application for the removal of condition 01 and variation of condition 02 to make permanent planning permission PLAN/2016/0164 dated 12.05.2016 (3-year temporary change of use of land to four pitches for an extended Romany Gypsy family with associated works including 4 day rooms, 4 mobile homes, 4 touring caravans, hardstanding, and cesspit).

**TYPE:** Modification of Conditions (Section 73) application

**APPLICANT:** Mrs G Valler

**OFFICER:** Benjamin  
Bailey

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### REASON FOR REFERRAL TO COMMITTEE

The application has been referred to Planning Committee for determination by Councillor Boote due to the location of the application site within the Green Belt. As a modification of conditions (ie. a Section 73) application the application would otherwise have fallen within the scope of delegated powers as set out by the Management Arrangements and Scheme of Delegations.

### SUMMARY OF PROPOSED DEVELOPMENT

Section 73 application for the removal of condition 01 and variation of condition 02 to make permanent planning permission PLAN/2016/0164 dated 12.05.2016 (3-year temporary change of use of land to four pitches for an extended Romany Gypsy family with associated works including 4 day rooms, 4 mobile homes, 4 touring caravans, hardstanding, and cesspit).

Condition 01 of PLAN/2016/0164 (proposed to be removed) states:

*The planning permission hereby granted shall be for a limited period expiring three years from the date of this decision. At the end of this three year period the use hereby permitted shall cease and all mobile homes, caravans, buildings, structures, materials and equipment brought on to, erected on the land or works undertaken in, on, over or under the land in connection with the use shall be removed (including any spoil arising from such) from the land in their entirety. The land shall then be restored to its former condition in accordance with a scheme of work and timescale which shall previously have been submitted to and approved in writing by the Local Planning Authority as required by condition 04.*

*Reason: Planning permission has been granted in view of the personal circumstances of the applicant and extended family and on a temporary basis as applied for. The condition is required to review the effect of the development hereby permitted upon the amenities of the Green Belt and surrounding area in accordance with Policies CS6, CS14 and CS21 of the Woking Core Strategy 2012.*

Condition 02 (proposed to be varied) of PLAN/2016/0164 states:

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*The land shall be occupied only by the following named persons and their resident dependants:*

- (i) Mr Tom Valler Snr and Mrs Gina Valler*
- (ii) Mr Tom Valler and Mrs Rhoda Valler*
- (iii) Mr Wesley Butcher and Mrs Gina Marie Butcher*
- (iv) Ms Kristie Valler*

*In addition to compliance with the three year time limit set out in condition 01, if the land ceases to be occupied by those persons named above and their dependants, the use hereby permitted shall cease and all mobile homes, caravans, buildings, structures, materials and equipment brought on to, or erected on the land or works undertaken in, on, over or under the land in connection with the use shall be removed (including any spoil arising from such) from the land in their entirety. The land shall then be restored to its former condition in accordance with a scheme of work and timescale which shall previously have been submitted to and approved in writing by the Local Planning Authority as required by condition 04.*

*Reason: Planning permission has been granted in view of the personal circumstances of the applicant and extended family. The condition is required to review the effect of the development hereby permitted upon the amenities of the Green Belt and surrounding area in accordance with Policies CS6, CS14 and CS21 of the Woking Core Strategy 2012.*

The application does not seek to remove the personal occupancy condition contained within condition 02. Rather it is proposed to vary condition 02 to remove reference to the three year time limit so as to be consistent with any removal of condition 01. The varied condition 02 is proposed to read as follows:

*The land shall be occupied only by the following named persons and their resident dependants:*

- (i) Mr Tom Valler Snr and Mrs Gina Valler*
- (ii) Mr Tom Valler and Mrs Rhoda Valler*
- (iii) Mr Wesley Butcher and Mrs Gina Marie Butcher*
- (iv) Ms Kristie Valler*

*If the land ceases to be occupied by those persons named above and their dependants, the use hereby permitted shall cease and all mobile homes, caravans, buildings, structures, materials and equipment brought on to, or erected on the land or works undertaken in, on, over or under the land in connection with the use shall be removed (including any spoil arising from such) from the land in their entirety. The land shall then be restored to its former condition in accordance with a scheme of work and timescale which shall previously have been submitted to and approved in writing by the Local Planning Authority as required by condition 04.*

*Reason: Planning permission has been granted in view of the personal circumstances of the applicant and extended family. The condition is required to review the effect of the development hereby permitted upon the amenities of the Green Belt and surrounding area in accordance with Policies CS6, CS14 and CS21 of the Woking Core Strategy 2012.*

Site Area: 0.4585 ha (4,585 sq.m)  
Existing pitches: 4 (temporary)

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Proposed units: 4 (permanent)  
Existing density: 9 dph (dwellings per hectare) (each pitch is considered a dwelling)  
Proposed density: 9 dph

### **PLANNING STATUS**

- Green Belt
- Tree Preservation Order (Ref: TPO/0010/2012)
- Flood Zone 1
- Thames Basin Heaths Special Protection Area (TBH SPA) Zone B (400m-5km)

### **RECOMMENDATION**

**Grant** planning permission subject to recommended conditions and SAMM (TBH SPA) contribution secured by S106 Legal Agreement.

### **SITE DESCRIPTION**

The application site forms a triangular shaped parcel of land situated to the south-west of the settlement of Byfleet and within the designated Green Belt. The site was formerly used for agricultural purposes. To the west of the site lies the M25 motorway. To the north is the public right of way called Murray's Lane which provides access to the canal via a bridge over the M25 motorway. To the north of Murray's Lane is agricultural land (known as Boyd's Farm), a scout hut (Ref. PLAN/2010/1216) and the residential properties of Glebe Gardens are to the north-east. To the east is a private vehicular track which leads to the single dwellinghouse known as Piper's Hill which is located to the south-east. The application site is located within Flood Zone 1 area and is within Zone B (400m-5km) of the Thames Basin Heaths Special Protection Area (TBH SPA).

### **RELEVANT PLANNING HISTORY**

COND/2016/0078 - Discharge of condition 12 (Surface water runoff) of PLAN/2016/0164 dated 12.05.2016 (3-year temporary change of use of land to four pitches for an extended Romany Gypsy family with associated works including 4 day rooms, 4 mobile homes, 4 touring caravans, hardstanding, and cesspit).  
Condition discharged (28.09.2016)

COND/2016/0070 - Discharge of conditions 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 18 and 19 of PLAN/2016/0164 dated 12.05.2016 (3-year temporary change of use of land to four pitches for an extended Romany Gypsy family with associated works including 4 day rooms, 4 mobile homes, 4 touring caravans, hardstanding, and cesspit).  
Conditions discharged (28.09.2016)

PLAN/2016/0164 - 3-year temporary change of use of land to four pitches for an extended Romany Gypsy family with associated works including 4 day rooms, 4 mobile homes, 4 touring caravans, hardstanding, and cesspit.  
Permitted subject to conditions (12.05.2016)

PLAN/2015/0903 - Change of use of land to four pitches for residential accommodation with associated works including 4 day rooms, 4 mobile homes, 4 touring caravans, hardstanding, and sewage treatment plant.  
Refused (21.10.2015) for the following reasons:

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01. *The proposed development constitutes inappropriate development in the Green Belt as defined by Section 9 of the National Planning Policy Framework 2012. Having regard to the best interests of the children, the Very Special Circumstances case put forward within the application has not been established and are not considered to outweigh the harm caused to the Green Belt by reason of inappropriateness. Further, significant harm would result to the open character and main purposes of the Green Belt by reason of the spread of development, site coverage, size of the proposed day rooms, mobile homes and touring caravans, hardstanding, access roads, parking, fencing and associated domestic paraphernalia. The proposal is therefore contrary to Section 9 of the National Planning Policy Framework 2012, policies E and H of Planning Policy for traveller sites (August 2015) and policies CS6 and CS14 of the Woking Core Strategy 2012.*
02. *By reason of the spread of development, site coverage, size of the proposed day rooms, mobile homes, and touring caravans, hardstanding, access roads, parking, fencing and associated domestic paraphernalia the proposal is considered to have a detrimental impact upon the open and rural character and appearance of the site and the surrounding area contrary to Section 7 of the National Planning Policy Framework 2012 (specifically paragraph 64), Policy H of the Planning Policy for traveller sites (August 2015), policies CS14, CS21 and CS24 of the Woking Core Strategy 2012 and Supplementary Planning Document 'Woking Design (2015)'.*
03. *The proposal fails to provide adequate storage of waste and recyclable materials contrary to Policy CS21 of the Woking Core Strategy 2012, Woking Borough Council's 'Waste and recycling provisions for new residential developments, Good practice guide for developers' and the Department for Transport's Manual for Streets 2007.*
04. *The application has failed to meet the sequential and exception tests that are required to be met for applications of this nature in Flood Zone 2 areas. The proposal is therefore contrary to section 10 of the National Planning Policy Framework 2012 and Policy CS9 of the Woking Core Strategy 2012.*

PLAN/2013/0426 - Change of use of land from agricultural to four pitches for an extended Romani Gypsy family with associated works; 4 day rooms, hardstanding and sewage treatment plant.

Refused (01.08.2013) for the following reasons:

01. *The proposed development constitutes inappropriate development in the Green Belt as defined by Section 9 of the NPPF. The Very Special Circumstances put forward in the application are not considered to outweigh the harm caused by reason of inappropriateness. Further, significant harm would result to the open character and main purposes of the Green Belt by reason of the spread of development, site coverage, size of the proposed day rooms, mobile homes and touring caravans, hardstanding, access roads, parking, fencing and associated domestic paraphernalia. The proposal is therefore contrary to Section 9 of The National Planning Policy Statement 2012, Policy H of the Planning Policy for traveller sites 2012 and policies CS6 and CS14 of the Woking Core Strategy 2012.*
02. *By reason of the spread of development, site coverage, size of the proposed day rooms, mobile homes, and touring caravans, hardstanding, access roads, parking, fencing and associated domestic paraphernalia the proposal is considered to have a detrimental impact on the open and rural character and appearance of the site and the surrounding area contrary to Section 7 of the National Planning Policy Framework 2012 (specifically paragraph 64), Policy H of the Planning Policy for traveller sites 2012 and policies CS14, CS21 and CS24 of the Woking Core Strategy 2012.*

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03. *The proposal fails to provide adequate storage of waste and recyclable materials contrary to Policy CS21 of the Woking Core Strategy, Woking Borough Council's Waste and recycling provisions for new residential developments, Good practice guide for developers and Department for Transport's Manual for Streets 2007.*
04. *The application has failed to meet the sequential and exception tests that are required to be met for applications of this nature in Flood Zone 2 areas. The proposal is therefore contrary to section 10 of the National Planning Policy Framework 2012 and CS9 of the Woking Core Strategy 2012.*

### **CONSULTATIONS**

**Planning Policy:** The key issue is whether the conflict with adopted local and national Green Belt policy is outweighed by countervailing reasons. The first of these is that the Regulation 19 Draft Site Allocations DPD, which can be afforded substantive weight, seeks to grant permanent permission in principle for four permanent Traveller pitches at the site. This is effectively what the application is proposing and, subject to the Development Management Officer's judgement, may in and of itself be sufficient to justify permission. It is noted that in making this assessment, the Development Management Officer should have due regard to the provision in emerging Policy SA1 that "*the Council will seek to ensure that the site meet[s] the necessary standards for Travellers' accommodation.*"

The second reason is that, subject to the Development Management Officer's judgement, a VSC case for inappropriate development in the Green Belt may have been demonstrated. This is based on the below factors:

- Personal circumstances, as considered in relation to best interests of the child, human rights, and the Public Sector Equality Duty;
- Unmet need (of which the lack of a demonstrable five year supply of sites for Gypsy and Traveller accommodation forms part)

In arriving at a conclusion regarding the weight of the VSC case, the Development Management Officer should consider the PPTS provision that "*subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.*" This is an important consideration as in this instance there is a strong argument that the best interests of the child do indeed favour a certain course of action.

**County Highway Authority (CHA) (SCC):** The County Highway Authority has undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision and are satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. The County Highway Authority therefore has no highway requirements.

**National Grid Asset Protection Team:** No comments received.

**Environmental Health:** There is no objection on Environmental Health grounds to the change to permanent use but it is recommended the site continues to be occupied only by members of the site owners' family due to the type of construction used for the dayrooms in the separation spaces between the mobile homes.

**Surrey County Council Divisional Rights Of Way:** No comments received.

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**Natural England:** Natural England have no comments to make on this application, as long as the relevant avoidance and mitigation measures specified in the Appropriate Assessment are secured.

### **REPRESENTATIONS**

**x1,379** local properties were sent neighbour notification letters of the application, in addition to the application being advertised on the Council's website and by statutory press and site notices. The application has been advertised as a Departure from the Development Plan (due to constituting inappropriate development in the Green Belt).

**x56 letters of objection** have been received (from x53 individuals/groups/parties), including the Byfleet Residents Neighbourhood Forum and the Byfleet, West Byfleet & Pyrford Residents' Association, raising the following main points:

- This is Green Belt land - should not be built on
- Loss of privacy
- Out of character
- High-over density of development
- Site is on the flood plain  
*(Officer Note: The application site falls within Flood Zone 1 - which has a low probability of flooding)*
- Development is situated on a public bridleway, regularly used by walkers, cyclists and families with small children, it is a prime leisure route from the village to open countryside, the increased motor traffic has already made this an unsafe route, and it is not suitable for motor traffic, also the exit is on a dangerous bend
- If allowed, it will be only a matter of time before another application is made to increase the size of the development  
*(Officer Note: Any further potential development on the site would require further planning permission – any such further potential planning applications would be considered on their individual merits in the usual manner)*
- All Byfleet amenities are over subscribed
- Will set a precedent for future developments on the Green Belt  
*(Officer Note: Each planning application falls to be considered on its individual merits)*
- Generation of noise  
*(Officer Note: Any non-residential activities are prevented on the site by an existing planning condition; if granted this planning condition can be re-applied to any new permission)*
- This planning permission was granted as a temporary solution to "special circumstances"; three years is enough time to resolve these issues and should have been addressed
- Site needs to be restored to green space with more trees
- Condition of the initial application required land to be left in its original state at the end of the 3 year temporary residency
- Temporary permission was widely interpreted as an incorrect decision under planning rules and regulations at the time
- Earlier planning applications of very similar content were refused
- There is a shortage of places for education locally
- Long list of patients in West Byfleet Health Centre; it is essential that a new surgery is provided in Byfleet which would reduce traffic movements
- Inappropriate for this to be adjacent to the scout hut
- Continue to bring additional motorised traffic and caravans to this bridleway

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- Increase traffic between Byfleet and the West Byfleet Health Centre
- 3 years temporary permission was approved against the Officer recommendation  
*(Officer Note: This is not a reason to refuse the current application; the decision of the Local Planning Authority was to grant the previous application on a temporary basis. The material planning considerations have changed in the intervening time period)*
- Hazardous materials being dumped  
*(Officer Note: The Council holds no records of hazardous materials being dumped on the site since the previous grant of planning permission. No further information was provided within the representation on this matter)*
- Obvious at time of last permission that this was an opportunity to make these pitches permanent
- WBC should say a temporary change of use does mean “temporary”, otherwise it looks like a whitewash  
*(Officer Note: The current application falls to be considered on its individual merits. The Emerging Site Allocations DPD should be afforded substantive weight at the current time)*
- In the two and half years the family have been there, they have had ample time to look for alternative accommodation  
*(Officer Note: Whilst the provision of sufficient gypsy and traveller pitches, up until 2027, forms part of the ongoing Site Allocations DPD process the Council nonetheless has a current shortfall of gypsy and traveller pitches)*
- The special circumstances cited will now have been negated so must no longer apply
- Byfleet has very little Green Belt land left so it is vital that it is protected
- The extended Romany Gypsy family are surely welcome to request their names be added to the WBC housing list  
*(Officer Note: Whilst the provision of sufficient gypsy and traveller pitches, up until 2027, forms part of the ongoing Site Allocations DPD process the Council nonetheless has a current shortfall of gypsy and traveller pitches). ‘Bricks and mortar’ housing does not meet the needs of many gypsies and travellers, which is a protected characteristic)*
- A compulsory purchase order (CPO) of the land should be considered by WBC
- Cannot expect to buy cheap agricultural Green Belt land and develop it
- Decision on this application should be deferred until after the results from the Site Allocations DPD consultation are known  
*(Officer Note: The Local Planning Authority has a statutory duty to determine the current application notwithstanding the ongoing Site Allocations DPD process. Failure to determine the current application would be likely to result in an appeal being submitted to the Planning Inspectorate (against non-determination) and the potential for an award of costs being made against the Council)*
- As there are sufficient pitches planned through other planning applications in Woking Borough, this site should not be made permanent  
*(Officer Note: Whilst the provision of sufficient gypsy and traveller pitches, up until 2027, forms part of the ongoing Site Allocations DPD process the Council nonetheless has a current shortfall of gypsy and traveller pitches)*
- Agreeing to this new application would discriminate against non-Romany people who would not be given consent to permanently reside on this land  
*(Officer Note: ‘Bricks and mortar’ housing does not meet the needs of many gypsies and travellers, which is a protected characteristic)*
- Appears very likely that this application is linked with three applications by family members to permit pitches to be sited on the adjoining Green Belt field (PLAN/2014/1049, PLAN/2016/0013 and PLAN/2018/0940)  
*(Officer Note: This application falls to be considered on its individual merits)*

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- Contrary to Policies CS6 & CS14 of the Woking Core Strategy (2012), the National Planning Policy Framework and Policy E of the Planning Policy for Traveller Sites
- As land is whittled away from the margins of Byfleet, the village becomes more and more closely linked to outlying conurbations, such as West Byfleet, and loses its character
- Very close to the M25 motorway
- Cannot see that anyone else in Byfleet has been given permission to reside in a caravan on their own land
- There is no street lighting or pavement along Murrays Lane
- No benefit to the local community
- There are no “very special circumstances”
- Request that WBC revisit the Site Allocations DPD in light of September’s new ONS household projections  
*(Officer Note: The determination of this planning application is a separate matter to the ongoing Site Allocations DPD process, although the Site Allocations DPD should be afforded substantive weight in determining this application)*
- Reading through the Site Allocations DPD the Byfleet area is now excessively affected when considering the loss of Green Belt space  
*(Officer Note: The determination of this planning application is a separate matter to the ongoing Site Allocations DPD process, although the Site Allocations DPD should be afforded substantive weight in determining this application)*
- Object to the proposed developments of both Broadoaks (155 dwellings) and West Hall (555 dwellings)  
*(Officer Note: This comment appears to be applicable to the Site Allocations DPD consultation as opposed to this particular planning application)*

*(Officer Note: x2 further letters of objection have been received however these x2 letters contain comments which are considered to be of an offensive or discriminatory nature and therefore will not be considered in determining the planning application)*

**x22 Letters of support** have been received raising the following main points:

- Site is well presented and clean
- The family are warm, welcoming and extremely friendly
- Family have endeavoured to encourage wildlife and have also been actively involved with helping the community
- Plants and trees have been planted and the site is now far more pleasing to the eye than previously
- No noise or traffic concerns
- If anything the scout hut causes more issues with traffic/parking
- The family should have a long term home and somewhere safe for their children to grow up
- Some members of the community may object to this project because of their stereotypical viewpoints; we should welcome and embrace new community members with open arms
- Feel that family being there has prevented 'invasions' on that land
- Otherwise the land would be left unmaintained and no doubt used by local youths as a dirt bike track, congregation venue and littered in rubbish
- Feel that as the scout hut went through with hardly any objection to it being on Green Belt land that this application cannot be turned down either  
*(Officer Note: Each planning application falls to be considered on its individual merits)*
- Certainly aren't enough people living there to put a strain on our services



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- To my knowledge there have been no fly tipping incidents down that lane, so in my view their being in situ is helping to keep the area nice
- Woking Borough Council has a duty to make provision for Gypsy families and Byfleet village should not expect to be excluded from any land allocation made for this purpose
- Land in question is currently classified as Green Belt, but it is right up against the busiest motorway in the UK, therefore does not serve the purpose of its original classification
- The residential area covers only a small portion of the whole site
- The deer and the badgers are still very much in evidence
- The hard standing onsite has permeable bases
- Family's presence acts as a deterrent to any would-be trespassers on the neighbouring farm and scout activity centre
- Family fulfilled every single condition that was laid down by the WBC planning department
- Family let the Scouts do activities on their field  
*(Officer Note: The Local Planning Authority is unable to verify this comment)*
- Is a relatively small piece of land sandwiched between houses and an enormously busy motorway
- We are desperately short of housing
- It makes a long, unlit lane feel much safer when you see a little bit of light at the end
- Would be invidious to their human rights to deny permission to remain and permanent permission should be granted

These issues, so far as they are material planning considerations, are addressed within this report under the heading 'planning issues'.

### **RELEVANT PLANNING POLICIES**

#### National Planning Policy Framework (NPPF) (2018)

Section 2 - Achieving sustainable development

Section 5 - Delivering a sufficient supply of homes

Section 9 - Promoting sustainable transport

Section 12 - Achieving well-designed places

Section 13 - Protecting Green Belt land

Section 14 - Meeting the challenge of climate change, flooding and coastal change

Section 15 - Conserving and enhancing the natural environment

#### Woking Core Strategy (2012)

CS6 - Green Belt

CS7 - Biodiversity and nature conservation

CS8 - Thames Basin Heaths Special Protection Areas

CS9 - Flooding and water management

CS14 - Gypsies, Travellers and Travelling Showpeople

CS18 - Transport and accessibility

CS21 - Design

CS24 - Woking's landscape and townscape

#### Development Management Policies Development Plan Document (DMP DPD) (2016)

DM2 - Trees and landscaping

DM7 - Noise and Light Pollution

DM13 - Buildings Within and Adjoining the Green Belt

#### Supplementary Planning Documents (SPD's)

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Design (2015)  
Parking Standards (2018)  
Outlook, Amenity, Privacy and Daylight (2008)

Site Allocations Development Plan Document Regulation 19 Consultation (November 2018)  
Policy SA1 - Overall policy framework for land released from the Green Belt for development

### Other material considerations

Planning Policy for traveller sites (August 2015)  
Planning Practice Guidance (PPG)  
South East Plan (2009) (Saved policy) NRM6 - Thames Basin Heaths Special Protection Area  
Thames Basin Heaths Special Protection Area Avoidance Strategy  
Woking Borough Council Strategic Flood Risk Assessment (November 2015)  
Community Infrastructure Levy (CIL) Charging Schedule (2015)  
Waste and recycling provisions for new residential developments

### **SECTION 73 APPLICATION:**

This is an application made under section 73 of The Town and Country Planning Act 1990 (as amended) for the removal of condition 01 and variation of condition 02 to make permanent planning permission PLAN/2016/0164 dated 12.05.2016 (3-year temporary change of use of land to four pitches for an extended Romany Gypsy family with associated works including 4 day rooms, 4 mobile homes, 4 touring caravans, hardstanding, and cesspit). Annex A of the PPG sets out that applications under section 73 should be considered against the Development Plan and material considerations, under section 38(6) of the 2004 Act, and conditions attached to the existing permission and that LPAs should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.

### **PLANNING ISSUES**

01. The revised National Planning Policy Framework (NPPF) was published on 24 July 2018 and is a material consideration in the determination of this application. However, the starting point for decision making remains the Development Plan, and the revised NPPF (2018) is clear at Paragraph 213 that existing Development Plan policies should not be considered out-of-date simply because they were adopted or made prior to 24 July 2018. The degree to which relevant Development Plan policies are consistent with the revised NPPF (2018) has been considered in this instance, and it is concluded that they should be afforded significant weight.
02. Before listing the planning issues, two considerations will be addressed which have implications for what the planning issues are in this case.

### Gypsy/traveller status

03. Planning permission is sought on the basis that the pitches are to be occupied by gypsies or travellers. In the course of consideration of PLAN/2016/0164 it was established as a matter of common ground between the Local Planning Authority and the applicant that the applicant meets the planning policy definition of a gypsy or traveller as set out in the MHCLG publication Planning Policy for traveller sites (August 2015) (the PPTS). The extended Valler family occupy the four pitches at present and there is a personal occupancy condition (condition 02) attached to PLAN/2016/0164, which the applicant has not sought to remove under the current application, although

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condition 02 is proposed to be varied to remove reference to the three year time limit so as to be consistent with any removal of condition 01.

04. The PPTS (2015) makes it clear that establishing gypsy and traveller pitches in the countryside outside the defined confines of built settlements is not unacceptable in principle. Consequently, the countryside location of the application site is not a barrier to planning permission in this case and, accordingly, compliance or otherwise with local settlement policy is not in itself a main issue.

### Inappropriate development

05. The application site lies within the Green Belt. Paragraph 133 of the NPPF (2018) states that the Government attaches great importance to Green Belts; the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Policy E of Planning policy for traveller sites (August 2015) (the PPTS) sets out policy for such sites in the Green Belt, stating that "*traveller sites (temporary or permanent) in the Green Belt are inappropriate development*".
06. Policy CS6 of the Woking Core Strategy (2012) states that within Green Belt boundaries strict control will continue to apply over inappropriate development, as defined by Government policy outlined in the NPPF; that should now be taken to be the revised NPPF (2018). Policy DM13 of the Development Management Policies DPD (2016) sets out that, unless 'Very special circumstances' can be demonstrated, the Council will regard the construction of new buildings and forms of development other than those specifically identified on allocated sites in the Site Allocations DPD as inappropriate in Green Belt, and that exceptions to this, subject to other Development Plan policies, are detailed within the NPPF and in Policy CS6.
07. Policy CS14 of the Woking Core Strategy (2012) is specific to gypsies, travellers and travelling showpeople, stating that provision is to be made for necessary additional pitches in the Borough between 2017 and 2027 over the plan period with sites to meet the need identified within the Site Allocations Development Plan Document (DPD). In addition to setting out the sequential approach to be taken in identifying sites for allocation through the Site Allocations DPD Policy CS14 also sets out the following criteria to be taken into consideration when determining any planning applications for non-allocated sites, as in this instance:
  - The site should have safe vehicular access from the highway and have adequate parking provision and turning areas.
  - The site should have adequate amenity for its intended occupiers, including space for related business activities.
  - The site should not have unacceptable adverse impacts on the visual amenity and character of the area.
  - The site should have adequate infrastructure and on-site utilities to service the number of pitches proposed.
  - The site should have safe and reasonable access to schools and other local facilities.
08. Paragraphs 145 and 146 of the NPPF (2018) set out certain categories of development that are inappropriate in the Green Belt, together with exceptions to this. Paragraph 143 of the NPPF (2018) advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved other than in 'Very special circumstances'. Paragraph 144 adds that "*Very special circumstances' will not exist unless the potential*

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*harm to the Green Belt by reason of inappropriateness, and any other harm arising from the proposal, is clearly outweighed by other considerations”.*

09. Paragraph 146e) of the revised NPPF (2018) states that a material change of use of land need not be inappropriate development provided it preserves openness and does not conflict with the purposes of the Green Belt. However, there would be a reduction in openness, and that should be considered therefore as not preserving openness so that the exception in paragraph 146e) does not apply. The proposal is inappropriate development in the Green Belt and as stated in paragraph 144 of the NPPF (2018), substantial weight should be given to any harm to the Green Belt. Therefore the existence of harm arising from inappropriateness, and any other harm resulting from the proposal, is a main issue in determining the application.
10. The decision notice for PLAN/2016/0164, the planning permission which this application seeks to vary, provides that *“planning permission has been granted in view of the personal circumstances of the applicant and the extended family and on a temporary basis as applied for.”* In that instance, very special circumstances were considered to exist which clearly outweighed the harm to the Green Belt, and any other planning harm, so as to grant planning permission for the temporary period sought. However, as this current application is in effect to make this planning permission permanent, the case needs to be weighed again, taking into account any relevant changes in circumstance.
11. In the light of the preceding, the other main issues in determining the application are:
  - the effect of the development on the openness of the Green Belt and the character and appearance of the surrounding area;
  - the adequacy of living conditions on the site for occupiers;
  - any impact upon neighbouring amenity;
  - highway safety and capacity implications;
  - ecological interests, with particular reference to the proximity of the TBH SPA; and
  - whether the harm by reason of inappropriateness and any other harm arising from the above issues is clearly outweighed by other considerations, including
    - (i) the provisions of the Emerging Draft Site Allocations DPD
    - (ii) the sustainability of the site
    - (iii) the unmet need for gypsy and traveller sites
    - (iv) the lack of alternative sites and the likelihood of any new gypsy and traveller sites being in the Green Belt
    - (v) the unacceptability of gypsy and traveller sites identified within the Emerging Draft Site Allocations DPD
    - (vi) lack of a five-year supply of sites
    - (viii) the personal circumstances of the residents, including
    - (ix) the best interests of the children
    - (x) human rights
    - (xi) the public sector equality duty and
    - (xii) local support for the proposals and, if so, whether there exist ‘Very special circumstances’ which justify the granting of planning permission.

### Openness, character and appearance

12. Openness is an essential characteristic of the Green Belt. Inevitably, it is eroded by any item of substantial size, such as a mobile home, by simple reason of the fact that it occupies three-dimensional space. Prior to the (temporary) development of the application site it was undeveloped agricultural (pasture) land. However the application site lies within an area that is considered to make a slight/negligible contribution to Green Belt purposes a) (restricting the sprawl of large built-up areas) and b) (prevent

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neighbouring towns merging into one another) of Paragraph 134 of the NPPF (2018). The application site, which encompasses part of a larger triangular pasture field, lies within a fragmented urban fringe landscape on the south-west edge of Byfleet that is separated from the wider landscape to the west by the M25 motorway. The wider triangular pasture field is well contained on the eastern side by a strong belt of trees/area of woodland and the west by the elevated M25 motorway and associated developing planting. The northern boundary is defined by Murray's Lane which is a public right of way, flanked by some trees, to the north of which lies a further pasture field (known as Boyd's Farm), a scout hut and woodland/trees. Overall, the application site has a high degree of spatial containment, but is clearly and readily visible from the public right of way (Murrays Lane).

13. The permanent development would be of a moderate scale and the presence on the land of the four mobile homes, four touring caravans, four day room buildings, fencing and related vehicles and domestic paraphernalia would significantly reduce Green Belt openness in comparison to the pre-developed state of the application site. It is consistent with the judgment in *John Turner v SSCLG and East Dorset Council [2016] EWCA Civ 466* that the visual effect of development is implicitly part of the concept of openness. In this case public views into the site are limited to those achievable from Murrays Lane although the site is visually prominent in such viewpoints and there is relatively significant visual effect. Whilst this is the case the mobility of touring caravans and vehicles is also capable of being a material consideration. The day room buildings have a strong degree of permanence. Similarly the four mobile homes would be likely to remain on site and there would be some comings and goings of the four touring caravans and associated vehicles.
14. The continued stationing of the four mobile homes, and the retention of four day room buildings and fencing in particular, on land which would otherwise be open (at the end of the current temporary planning permission) would lead to a significant, and permanent, harm to Green Belt openness. Furthermore the residential use would be a form of encroachment into the countryside which would conflict with one of the purposes of including land in the Green Belt as identified in paragraph 134c) of the NPPF (2018). The NPPF (2018) requires substantial weight be given to such harm.
15. Whilst there would be harm to openness the planting which has taken place on the site has assisted, to a degree, in the integration of the development into its surroundings and in screening visual views from Murrays Lane. These factors weigh, to a limited degree, against this harm.

### Living conditions on the site for occupiers

16. Woking Core Strategy (2012) Policy CS14 specifies that "*the following criteria will be taken into consideration when determining...any planning applications for non allocated sites:*
  - *The site should have safe vehicular access from the highway and have adequate parking provision and turning areas.*
  - *The site should have adequate amenity for its intended occupiers, including space for related business activities.*
  - *The site should not have unacceptable adverse impacts on the visual amenity and character of the area.*

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- *The site should have adequate infrastructure and on-site utilities to service the number of pitches proposed.*
  - *The site should have safe and reasonable access to schools and other local facilities.”*
17. The reasoned justification text to Policy CS14 notes that “*the layout of proposed Gypsy and Traveller sites/pitches should comply with the design principles set out by Government practice guidance which is currently in the form of ‘Designing Gypsy and Traveller Sites’ (May 2008).*” Whilst this guidance has been withdrawn no document has been published by way of replacement and it therefore remains useful guidance.
18. Nonetheless the layout of the four pitches accords with the now withdrawn guidance; each pitch is demarcated in a way which is sympathetic to the surrounding rural area. In terms of the amenities offered by the four pitches these were considered to be acceptable by the Local Planning Authority in granting temporary planning permission; the amenity buildings are permanent in nature. The application does not propose to remove or vary the personal occupancy condition which was attached to PLAN/2016/0164. In the event planning permission were to be granted the site would therefore continue to be occupied, albeit on a permanent as opposed to temporary basis, as a private site by the current occupiers, who are an extended family.
19. It is noted that there is a potential conflict between the retention of residential use and the noise from the M25 motorway to the west of the site. A Noise Impact Assessment was submitted in support of the previous application (Ref: PLAN/2016/0164). The conclusion of the Noise Impact Assessment was that “*internal noise levels in the proposed habitable rooms will comply with ‘reasonable’ internal noise levels for daytime and night time as described in BS8233:1999*”. It was not however possible to achieve the higher ‘good’ internal noise levels under BS8233:1999 or the WHO recommended standards for sleep disturbance inside the building and external amenity areas outside the building. A ‘reasonable’ level is considered to be acceptable and it is not essential to insist on a ‘good’ internal noise level being achieved in this case taking into account the fact that this is a small private site where the applicant and extended family are well aware of the external noise situation.
20. It is therefore considered that the design and layout of the four pitches will provide satisfactory living conditions for occupiers, and that the proposed scheme meets the relevant criteria in Policy CS14 of the Woking Core Strategy (2012).

### Any impact upon neighbouring amenity:

21. Policy CS21 of the Woking Core Strategy (2012) advises that proposals for new development should achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or an overbearing effect due to bulk, proximity or outlook.
22. The nearest dwellings are properties in Glebe Gardens located to the north-east of the site and the detached dwelling Piper’s Hill to the south-east of the site. The site boundary is located approximately 54 metres from the nearest property in Glebe Gardens (No. 4) and in excess of 130 metres from Piper’s Hill. The closest pitch is located in excess of 88 metres from No.4 Glebe Gardens and in excess of 130 metres from Piper’s Hill.
23. Given the distance of the pitches and associated structures from the nearby dwellings, the fact that the proposal is for a total of just four pitches and that any noise from the

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occupants and associated car/van movements would be domestic in nature, the proposal is not considered to cause a significant harmful impact upon neighbouring amenity. Again, due to the significant separation distances to the closest dwellings, the proposal is not considered to cause a significant loss of privacy, loss of daylight, sunlight or overbearing effect upon nearby residents.

24. In terms of potential light pollution from lighting within the site, this matter was addressed via a planning condition (subsequently 'discharged') attached to PLAN/2016/0164. The installed external lighting is domestic in nature and therefore any impact is considered to be minor.
25. Paragraph 25 of Planning policy for traveller sites (August 2015) states that "*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*". Whilst the site is set away from the existing settlement of Byfleet and is inappropriate development within the Green Belt, it is considered that the proposal is in keeping with the scale of the local community and would not place undue pressure on local infrastructure. In reality this is an application for four pitches, effectively the equivalent to four new dwellings. It is therefore not considered, as with any other proposal for four new dwellings, that undue pressure would be exerted upon the local infrastructure.
26. The potential for a development to cause an increase in crime and anti-social behaviour is a planning consideration. However there is no evidence to suggest that this form of development would cause any more of an increase in crime to the area than any other form of residential development and this matter is therefore not considered to constitute a reason to recommend refusal.
27. Overall, the proposal is not considered to have a significant harmful impact on the adjoining properties and therefore accords with Policies CS14 and CS21 of the Woking Core Strategy (2012), Supplementary Planning Documents Design (2015) and Outlook, Amenity, Privacy and Daylight (2008), and the provisions of the NPPF (2018).

### Highway safety and capacity implications

28. The NPPF (2018) promotes sustainable transport. Paragraph 109 sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
29. The proposal has been assessed by the County Highway Authority (CHA) (Surrey County Council) in terms of the likely net additional traffic generation, access arrangements and parking provision. It is considered that traffic generation would not be significant, and would remain commensurate with the situation since the site was occupied following the grant of temporary planning permission.
30. As was previously approved on a temporary basis the site provides parking and turning for vehicles within the site so as to allow vehicles to enter and exit Murray's Lane in a forward gear. The visibility from Murray's Lane onto Rectory Lane is considered adequate.
31. The County Highway Authority is satisfied that the application would not have a detrimental impact upon the safety and operation of the adjoining public highway. The proposal therefore accords with Policies CS14 and CS18 of the Woking Core Strategy (2012) and the provisions of the NPPF (2018).

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### Ecological interests, including the Thames Basin Heath Special Protection Area

32. The application proposes the retention of the existing temporary pitches on a permanent basis and includes no operational development over and above that which has already been undertaken on the site to implement the temporary planning permission. Given these factors no ecological or arboricultural impacts are considered to arise, with the exception of the matter of the TBH SPA.
33. The Thames Basin Heaths Special Protection Area (TBH SPA) has been identified as an internationally important site of nature conservation and has been given the highest degree of protection. Policy CS8 of the Woking Core Strategy (2012) states that any proposal with potential significant impacts (alone or in combination with other relevant developments) on the TBH SPA will be subject to Habitats Regulations Assessment to determine the need for Appropriate Assessment. Following recent European Court of Justice rulings, a full and precise analysis of the measures capable of avoiding or reducing any significant effects on European sites must be carried out at an 'Appropriate Assessment' stage rather than taken into consideration at screening stage, for the purposes the Habitats Directive (as interpreted into English law by the Conservation of Habitats and Species Regulations 2017 (the "Habitat Regulations 2017")). An Appropriate Assessment has therefore been undertaken for the site as it falls within 5 kilometres of the TBH SPA boundary.
34. Policy CS8 of Woking Core Strategy (2012) requires new residential development beyond a 400m threshold, but within 5 kilometres of the TBH SPA boundary to make an appropriate contribution towards the provision of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM), to avoid impacts of such development on the SPA. The SANG and Landowner Payment elements of the SPA tariff are encompassed within the Community Infrastructure Levy (CIL), however the SAMM element of the SPA tariff is required to be addressed outside of CIL.
35. The proposal in this case would not result, on completion of the development, in a gross internal area of new build on the relevant land of more than 100 square metres and would not comprise one or more dwellings. The proposal would therefore not be liable to CIL as per s42 of The Community Infrastructure Levy Regulations 2010 (as amended). However, SAMM payments are not captured by Regulation 123(3) of The Community Infrastructure Levy Regulations 2010 (as amended) as the monitoring they relate to is, in effect, revenue expenditure rather than being a 'project' or type of infrastructure in itself. SAMM requirements relating to gypsy and traveller caravans cannot therefore be subsumed within the CIL Charging Schedule in the same way as SANGS provisions. However the SANGS charge in the CIL Charging Schedule for 'chargeable development', such as conventional new-build residential development, has been set at a level which is high enough to mitigate the harm arising from 'non-chargeable development' such as gypsy and traveller caravans.
36. Moreover, planning obligations towards pooled funding, such as SAMM avoidance strategy tariff payments, are not prevented in this case by the provisions of paragraph 031 of the Planning Obligations section of the PPG which seeks to preclude such contributions in relation to small scale development. Paragraph 020 of that section removes that exemption in relation to development that would otherwise be unable to proceed because of regulatory or EU Directive requirements (such as those relating to the protection of SPAs).



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37. Therefore, the applicant has agreed to make a relevant SAMM contribution of £2,728 in line with the Thames Basin Heaths SPA Avoidance Strategy tariff (April 2018 update). This would need to be secured through a S106 Legal Agreement. For the avoidance of doubt, sufficient SANG at Heather Farm has been identified to mitigate the impacts of the development proposal.
38. Subject to securing the provision of the SAMM tariff (through a S106 Legal Agreement) and an appropriate CIL contribution, and in line with the conclusions of the Appropriate Assessment (as supported by Natural England), the Local Planning Authority is able to determine that the development will not affect the integrity of the TBH SPA either alone or in combination with other plans and projects in relation to urbanisation and recreational pressure effects. The development therefore accords with Policy CS8 of Woking Core Strategy (2012), the measures set out in the Thames Basin Heaths SPA Avoidance Strategy, and the requirements of the Habitat Regulations 2017.

### Other considerations

39. It will now be considered whether there are other considerations which might weigh against the harm arising from inappropriate development in the Green Belt, and the harm arising to the openness of the Green Belt and as a result of encroachment into the countryside.

### Emerging Draft Site Allocations DPD

40. The application was submitted prior to the publication of the Draft Site Allocations DPD for Regulation 19 consultation. As a result the application does not take into account the fact that the Emerging Draft Site Allocations DPD seeks to grant permanent permission in principle for four gypsy and traveller pitches at this site. Emerging Policy SA1 of this document provides that:

*“In accordance with the sequential approach set out in the Council’s Green Belt Boundary review report, permission in principle will be granted for the permanent use of the following sites for the specified number of pitches. Full planning permission will be required to approve details of any proposal that will come forward. The Council will seek to ensure that the sites meet the necessary standards for Travellers’ accommodation. The sites will continue to be washed over by the Green Belt.*

- **Land to the south of Murrays Lane – 4 temporary pitches**
- *Stable Yard, Guildford Road – 1 temporary pitch*
- *Land south of Gabriel Cottage, Blanchards Hill – 1 temporary pitch”*

(emphasis added)

41. Although the Site Allocations DPD is yet to be adopted, as it is at Regulation 19 stage it can be currently be afforded “substantive” weight for the purposes of determining planning applications. This is in accordance with Paragraph 48 of the NPPF (2018) which specifies that “*local planning authorities may give weight to relevant policies in emerging plans according to:*

- a) *The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*

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- b) *The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) *The degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."*
42. Policy SA1 of the Emerging Draft Site Allocations DPD, which seeks to grant permanent permission in principle for four pitches at the application site, therefore weighs substantively in favour of the application as it establishes the suitability of the location for the proposed use. This is providing that *"the site meet[s] the necessary standards for Traveller's accommodation."* This can be determined with reference to Woking Core Strategy (2012) Policy CS14 which specifies that *"the following criteria will be taken into consideration when determining the allocation of land for Gypsies, Travellers and Travelling Showpeople and any planning applications for non allocated sites:*
- *The site should have safe vehicular access from the highway and have adequate parking provision and turning areas.*
  - *The site should have adequate amenity for its intended occupiers, including space for related business activities.*
  - *The site should not have unacceptable adverse impacts on the visual amenity and character of the area.*
  - *The site should have adequate infrastructure and on-site utilities to service the number of pitches proposed.*
  - *The site should have safe and reasonable access to schools and other local facilities."*

### Very Special Circumstances (VSC) case

43. In support of the application, the applicant has put forward a 'Very Special Circumstances' (VSC) case to justify inappropriate development in the Green Belt. It is important to note that, independently of the substantive weight to be afforded to the Regulation 19 Draft Site Allocations DPD, as set out previously, this VSC case may in and of itself be sufficient to justify a grant of permanent planning permission.
44. With respect to Green Belt policy, the agent (on behalf of the applicant) has set out their case for very special circumstances (VSC) in their planning statement, stating that:

*"The question for the decision maker in this case is, do the combination of material considerations outweigh the harm to the Green Belt by reason of inappropriateness or any other harm? It is useful to briefly outline the matters to be balanced:*

- *Harm by reason of inappropriateness should be given substantial weight*
- *Other very limited harm caused to the openness of the Green Belt should be given some weight*

*Balanced against this include:*

- *The unmet need for sites*
- *The lack of alternative sites*
- *The lack of a 5-year supply*

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- *The likelihood of any new Gypsy or Traveller sites being in the Green Belt*
- *The unacceptability of sites identified in the draft DPD*
- *The sustainability of the site*
- *The personal circumstances of the residents*
- *Best interests of the children*
- *Human rights*
- *The public sector equality duty*
- *Local support for the proposals*

*In [the applicant's] view, these factors are sufficient to allow for the very special circumstances test to be met."*

45. In order to assess the applicants' VSC case, it is necessary to address in turn each of the issues that they have identified.

### Harm by reason of inappropriateness

46. Harm by reason of inappropriateness should indeed be afforded substantial weight. Paragraph 144 of the NPPF (2018) is clear in this respect, stating that "*when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*"

### Other harm to the Green Belt

47. With respect to the extent of the other harm, the applicant has set out the impact of the proposed development on the different purposes of the Green Belt as set out in paragraph 134 of the NPPF (2018).

48. The first of these Green Belt purposes (a) is:

*"to check the unrestricted sprawl of large built-up areas."*

49. The applicant argues that "*the site is on the edge of the built-up area of the Byfleet settlement area. Therefore the proposals can be said to conflict with this objective. However this needs to be appreciated within the context of the M25 which acts as a barrier to further sprawl of the Byfleet area.*" This is a reasonable assessment, which coheres to a certain extent with the analysis in the Green Belt Boundary Review which observes that the "*M25 forms [a] clear boundary which could provide [a] settlement limit.*"

50. The second Green Belt purpose (b) is:

*"to prevent neighbouring towns merging into one another."*

51. The applicant argues that "*the site is not situated within a significant or strategic gap, and therefore cannot be said to conflict with this objective.*" This is also supported by the analysis within the Green Belt Boundary Review which finds that parcel 6, which contains the application site, makes "*little contribution to prevention of merging. Any development would be contained by M25 and remain separated from Woking by parcel 4 beyond which fulfils this purpose.*"

52. The third Green Belt purpose (c) is:

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*“to assist in safeguarding the countryside from encroachment”*

53. The applicant *“accept[s] that the proposals would result in some harm as a result of encroachment into the countryside”*. This is considered to be the case as set out previously.

54. The fourth Green Belt purpose (d) is:

*“to preserve the setting and special character of historic towns.”*

55. The applicant argues that this purpose is *“not applicable”* in this instance. This is a justifiable argument given that the Woking Character Study only identifies *“small numbers of retained older buildings”* in Byfleet.

56. The fifth Green Belt purpose (e) is:

*“to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”*

57. The applicant argues that *“there is currently no identified alternative, available, affordable, or otherwise suitable land for the purpose of Gypsy and Traveller sites, as such the proposals cannot be said to be in conflict with this objective.”* Of greater relevance in this instance is the reasoned justification for Woking Core Strategy (2012) Policy CS14 which provides that *“there are unlikely to be appropriate sites within the built-up areas.”*

58. On this basis, the applicant’s claim is considered essentially reasonable; *“the primary source of harm is through the inappropriateness of the change of use of land. The actual loss of openness resulting from encroachment in addition to the extension of a built-up area increases that harm to a degree.”*

59. It should also be recognised that through Policy CS6 of the Woking Core Strategy (2012), the Council seeks to take a comprehensive approach to the appraisal of Green Belt land. The policy states that *“a Green Belt boundary review will be carried out with the specific objective to identify land to meet the development requirements of the Core Strategy.”* Since adoption of the Woking Core Strategy (2012), this review has been carried out and is addressed within this report under the title *‘The lack of alternative sites and the likelihood of any alternative Gypsy or Traveller sites being in the Green Belt.’*

### The sustainability of the site

60. One element of the applicant’s VSC case is the *“sustainability of the site.”* The applicant argues that *“PPTS paragraph 13 sets out criteria that, reflecting the approach to sustainability in the NPPF, should inform LPA’s Gypsy/Traveller specific policy and decision-making”* and that *“the application site clearly meets the criteria for sustainable Gypsy/Traveller sites set out in national planning policy (PPTS).”*

61. Although it is agreed that the application site broadly meets these criteria, it should be recognised that this conformity would reasonably be expected of any application for gypsy and traveller accommodation. It is therefore insufficient in and of itself to demonstrate VSC and is of neutral weight in the planning balance.

### The unmet need for gypsy and traveller sites

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62. The applicant also argues that *“there is a pressing unmet need for sites in Woking.”* It is correct that there is at present unmet need for gypsy and traveller sites in the borough. In the most recently published Annual Monitoring Report (2016/17) there is a projected cumulative delivery of -4 pitches by 2017/18. This is based on the assumption of zero planning permissions being granted in the year 2017/18, which has indeed been the case. Therefore there is at present an unmet need for 4 gypsy and traveller pitches within the borough.
63. Nonetheless there are important countervailing considerations. There is currently a planning application pending for 6 additional pitches in the borough on a site being proposed for gypsy and traveller accommodation within the Emerging Draft Site Allocations DPD that has been published for Regulation 19 consultation. Should the Local Planning Authority be minded to approve this current planning application there would be a surplus of 0.7 permitted pitches by the end of 2018/19. Moreover, Policy E of the PPTS (2015) states that *“subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.”* On this basis, unmet need in and of itself is not sufficient grounds to constitute VSC, however, as it stands, it does weigh in favour of the grant of planning permission.
64. Indeed, although there is currently unmet need in the Borough, Woking Core Strategy (2012) Policy CS14 outlines the plan-led mechanism for meeting this need. It specifies that *“the Council will make provision for necessary additional pitches for Gypsy and Travellers and Travelling Showpeople in the Borough between 2017 and 2027 over the plan period”*. Sites to meet the need will be identified in the Site Allocations DPD. Although the Site Allocations DPD is yet to be adopted, a draft version has been published for Regulation 19 consultation and its preparation is therefore sufficiently advanced to identify sites to meet the Borough’s identified need over the plan period. It is of substantive weight that Policy SA1 of the Emerging Site Allocations DPD seeks to grant permanent permission in principle for four gypsy and traveller pitches at this site. The lack of alternative sites and the likelihood of any alternative Gypsy and Traveller sites being in the Green Belt
65. Another component of the applicant’s VSC case is the likelihood that any alternative site would be in the Green Belt. The applicant is indeed correct to argue that *“as non-urban sites in the Woking Borough invariably are within Green Belt designation, it can be said with near certainty (and without doubt on the balance of probabilities) that future pitches will have to be situated within the Green Belt.”*
66. However the fact that any site for Gypsy and Traveller accommodation would likely be in the Green Belt does not necessarily weigh in favour of the present application. It is important that any site identified to meet gypsy and traveller accommodation needs is in a sustainable location, identified through the plan-led process and appropriately evidenced. The Council has carried out a Green Belt Boundary Review to inform the allocation of the site in the Site Allocations DPD. Policy CS14 states that during the site allocations process, *“any site to be released from the Green Belt will be informed by the Green Belt Boundary review to be carried out in 2016.”* This review set out the following provisions for a sequential approach:

*“PBA recommended that that the Council meets the need for new Gypsy and Traveller provision in the following order:*

1. *Safeguard Existing Sites to prevent their loss to other uses and increase the identified pitch requirement for the Borough;*

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2. *Grant full planning permission for existing sites with temporary permission;*
  3. *Allocate sites within or adjacent to the urban area (outside the Green Belt):*
    - a. *Potential new sites within the urban area:*
    - b. *Potential new sites within urban extensions recommended for Green Belt release.*
  4. *Allocate sites within the Green Belt:*
    - a. *Potential intensification of existing sites within the Green Belt (within existing permitted boundaries)*
    - b. *Potential new or expanded sites within the Green Belt.”*
67. Given that the site has extant temporary planning permission, any decision to grant permanent planning permission would be lent support by stage (2) of the above sequential approach. This approach is reflected in the Regulation 19 Draft Site Allocations DPD. In this respect, the relevant consideration is not that any gypsy and traveller site in the borough would likely be located in the Green Belt, but rather that this particular site in the Green Belt is supported by the above methodology. This weighs strongly in favour of the grant of planning permission.

### Unacceptability of Gypsy and Traveller sites identified in the Site Allocations DPD

68. As part of their VSC case, the applicant also argues that *“the sites identified in the Site Allocations DPD...are not acceptable.”* It should be recognised that at the time the present application was submitted, the most recently published version of the Site Allocations DPD document was for Regulation 18 consultation.
69. The first site which the applicant discusses is Five Acres. In the Regulation 18 Draft Site Allocations DPD, this site was designated as GB2 and GB3. However in the Regulation 19 version of the document, the site is designated as GB2. The key issues identified by the applicant are that:
- *“The site already contains 15 pitches which is “at the upper threshold of what is recommended in government guidance (The Guidance, DCLG, 2007)”;*
  - *“Focusing the majority of new pitches in Woking on this site is problematic not only for reasons of overdevelopment, but also because it concentrates the Gypsy/Traveller accommodation into a single site. In our view such an approach would be inconsistent with national policy which seeks to integrate Traveller sites and the local community (PPTS para 13) and ensure that such sites do not dominate the nearest settled community (PPTS para 14)”;*
  - *“There is the issue of overcrowding on the Five Acres sites. In order to make room for additional pitches it has already been the practice to ‘reconfigure’, or chop up, existing pitches to make space (for example: see PLAN/2010/0466). The effect of this has already been to reduce the amount of available amenity space on the sites at Five Acres; additional development on the site would be unacceptable”;*
  - *“Both GB2 and GB3 are under the same ownership, and should not be considered separate sites...The implication is that the Site Allocations DPD is proposing to infill/intensify the site with an additional 10 permanent pitches and a transit site.”*
70. None of these are sufficient to demonstrate the unsuitability of the site. The government guidance ‘Designing Gypsy and Traveller Sites’ was withdrawn in 2015, but in the absence of amended guidance, offers a useful context for the applicant’s first objection to Five Acres. It provides that:

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*“There is no one ideal size of site or number of pitches although experience of site managers and residents alike suggest that a maximum of 15 pitches is conducive to providing a comfortable environment that is easy to manage.”*

71. In this regard, the maximum of 15 pitches should be taken as advisory, rather than prescriptive. In this case, the Council considers the site appropriate for intensification; the Regulation 18 Issues and Matters Topic Paper advises that *“the existing sites have so far been well managed and there is every indication that they will continue to be well managed when the additional pitches are delivered.”* There are also many examples of sites with more than 15 pitches that continue to operate and manage very well.
72. Integration of the travelling and settled communities is one of a number of factors that the Council has considered in identifying potential sites for Gypsies and Travellers in the Site Allocations DPD. In any case it is currently inaccurate to suggest that *“the majority of new pitches will be located at Five Acres.”* In accordance with the Site Allocations DPD published for Regulation 19 consultation, it is proposed that 6 additional permanent pitches and 1 transit pitch will be delivered at this site (Five Acres) and that 15 additional pitches will be delivered at Land Surrounding West Hall, Parvis Road, West Byfleet, KT14 6EY (Ref: GB10). Furthermore, local politicians in their role as community leaders also seek to facilitate community cohesion, including the integration of the Traveller community with the settled community.
73. In accordance with Policy CS14, the development of the Five Acres site will be carefully planned to *“have adequate amenity for its intended occupiers, including space for related business activities.”*
74. The question of whether GB2 and GB3, as designated in the Regulation 18 Draft Site Allocations DPD, should be treated as a single site has no direct bearing on the present application. The relevant consideration is the number of pitches which the land is capable of accommodating, and this would remain the same whether the yield was split between two sites or combined as a single site. In any case, it is advised that in the Regulation 19 Draft Site Allocations DPD, Traveller’s accommodation is proposed as a single allocation (GB2: Land at Five Acres, Brookwood Lye Road, Brookwood, GU24 0HD).
75. The applicant also raises a number of concerns regarding the Ten Acres Farm Site which was designated as GB7 in the Regulation 18 Draft Site Allocations DPD. Although this site was formerly proposed for Gypsy and Traveller accommodation, it has since been removed from the Regulation 19 Draft Site Allocations DPD.

### Lack of a five-year supply of sites

76. A further argument advanced by the applicant is based on the position outlined in the PPTS (2015) that:

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

*a) Identify and update annually, a supply of deliverable sites sufficient to provide 5 years’ worth of sites against their locally set targets.”*

77. Indeed, Woking Borough Council cannot currently demonstrate a five year supply of sites for Gypsy and Traveller accommodation, and the applicant goes on to quote the position specified in the PPTS that:

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*“If a local authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission.”*

78. However, there are two important points to note in this instance. The first is that the present application is for permanent rather than temporary planning permission. The second, as recognised by the applicant, is that a 2015 amendment clarified that this consideration does not apply to sites designated as Green Belt. Regarding this latter point, the applicant cites a Green Belt appeal in Cheshire in which:

*“Given the need for sites is substantial and immediate, the Secretary of State agrees with the Inspector and the main parties that, in this case, the absence of a five year supply of specific deliverable sites is a significant material consideration in considering a temporary permission [IR117]. He also agrees with the Inspector that the lack of a five year supply is an integral part of the general need and that general need should be accorded substantial weight [IR117].”*

79. In the case of the present application for permanent planning permission, the lack of a five year supply can be treated as a part of general need, which has been considered earlier in this report. Whilst the lack of a five year supply, in and of itself, is not sufficient grounds to constitute VSC, as it stands, it does weigh in favour of the grant of planning permission.
80. Additionally, it should be recognised that the Five Year Housing Land Supply Position Statement April 2017, provides that *“the Council is actively seeking to deliver a five year supply through the Site Allocations DPD, as advocated by the Inspector for the Woking Borough Core Strategy Examination.”* As this document has been published for Regulation 19 consultation, it can be afforded substantive weight.

Personal circumstances of the residents, including the best interests of the children; Human rights, and the Public Sector Equality Duty

81. The applicant argues that *“it is clear as a matter of principle the personal circumstances of the applicant are able to be taken into account and can potentially outweigh any planning harm...Personal circumstances need to be taken in the context of the three following legal principles: best interests of the children, human rights, and the Equality Act.”*
82. The personal circumstances case should indeed be read in this context. As outlined above, national policy (the PPTS) allows consideration of personal circumstances to be taken into account in making a judgment as to the suitability of development in the Green Belt. In this instance the key elements of the personal circumstances case are set out below:
- The applicant notes that *“[two of the residents] suffer from low mood and anxiety, for which they are under treatment from their GP.”* Two letters from Parishes Bridge Medical Practice are provided by way of support.
  - The applicant notes that *“both the grandchildren have good attendance and attainment at school.”* Two letters are provided by way of support:
    - One of the residents previously attended West Byfleet Junior School where the headteacher writes that they *“maintained good attendance[:];...supported*



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*the school ethos and culture[;]...worked hard towards [their] end of year 6 SATs and successfully sat all tests[;]...behaved very well and worked hard in lessons”*

- One of the residents attends West Byfleet Infant School where the Co-Head teacher notes that they have “*made good progress in all subjects.*” The Co-Head teacher also notes that their “*family are very supportive of all aspects of school life*”
  - The applicant also argues that “*the family have integrated with the local community.*” A letter from a local resident is provided by way of evidence which states that “*the family have settled in the Village and would be a shame to see them leave.*”
83. Amongst other things PPTS (2015) paragraph 13 refers to promoting access to health services and ensuring children can attend school on a regular basis.
84. The first of these reasons weighs in favour of the application. The applicants are receiving treatment from a nearby GP, and it is clearly in the interest of medical continuity that they remain in their current home, as would be facilitated by permanent planning permission. The applicant also reasonably argues that “*Mr and Mrs Valler’s medical conditions amplify their need for a stable and secure base.*”
85. The second of these reasons also weighs in favour of the application. The applicant justifiably argues that “*it is clearly in the best interests of the children that they have a secure and stable base and that their access to education is not disrupted.*” Granting permanent planning permission would allow the children to remain in their current home and therefore facilitate educational continuity. It is noted that one of the children would by now have finished primary school and moved to secondary school. Nonetheless, the argument regarding educational continuity would continue to apply.
86. Both the first and second reasons are also supported by national policy. Aim (j) of Paragraph 4 of the PPTS (2015) is “*to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure.*” It is also a strong material consideration that a roadside existence, or resorting to unauthorised encampment, are the most likely outcomes if the current occupiers are required to leave the application site.
87. The final reason can also be afforded weight in favour of the application. In and of itself it is not considered sufficient to obviate any conflict with policy, but, in any case, the personal circumstances set out by the applicant undoubtedly weigh in favour of the grant of planning permission.

### The best interests of the children

88. Paragraph 16 of the PPTS (2015) states that “subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances” (emphasis added).
89. The applicant justifiably argues that “*the best interests of the children must be treated as a primary concern*” in this decision. Lord Kerr’s interpretation of this principle is that “*where the best interests of the child clearly favour a certain course, that course should be followed unless countervailing reasons of considerable force displace them.*” In this case the best interests of the children living on the site do fall to be considered. They

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are a primary consideration and worthy of substantial weight in favour of the grant of planning permission.

90. In this instance, the children's best interests clearly favour a course of action which allows them to remain in their current home their best interests clearly favour the granting of a permanent planning permission. Given the other combined considerations set out within this report countervailing reasons of considerable force are not considered to exist which are capable of displacing the bests interests of the children.

### Human rights

91. The applicant argues that "*the Article 8 rights of the proposed residents are engaged*" by the present application. In this instance, the applicant is referring to Article 8 of the European Convention on Human Rights which enshrines the "*right to respect for private and family life.*" On this basis, a proportionality assessment needs to be considered to determine whether interference with these rights, via the refusal of planning permission, would be a justifiable course of action. Article 8 rights are qualified and can be overridden if it is necessary and proportionate to do so. The key question, as identified by the applicant is: "*is such interference [with the exercise of the applicant's right to respect for his private or (as the case may be family life)] proportionate to the legitimate public end sought to be achieved?*"
92. If the application is refused the current occupiers would have to leave the application site at the end of the current temporary planning permission. This would result in an interference with their human rights with regard to Article 8 of the European Convention on Human Rights, which encompasses respect for family life and the home. There are several children living on the application site. It is consistent with relevant case law that the best interests of these children should be a primary consideration in the planning decision, although not necessarily the determining factor.
93. The best interests of the children are to remain on this site. An ordered and settled site would afford them the best opportunity of a stable, secure and happy family life, opportunities for education, ready access to health and other services and opportunities for play and personal development. Similar benefits might be achieved on another settled site but no suitable alternatives have been identified and there is currently an unmet need within the Borough. A roadside existence would not necessarily prevent all access to education and health services. Nevertheless, it is likely that the prolonged absence of a settled site would lead to serious disruption to access to education, health and other services for these children.

### The Public Sector Equality Duty

94. The Public Sector Equality Duty is also engaged by the application. The legislation provides that:

*"(1) A public authority must, in the exercise of its functions, have due regard to the need to –*

- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it."*

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95. Over the course of the VSC balancing exercise, due regard must be given to these issues. The protected characteristic relevant to this case is the residents' Gypsy and Traveller status.
96. With regard to the proposed residents' Gypsy/Traveller status, particular consideration should be given to provision 3b of the Public Sector Equality Duty which specifies that:

*“having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular to the need to...take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.”*

97. The need in question is for gypsy and traveller pitches, which the applicant argues is currently unmet in the Borough. While it is true that there is an existing shortfall, the Council is confident that the plan-led process is sufficiently advanced to identify sites to meet the Borough's identified need over the plan period.

### Local support for the proposal

98. Local support for the proposal, including the 116 signature petition submitted with the application, can be weighed in the planning balance. However this is not sufficient in and of itself to obviate conflict with planning policy.

### **CONCLUSION – PLANNING BALANCE**

99. In addition to the harm through inappropriateness the development would result in significant harm to openness and there would be a conflict with the Green Belt purpose of assisting in safeguarding the countryside from encroachment. In accordance with Paragraph 144 of the NPPF (2018) substantial weight should be afforded to the harm to the Green Belt.
100. Paragraph 16 of the PPTS (2015) states that, “*subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances*” (emphasis added). In this application the best interests of the children living on the site fall to be considered. They are a primary consideration in the decision and are worthy of substantial weight in favour of the grant of planning permission. Moderate weight is also afforded to the other personal circumstances advanced. The current unmet need within the Borough for gypsy and traveller pitches, and absence of a 5 year supply of deliverable sites, also weigh in favour of the grant of planning permission. There are other matters which, taken together, also carry substantial weight in favour of the grant of planning permission, including the lack of alternative sites, the effect on human rights if the application fails, the adequate accessibility from the site to local health, education and other services and facilities and the likely harmful effects of a roadside existence if the current occupiers, including children, are required to leave the site.
101. In addition to these factors are the consideration that the Emerging Draft Site Allocations DPD seeks to grant permanent permission in principle for four gypsy and traveller pitches at this site. Although the Site Allocations DPD is yet to be adopted, as it is at Regulation 19 stage it can be afforded substantive weight for the purposes of development management. This factor weighs heavily towards the grant of permanent planning permission.
102. Having regard to the above, and to all other matters raised, it is considered that the harm to the Green Belt, including harm by reason of inappropriateness and harm to

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openness, which would result from this development would be clearly outweighed by other considerations. Taking into account, in particular, but not exclusively, the best interests of the children it is considered that there are very special circumstances which would justify the granting of planning permission subject to appropriate conditions. A refusal to grant planning permission would have a disproportionate effect on the Article 8 human rights of those living on the site, including those of the children. In light of these conclusions the development would not conflict with the provisions of the Development Plan as a whole which, amongst other things, restricts gypsy and traveller sites in the Green Belt except in very special circumstances.

### **LOCAL FINANCE CONSIDERATIONS**

103. The proposal in this case would not result, on completion of the development, in a gross internal area of new build on the relevant land of more than 100 square metres and would not comprise one or more dwellings. The proposal would therefore not be liable to CIL as per s42 of The Community Infrastructure Levy Regulations 2010 (as amended).

### **BACKGROUND PAPERS**

Site visit photographs  
Consultation response from Planning Policy  
Consultation response from County Highway Authority (CHA) (SCC)  
Consultation response from Environmental Health  
Consultation response from Natural England  
Letters of representation  
Site & Press Notices (Departure from Development Plan)

### **PLANNING OBLIGATIONS**

	<b>Obligation</b>	<b>Reason for Agreeing Obligation</b>
1.	£2,728 SAMP (TBH SPA) contribution	To accord with the Habitat Regulations, Policy CS8 of the Woking Core Strategy (2012) and The Thames Basin Heaths Special Protection Area (SPA) Avoidance Strategy.

### **RECOMMENDATION**

**Grant** planning permission subject to the following conditions and SAMP (TBH SPA) contribution secured by way of S106 Legal Agreement:

01. The land shall be occupied only by the following named persons and their resident dependants:
- (i) Mr Tom Valler Snr and Mrs Gina Valler
  - (ii) Mr Tom Valler and Mrs Rhoda Valler
  - (iii) Mr Wesley Butcher and Mrs Gina Marie Butcher
  - (iv) Ms Kristie Valler

If the land ceases to be occupied by those persons named above and their dependants, the use hereby permitted shall cease and all mobile homes, caravans, buildings, structures, materials and equipment brought on to, or erected on the land or works

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undertaken in, on, over or under the land in connection with the use shall be removed (including any spoil arising from such) from the land in their entirety. The land shall then be restored to its former condition in accordance with the scheme of work previously approved under application reference COND/2016/0070.

Reason: Planning permission has been granted in view of the very special circumstances of the applicant and extended family.

02. The development hereby permitted shall be retained in accordance with the approved plans numbered/titled:

TV18-SLP (Site Location Plan) undated and received by the Local Planning Authority on 04.10.2018.

TDA.2188.02 Rev C (Detailed Landscape Proposals) dated 08.09.16 and received by the Local Planning Authority on 12.10.2018.

Reason: For the avoidance of doubt and to ensure that the development is retained in accordance with the approved plans.

03. The dayrooms shall be retained in accordance with the details previously approved under application reference COND/2016/0070 unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To protect the visual amenities of the Green Belt and the surrounding area in accordance with the National Planning Policy Framework (2018) and Policies CS6, CS14 and CS21 of the Woking Core Strategy (2012).

04. The bin store shall be retained in accordance with the details previously approved under application reference COND/2016/0070 unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To protect the visual amenities of the Green Belt and the surrounding area in accordance with the National Planning Policy Framework (2018) and Policies CS6, CS14 and CS21 of the Woking Core Strategy (2012).

05. The detailed landscaping scheme shall be retained in accordance with the details previously approved under application reference COND/2016/0070 unless otherwise first agreed in writing by the Local Planning Authority. Any trees, shrubs or hedges which die, become seriously damaged or diseased or are removed or destroyed within a period of five years of the date of this permission, shall be replaced during the next planting season with specimens of the same size and species.

Reason: In the interests of amenity and biodiversity and to preserve the character and appearance of the Green Belt and surrounding area in accordance with Policies CS6, CS7, CS21 and CS24 of the Woking Core Strategy (2012).

06. The external elevations/surfaces of the dayrooms, bin store and hard surfaced areas (including the gravel access road and patio areas) shall be retained in accordance with the details previously approved under application reference COND/2016/0070 unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To protect the visual amenities of the Green Belt and the surrounding area in accordance with the National Planning Policy Framework (2018) and Policies CS6, CS14 and CS21 of the Woking Core Strategy (2012).

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07. Facilities for secure cycle parking for the occupants of the site shall be retained in accordance with the details previously approved under application reference COND/2016/0070 unless otherwise first agreed in writing by the Local Planning Authority. These facilities shall be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car in accordance with the principles set out within the National Planning Policy Framework (2018) and Policy CS18 of the Woking Core Strategy (2012).

08. Refuse and recycling management arrangements shall be retained in accordance with the details previously approved under application reference COND/2016/0070 unless otherwise first agreed in writing by the Local Planning Authority. Management arrangements shall be maintained for use by the occupants of the site.

Reason: In the interests of amenity and to ensure the appropriate provision of infrastructure in accordance with Policies CS16 and CS21 of the Woking Core Strategy (2012).

09. Measures for disposing of surface water runoff shall be retained in accordance with the details previously approved under application reference COND/2016/0078 unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure that the development achieves a high standard of sustainability in accordance with Policies CS9 and CS16 of the Woking Core Strategy (2012).

10. The requirements of the cess pit maintenance and management plan previously approved under application reference COND/2016/0070 shall be retained and maintained in accordance with the agreed details for the lifetime of the use of the land hereby permitted.

Reason: To ensure that the development achieves a high standard of sustainability, continues to be maintained as agreed for the lifetime of the development in accordance with Policies CS14 and CS16 of the Woking Core Strategy (2012).

11. Areas for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear shall be retained and maintained for their designated purposes in accordance with the approved plan numbered/titled 'TDA.2188.02 Rev C (Detailed Landscape Proposals)', dated 08.09.16.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway or bridleway users in accordance with Policy CS18 of the Woking Core Strategy (2012) and the provisions of the National Planning Policy Framework (2018).

12. The land (the area edged red on the approved plan numbered TV18-SLP (Site Location Plan)) shall contain no more than four pitches as shown on the approved plan numbered/titled TDA.2188.02 Rev C (Detailed Landscape Proposals) dated 08.09.16. Each pitch shall contain no more than one mobile home at any one time (with a maximum of four touring caravans to be stationed, parked or stored at any one time within the area denoted as such on the approved plan numbered/titled TDA.2188.02 Rev C (Detailed Landscape Proposals) dated 08.09.16. All caravans on the site shall meet the definition within the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended.

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Reason: To prevent an inappropriate intensification of use of the site in the interests of amenity and preserving the character and appearance of the area in accordance with Policies CS6, CS14, CS21 and CS24 of the Woking Core Strategy (2012).

13. External lighting shall be retained in accordance with the details previously approved under application reference COND/2016/0070 unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To preserve the character and appearance of the surrounding area and the residential amenities of neighbouring properties in accordance with Policies CS6, CS21 and CS24 of the Woking Core Strategy (2012).

14. ++ No plant and equipment associated with air moving equipment, compressors, generators or plant or similar equipment shall be sited on the land until details of such equipment, including acoustic specifications, have been submitted to and approved in writing by the Local Planning Authority. Such equipment shall thereafter be installed and maintained in accordance with the agreed details.

Reason: To preserve the character and appearance of the surrounding area and the residential amenities of neighbouring properties in accordance with Policies CS6, CS21 and CS24 of the Woking Core Strategy (2012).

15. The mobile homes and touring caravans shall be sited/positioned on the land at all times in accordance with the approved plan numbered/titled TDA.2188.02 Rev C (Detailed Landscape Proposals) dated 08.09.16.

Reason: To protect the amenities of the area and to ensure a satisfactory form of development in accordance with Policies CS6, CS14, CS21 and CS24 of the Woking Core Strategy (2012).

16. Means of enclosure shall be retained in accordance with the details shown on the approved plan numbered/titled TDA.2188.02 Rev C (Detailed Landscape Proposals) dated 08.09.16.

Reason: To preserve the character and appearance of the area in accordance with Policies CS6, CS14, CS21 and CS24 of the Woking Core Strategy (2012).

17. Notwithstanding the provisions of Article 3, Schedule 2, Part 2, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (or any order(s) amending or re-enacting that Order with or without modification(s)) no further means of enclosure (including walls or fencing) shall be erected on the land other than those means of enclosure shown on the approved plan numbered/titled TDA.2188.02 Rev C (Detailed Landscape Proposals) dated 08.09.16 without planning permission being first obtained from the Local Planning Authority.

Reason: To protect the amenities of the area and to ensure a satisfactory form of development in accordance with Policies CS6, CS14, CS21 and CS24 of the Woking Core Strategy (2012).

18. The day room hereby permitted upon each pitch shall only be used for purposes ancillary and incidental to the residential occupation of the mobile home upon the relevant pitch.

Reason: To prevent an inappropriate intensification of occupation of the site and to protect the character and appearance of the area in accordance with Policies CS6, CS14, CS21 and CS24 of the Woking Core Strategy (2012).

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19. No more than one commercial vehicle per pitch, which shall be solely for the use of the residential occupiers of the land and shall be less than 3.5 tonnes in weight, shall be stationed, parked or stored on the site at any one time. Other than commercial vehicle parking as described, no commercial use shall take place at any time within the area edged red on the approved plan numbered TV18-SLP (Site Location Plan), including the storage of materials.

Reason: To preserve the character and appearance of the area in accordance with Policies CS6, CS14, CS21 and CS24 of the Woking Core Strategy (2012).

20. The mobile homes hereby permitted on the land shall meet the criteria specified within BS 3632:2005 para 4.9.4 for sound insulation from external noise, as stated by Stately Albion, and shall comply with the mobile home glazing and ventilation performance requirements set out within the Noise Impact Assessment by 24 Acoustics (Ref: R4623-1 Rev 0) dated 3rd April 2013 and submitted in support of PLAN/2016/0164. The mobile home glazing and ventilation performance requirements shall be retained in accordance with these details unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To protect the occupiers of the development from undue noise disturbance in accordance with Policy CS21 of the Woking Core Strategy (2012) and the core principles of the National Planning Policy Framework (2018).

### **Informatives**

01. The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of the NPPF (2018).
02. The applicant is advised that Council officers may undertake inspections without prior warning to check compliance with approved plans and to establish that all planning conditions are being complied with in full. Inspections may be undertaken both during and after construction.
03. The applicants attention is specifically drawn to the condition above marked ++. This condition requires the submission of details, information, drawings, etc. to the Local Planning Authority PRIOR TO THE RELEVANT TRIGGER POINT. Failure to observe these requirements will result in a contravention of the terms of the permission and the Local Planning Authority may serve Breach of Condition Notices to secure compliance. The applicant is advised that sufficient time needs to be given when submitting details pursuant to planning conditions, to allow the Local Planning Authority to consider the details and discharge the conditions. A period of between five and eight weeks should be allowed for.
04. The applicant is advised that the planning permission hereby granted does not permit the alteration or obstruction of any part of a public right way at any time in any form. The applicant is further advised that Murrays Lane is a Public Bridleway.
05. The applicant is advised that caravan sites (subject to certain exemptions) are required, under the provisions of the Caravan Sites and Control of Development Act 1960, to be licensed by Woking Borough Council for use prior to first occupation. A caravan site licence will be issued subject to conditions having regard to Model Standards 2008 for Caravan Sites in England. Woking Borough Council is responsible for ensuring that site owners comply with the licence conditions and may take enforcement action. Please



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contact Woking Borough Council's Environmental Health service on 01483 743840 for further information and to request a caravan site licence application form as soon as possible. For further information please refer to the Council's website: <https://woking.gov.uk/licensing-and-permits/other-commercial-licences-and-permits/caravan-site-licence>

06. The applicant is advised that the approved plan numbered/titled TDA.2188.02 Rev C (Detailed Landscape Proposals) dated 08.09.16 annotates "Paddock for possible use by local scout group" and shows fencing within an area of land encompassed by the blue-line. This blue-lined area falls outside of the red-lined boundary of the application site. For the avoidance of doubt the applicant is advised that the planning permission hereby granted does not therefore grant any form of development/land use outside of the application site boundary as demarcated by the land edged red on the approved plan numbered TV18-SLP (Site Location Plan).
07. This decision notice should be read in conjunction with the related S106 Legal Agreement.